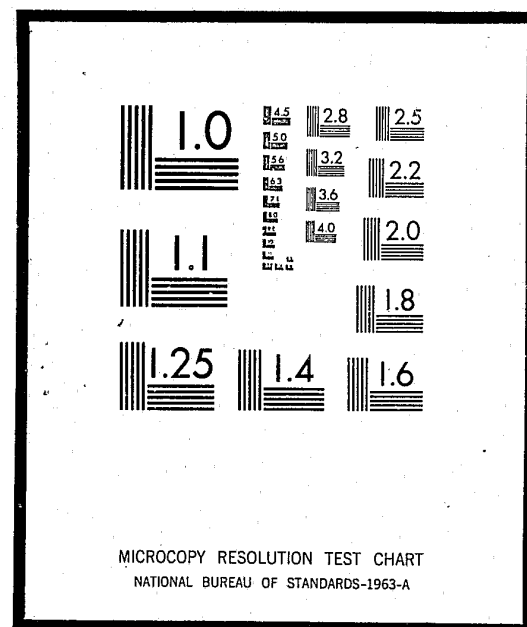


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THE PREDICTION OF RECIDIVISM AS A RATIONALE
FOR THE DISPOSITION DECISIONS OF PROBATION OFFICERS
IN A JUVENILE COURT SETTING

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ABSTRACT

The process and rationale for disposition decisions made by probation officers in a large metropolitan juvenile court was analyzed in order to assess the need for and practicality of incorporating a rationale based upon the prediction of recidivism. The research literature pertaining to the prediction of recidivism was reviewed to evaluate the relative merits of a variety of approaches designed to identify potential recidivists. The purpose for these two parallel directions was to become familiar with the current process of decision making within the court so as to be in a position to judge the feasibility and usefulness of a predictive approach which would be incorporated into the decision making process.

To analyze the current disposition process, the information contained in court statistics on all male delinquency cases handled by the court between January and July of 1973, was computerized. Percentage analyses and correlational analyses were performed to determine which characteristics of the offender and the offense were related to the disposition reached. Results indicate a tendency for first offenders to receive more lenient dispositions. Among multiple offenders, those whose cases were currently active received the more severe dispositions than those whose cases had been closed. These results are consistent with the previous finding reported by Terry (1967) that prior offense record is related to severity of disposition. Unlike Terry's findings, however, the seriousness of the offense and the age of the offender did not influence dispositions reached by the probation officers. Possible reasons for this failure to replicate Terry's findings were explored. The present findings support Terry's conclusion that a repetitive pattern of delinquency is usually present before more serious sanctions are imposed

by the court personnel.

Another prominent finding was the large degree of inconsistency across probation officers in the way they disposed of the cases. This variability could not be explained completely by differences in their caseloads. Inconsistencies suggest contrasting philosophies of handling offenders which opens the court to the criticism of unequal treatment and individual bias.

If it were possible to identify offenders who are more likely to engage in further delinquent behavior, stronger interventions could be imposed before additional offenses are committed. This approach would be more preventative than the approach currently being practiced, and it would have the added advantage of reducing the inconsistency among probation officers by providing an objective rationale for disposition decisions.

A review of the research literature on characteristics which differentiate recidivists from the non-recidivists revealed several consistent results. Recidivists tend to come to the attention of authorities at a younger age, commit crimes with others more frequently, and show more sociopathic personalities. However, these differentiating characteristics lack the specificity and predictive power needed to predict with minimal error. At best they serve as danger signs that further delinquency is likely.

Several paper and pencil measures have been researched to evaluate their ability to distinguish recidivists from non-recidivists. Of these measures, the Jesness Inventory possesses the greatest potential as a screening instrument. Additional research would be needed to evaluate the degree of fakeability and validity in a juvenile court population. However, before these steps are initiated, it seems important to explore whether disposition based on a predictive instrument such as the Jesness Inventory would be acceptable

in the present court structures in view of the trend toward more legal safeguards for offenders. There may be a problem regarding the right of a juvenile to refuse to complete the inventory on the grounds that the responses may be self incriminating. These legal points require clarification before further research and implementation steps can proceed.

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FOREWORD

As the Director of a treatment institution serving emotionally disturbed youngsters and delinquent-prone youngsters, I have a strong interest in the effective rehabilitation of children whose behavior has been shaped by a series of negative socio-economic, cultural, and family factors. Oftentimes, we get youngsters after their characterological disorder has fully developed; and admittedly, corrective efforts are often unsuccessful. I have observed that in many of these cases there were several earlier opportunities to intervene therapeutically, and I have often wondered why more emphasis is not being placed on prevention. Perhaps we do not yet know all the conditions which contribute to disordered behavior nor have we prescriptions to correct every condition. However, I often worry that we are not putting into practice what we do know in order to prevent problems from worsening to the extent of requiring institutionalization.

The goal of the present project is a step in the right direction, in my opinion. The authors are exploring the possibility of instituting an early detection device to identify youngsters likely to continue a delinquent behavior pattern before that pattern is fully established. This would allow earlier intervention and if it were effective, would save much subsequent effort which is frequently not fruitful. The ounce of prevention in this example is undoubtedly worth a great deal more than a pound of cure. I trust their initial efforts will lead to a workable and successful preventative approach.

Thomas B. Litherland, A.C.S.W.
Director, Eau Claire Academy

PREFACE

The project undertook an analysis of the disposition decision making process by probation officers in a juvenile court located in a large metropolitan community. The authors were interested in the basis for dispositions and the consistency of dispositions across officers in order to assess the need for and the practical utility of introducing an approach based upon the likelihood of further delinquent activity. The research pertaining to the prediction of recidivism within a delinquent population was reviewed and evaluated to assess the feasibility of first, developing this approach, and secondly, incorporating it into the decision making and intervention processes of the juvenile court.

The authors wish to express their gratitude to the people whose cooperation and assistance were so important to the completion of the project. Mr. George Frohmader, Director of the Court, supported fully our efforts to obtain court statistics and to enlist the cooperation of probation department staff. The research assistants, Ken Czisny and Gerald Smith, who gathered and assisted in analyzing the data, and Ruth Gullerud, who tirelessly searched out and abstracted research articles, were indispensable to the project. Their efforts, dedication, and willingness to carry out assignments promptly were a great satisfaction to us. We also wish to thank the consultants, Dr. Richard Cummings and Dr. Carlton Beck, for their insights and suggestions which greatly facilitated our task. A special thank you must go to the highly efficient secretaries who typed the manuscript from often very roughly written submissions. Finally, we would like to mention our wives who found time in their busy professional schedules to

take much of the burden of the childrearing and homemaking from our shoulders so that the project could receive priority.

Stephen B. Chess, Director
Frank P. Besag, Associate Director

CHAPTER I. INTRODUCTION

Disposition decisions in a juvenile court present an extremely complex and important part of the judicial process. The disposition determines the extent to which social agencies intervene in the life of the offender, and the nature of corrective measures which are applied to control further criminal behavior. The wide range of disposition alternatives open to court officials includes a formal reprimand and charge to stay out of trouble, formal supervision by a probation officer, and institutionalization, to mention a few. One dimension along which the disposition options range, therefore, is the degree of intervention imposed. What influences the extent of intervention as reflected in the disposition decision reached by the court official provides the initial focus of this report.

The second focus of this study has to do with prevention of delinquency. The bulk of the effort in this area, and there has been much, has been to identify potential delinquents before they engage in delinquent activity. On the whole, these efforts have not been successful.

The interest of the present study is in the prediction of recidivism within a delinquent population. The purpose of the study is to explore the feasibility of predicting recidivism among offenders whose delinquent acts have brought them into the juvenile court system. The rationale is that if recidivists could be identified before they establish an extensive record of delinquency, earlier intervention could take place to reduce the likelihood of further delinquent acts. Conversely, the offender less likely to recidivate would be handled by the court so as to lessen the negative effects of labeling.

A. Research on Juvenile Court Decision Making

In smaller jurisdictions, dispositional alternatives are few in number and fairly easily described. The juveniles are often dismissed by the court with an admonition or a tongue lashing or else they are sent off to state custodial institutions. In larger jurisdictions, decision making is more complicated. Several probation officers may prepare social reports and make disposition recommendations which the judges usually follow or dispose of the case themselves without involving a judge. Studies dealing with decision making by probation officers are relatively few in number. Two of these are fairly comprehensive and will be reviewed in some detail. Others focus on specific bases for decision making such as race or socio-economic status and are directed more toward identifying biases rather than understanding the decision making process.

Yona Cohn (1963) investigated the underlying criteria used by probation officers of the Bronx New York Children's Court in recommending dispositions to the judges. The four recommendations were: probation, institutionalization, psychiatric examination, and discharge. One hundred seventy-five presentence investigation reports were examined and information on thirty characteristics of each case were obtained. Among these factors were: age, sex, race, type and seriousness of delinquent act, number of previous prosecuted and unprosecuted offenses, family relations, school attendance, conduct and performance, personality difficulties, peer relations, neighborhood, and cooperation of child and family with probation officer.

Variables found to be related to disposition recommendation were sex, race, personality disturbance, family relations, type of delinquent act, and

cooperation. Girls were disproportionately recommended for institutionalization compared to boys. Most girls recommended for institutionalization had committed delinquent acts against sexual taboos. The same relationship applied to Negroes, who were more often recommended for institutionalization due to more serious delinquent acts. Probation and discharge were recommended more often when no personality difficulties were reported and institutionalization and psychiatric exam was recommended more frequently when the personality disturbance was severe. Children recommended for institutionalization usually had tense relations with both parents whereas children recommended for discharge usually had good relations with both. Marital stability was also related to severity of disposition recommended. Youngsters recommended for institutionalization tended to be from families with marital disharmony or divorce and from low income backgrounds. Children recommended for discharge displayed nearly opposite characteristics except that they were not discharged because of the mildness of their delinquent acts. This group did show fewer unprosecuted previously committed delinquent acts and more crimes against life and property than against sexual taboos or parents. The major plus of discharged children was the better family relationships and the conspicuous cooperation of parents with the probation officer.

Although many of these differences were obtained when the cases were analyzed, the author notes that a number of differentiating items were omitted from the presentence investigation report and indicates the probation officer was unaware of the importance of the criteria he was actually using. The items most often recorded were objective in nature whereas more subjective criteria, such as personal family relationships, personality of parents and child were omitted despite the fact that these were more discriminating be-

tween disposition recommendations. The failure of probation officers to utilize these important criteria and the tendency to emphasize rather non-consequential criteria (sex, age, race) is identified as a weakness in the decision making process.

In a later study, Terry (1967) reported that in Racine, Wisconsin, probation officers' decisions were influenced by the seriousness and repetitiveness of the misconduct. In addition, the older offender received more severe sanctions. Police and probation officers used similar criteria for decisions, and judges used other criteria in addition to these three. Terry's results suggest that offenders must repeat crimes of a more serious nature before the court intervenes. Although Terry did not include social and personality criteria in his study, the legalistic criteria on which intervention was based convinced him that the juvenile court was not serving the function of prevention and rehabilitation but rather the control and protection of society.

In another study of probation decision making (Gross, 1967), juvenile probation officers in Minnesota were asked to indicate the factors they regarded as most important in their dispositional decisions. They regarded in descending order of importance: the offender's attitude toward his offense, his family background, and his prior record of delinquency. However, a subgroup of probation officers asserted that they were more influenced by the psychiatric status of the delinquents. This subgroup read a greater number of professional journals and had more pronounced casework orientations.

Some studies have reported racial and ethnic biases in the disposition of delinquents, but the results are by no means consistent. Arnold (1971) reported that minority group members are more likely to be brought before a juvenile court and more likely to be committed to a state institution than

are majority group members. Although characteristics of the offenders and their offenses accounted for much of the differential dispositions by race, on the whole, minority group members were likely to receive greater punishment for the same offenses. This study was conducted in a southern city not located in the "deep" South. In a Washington D.C. study, Weiner and Willie (1971) reported that although two to three times more Blacks than Whites were contacted and referred to the juvenile court, the disposition process appeared to be even-handed. Thirty-eight per cent of the Blacks and thirty-four per cent of the Whites were referred to juvenile court. A comparative study of Syracuse, New York, also indicated that professional juvenile officers were racially unbiased in their handling of juveniles. It would appear that the inconsistency between these results and the Arnold study has to do with the geographical location of the court being studied.

The present study investigated the basis of dispositions reached by probation officers in the Milwaukee County Juvenile Court. In addition to an interest in the criteria which influenced disposition decisions, the study was concerned with the consistency of probation officers' dispositions. If an explicit rationale for dispositions exists and is practiced consistently by probation officers, that rationale can be evaluated on its merits. If, on the other hand, a rationale can not be identified and probation officers appear to operate independently, then a review of policies and practices seems indicated, and alternative bases for disposition decisions seem needed. An alternative explored by this study is intervention based upon an assessment of potential recidivism. The feasibility of this alternative approach is discussed after an analysis of the disposition decisions of probation officers in the Milwaukee County Court.

CHAPTER II. METHOD

A. Subjects

All data on cases which appeared in the juvenile court center from January 1 through July of 1973, were made available to the study. Preliminary examination indicated that females were handled differently from male juveniles and so it was decided that only male juveniles would be studied in detail. It was also decided to eliminate all noncrimes, traffic violations, and dependency offenses handled by the court and deal only with the delinquency cases per se. The elimination of these cases reduced the original population of 7,125 cases to a total of 3,515 males in court on delinquency offenses.

B. Procedure

Ten variables were analyzed for each case. These included age, race, type of offense, current status of the juvenile, care pending disposition, the parole officer, number of referrals this year, number of referrals last year, method of handling, and disposition. For purposes of correlation analysis, offenses were ranked as to seriousness (see Appendix A). The several dispositions were grouped and ranked according to degree of intervention. In descending order were transfer of legal custody, supervision, obligations imposed or held open, and counseled and closed. Dispositions of runaway returned and license revocation were not included. Data from these variables were run through the CROSTAB II program of the Univac 1108 of the University of Wisconsin system.

In order to take a closer look at individual probation officers, twenty-one officers were selected who had primarily male caseloads and did not have

supervisory or administrative duties. The files for twenty cases for each of the twenty-one probation officers were randomly selected. Dependency and traffic cases were once again excluded, leaving a total of 311 cases which were examined on the following variables: Who made the disposition decision, what was the basis for the decision, and the family constellation. Information regarding socio-economic level and residence were not available in the case records. As an additional information gathering device, a brief questionnaire was completed by the twenty-one probation officers in the sample (See Appendix B).

C. Analysis of Data

The data were analyzed in three ways. First, the variables for the total population were correlated using Goodman and Kruskal's gamma (1954). This nonparametric correlation statistic possesses a meaning related to but different from level of significance. It signifies the percentage of cases which are ordered in a concordant or discordant direction. For example, a gamma of .20 means that twenty per cent of the cases are arrayed in a related direction. Gamma values can range from -1.0 to +1.0.

The second analysis involved correlations between variables of the larger population and the variables of the smaller sample, again using the gamma statistic. The third level analyzed interrelationships of dispositions and bases for dispositions and offender characteristics within the random sample. Percentage ranks across probation officers were correlated using Kendall's tau and partial correlation statistics to determine which variables were related to bases for dispositions by probation officers.

CHAPTER III. RESULTS

A. Description of the Variables

In this section each of the variables will be described. The discussion of any possible interrelationships between the variables appears in the next section.

1. Age. Of all the age categories, 1449 (41%) of the total population is sixteen or seventeen years of age, and 1355 (39%) of the population is fourteen or fifteen years of age. This indicates that 2804 (80%) of the total population is between fourteen and seventeen years old. Twelve and thirteen year olds comprise 537 (15%) of the population.

2. Type of offense. Of all of the offenses, 707 (20%) were crimes against persons, 1350 (38%) crimes against property, and 1456 (41%) crimes against society. Offenses relating to dependency problems and traffic violations were eliminated from the analysis. These cases comprised about fifty per cent of the total number of cases entering the court in the first half of 1973.

3. Care pending disposition. Of the care pending disposition, the overwhelming majority of the cases (2596, 74%) fall into the no detention or shelter over-night category. These juveniles were not considered sufficiently dangerous either to themselves or to society to warrant detention in the judgement of the juvenile court personnel. The remaining 912 (26%) cases were detained in the detention home.

4. Current status. An offender is categorized into one of three designations: new, in which there is no recorded previous offense; reopened, in which the previous disposition has been closed; and open, in which the disposition for a prior offense has not been closed. An open status means that the case is active either because the offender is still under supervision, is awaiting disposition for a prior offense, or was placed in the "held open" disposition by the judge on a former offense. "Held open" is a formal disposition which essentially allows the offender another chance while carrying the warning that any further violations will likely result in sterner measures taken. Determination of which category applies depends therefore on the offender's previous offense record and whether the former offense was active or closed at the time of the subsequent offense. In the population studied, 1283 (36%) were new, 1355 (39%) were reopened, and 875 (24%) were open cases. This indicates that sixty-three per cent of the offenders in the population have had previous contact with the juvenile court system.

5. Previous offenses this year and in the previous year. Of the total population, 2475 (70%) had no previous referral in 1973, 569 (16%) had one referral this year, 243 (7%) had two referrals, 115 (3%) had three referrals, 65 (2%) had four, and 46 (1%) had five referrals. Whereas the majority of offenders had no previous offense in 1973, this was not the case when previous offenses in 1972 were tabulated. Less than half, 1561 (44%) of the population fell in the zero category, while 540 (15%) fell in the one offense category, 362 (10%) are in the two offense category, 236 (7%) are in the three offense category, 177 (5%) had four offenses, and 637 (18%) had five offenses in 1972. Thus, it would appear that last year the majority of offenders came to the

attention of the court more than once, and it is likely, therefore, that as the last six months of this year elapse, several of the first offenders in the population under study will be in court at least one more time in 1973.

6. Methods of handling. All dispositions are classified under two broad methods of handling, informal and formal. Most of the cases (2621, 75%) at the juvenile court center are handled informally. Those cases are not remanded to the district attorney for trial but rather are dealt with by the probation officer using whatever intervention is at his disposal which he deems appropriate. Whether a case is handled formally or informally is a major decision point in the juvenile court center system. One of the primary interests of this investigation is to determine the rationale for the decision by the parole officer to treat some individuals informally and to deal with others formally and remand them to a higher authority.

7. Disposition categories. Among all the possible dispositions imposed in the court, the largest single category is counselled and closed (1706, 49%). This means the probation officer has met with the offender at least once, perhaps has consulted the school principal or parents and has concluded that the matter does not warrant either continued supervision or a court appearance. This is obviously the lightest disposition imposed. The second largest category is supervision (1152, 33%) of which 35.50% is formal and 64.50% is informal. Supervision involves a probation period in which the offender may be required to report periodically to his probation officer. Other formal disposition categories break down as follows: (178, 5%) transfer of legal custody; (165, 5%) obligation imposed; and (311, 9%) other dispositions. Overall,

approximately 2858 (81.35%) of all cases are disposed by the probation officer. Clearly, the probation officer is an important and influential decision maker in the disposition of juvenile offenders.

B. Interrelationships of Variables

In this section is reported the interrelationships between the variables to determine which, if any, variables covary. Of most interest is what variables are related to disposition category to determine whether disposition decisions follow any pattern which might be related to seriousness of offense, number of previous offenses, race, or age.

1. Current status. The current status (new, reopened, open) of the offender was the only variable which showed any relationship to method of handling. Nine and ninety-nine hundredths per cent (87) of the open cases received transfer of custody as contrasted with 5.02% (68) of reopened cases and 1.79% (23) of the new cases. Supervision followed the same direction (open, 47.31%; reopened, 36.24%; and new, 19.22%). As you might expect, open cases were less often counselled and closed (22.76%) than were reopened (48.19%) and new cases (66.61%). It would appear that when an offender's case remains open and he is charged with a subsequent offense there is a greater likelihood that a formal disposition will be imposed.

The relationship between current status and disposition holds when the five additional variables within the smaller sample are analyzed. Who makes the decision is related to current status ($\gamma = .25$). Forty-two (56%) of the open cases were disposed of by the judge as compared to twenty-nine (25%) of the reopened cases and twenty-nine (23%) of the new cases. This confirms the global relationship between current status and method of handling.

When the percentage of "open" cases in a probation officer's caseload is related to the percentage of cases sent to a higher authority, the correlation is not significant, which indicates that it is not a consistent pattern to remand "open" cases for a court hearing. However, a larger percent of cases in the open category are handled formally, receive transfer of custody more, and are counselled and closed less often than reopened and new cases.

Current status was also related to family constellation ($\gamma = .33$) in the smaller sample. Offenders whose status was open come from non-intact families (31, 41.33%) more often than offenders in the reopened ($n = 31$, 26.96%) or new ($n = 20$, 15.87%) categories. However, the proportion of open cases and cases from broken homes in the caseloads of twenty-one probation officers is not related significantly ($\tau = -.13$, $\text{sig.} = .47$).

None of the other variables were found to relate to either severity of disposition or method of handling. Unlike Terry's results, the seriousness of the crime, age, and number of previous offenses did not seem to have any strong influence on disposition.

2. Seriousness of crime. Seriousness of offense did not relate significantly with any other variable. The seriousness of the crime does not relate to method of handling ($\gamma = .02$) or the severity of the disposition ($\gamma = .02$).

These results are not consistent with Terry's finding that seriousness of offense influences disposition decisions. A possible explanation for this negative finding was revealed when the 400 cases sample were analyzed. Those probation officers whose cases had committed more serious offenses also were found to have a higher percentage of Black offenders in their caseloads ($\tau = .47$, $\text{sig.} = .003$). However, these probation officers did not rank high as

sending a large percentage of their caseload to court or to a higher authority ($\tau = .03$, $\text{sig.} = .85$; and $\tau = .04$, $\text{sig.} = .80$). That Blacks were not remanded to the court by the probation officers even though they committed more serious offenses made us suspect that the failure to discover a relationship in the total sample between seriousness of crime and severity of disposition resulted from a different handling of Blacks who had committed serious offenses. To check this out, the relationship between seriousness of offense and disposition was run for only Caucasians to see if the relationship would be stronger. The γ for this relationship was close to zero, indicating that seriousness of offense does not affect disposition when race is held constant.

3. Race of the offender. The present data do not indicate racial bias in the decision making process in the Milwaukee court. There is no relationship between race and care pending disposition, method of handling, or disposition.

4. Age of offender. Also contrary to Terry's findings, the age of the offender did not relate to type of disposition ($\gamma = .07$). Age did relate to some degree to race ($\gamma = .24$), care pending disposition ($\gamma = .31$) and number of referrals in the previous years ($\gamma = .30$). Older offenders tended to be Caucasian, remain in detention more often, and have more offenses in the previous year.

5. Number of previous offenses. There does not appear to be a strong relationship between number of previous referrals this year or in the previous year with severity of disposition. Severity of disposition does relate slightly (.22) with number of referrals in previous year. As the number of referrals

increases, the per cent of offenders receiving transfer of custody increases, and the per cent who are counselled and closed decreases. Yet the number of prior offenses does not appear to be related with whether the case is handled informally or formally (.00).

The absence of consistent relationships probably results because multiple offenders are handled more in regard to their current status than to the number of prior offenses. There is consistent evidence that first offenders are handled differently from multiple offenders. First offenders are held in detention less often, handled formally less often, and counselled and closed more often than multiple offenders. Therefore, the number of previous offenses seems to influence disposition decision only in the case where the comparison is none or many and not when it is some or many. Once an offender has a prior record, the number of offenses does not appear to be as influential as whether prior offense has been closed or remains open.

6. Care pending disposition. The results indicate that whether a juvenile offender is detained is related with number of previous offenses, method of handling, and disposition. As the number of previous referrals increases, so does the percentage of offenders detained ($\gamma = .44$). Fifteen per cent of offenders with no offenses are detained as opposed to forty-eight per cent of offenders with five previous offenses. Thus a record of several prior offenses seems to result in a greater likelihood of being placed in detention to await disposition. Current status is also related to care pending disposition ($\gamma = .35$). New cases are sent home more often (86%) than reopened (66%) or open cases (67%). It follows that the method of handling is related to care pending disposition ($\gamma = .40$). A higher percentage of juveniles who remain in detention are handled formally (38%) than those who are not

detained (20%). Furthermore, their dispositions are generally more severe ($\gamma = .34$). Those in detention receive transfer of custody (12%) and supervision (44%) of the cases whereas only 2.5% of those not detained receive transfer of custody and supervision (29%). On the other hand, those who are kept at the detention home are counselled and closed only thirty per cent of the time as compared to fifty-five per cent for those not detained.

These findings would seem to indicate that once a decision has been made to keep a juvenile in detention pending his disposition, subsequent decisions appear to be more severe. The number of prior offenses and the current status appear to influence whether a juvenile is placed in detention or sent home. That a juvenile in detention tends to receive a more severe disposition is probably more related to the variables which influenced the probation officer to detain him rather than to his being detained per se.

7. Sex of the offender. Although all female juveniles were omitted from the data analysis, it was of interest to examine whether sex related to the variables. The strongest relationship occurred with type of offense ($\gamma = .41$). Males commit crimes against persons, property, and society more often (70%) than do females (32%). The majority of females were in court for non-crimes, i.e., traffic, dependency, etc. Consequently, the percentage of females kept in detention was slightly higher and transfer of legal custody for females tended to be referred to a social agency for lack of care rather than for some type of criminal offense as was the case for males.

C. Consistency Across Probation Officers

Because the global analysis did not reveal any explicit pattern for decision making, a smaller sample was obtained in order to study case summaries written by probation officers. Of particular interest was the consistency of dispositions across several probation officers and the consistency of rationales for these dispositions.

Three hundred eleven case records were examined from twenty probation officers. The inconsistency among probation officers is apparent in the results. The percentage sent to a higher authority, percentage sent to court, and the percentage counselled and closed vary widely. For example, the percentage of cases sent to juvenile court varies from zero to seventy. In order to discover whether the probation officers' caseloads differed on other dimensions, which might explain this wide variation in formal and informal methods of handling, the percentage of serious crimes, Blacks, first offenders, and intact homes was ranked and intercorrelated with the disposition variables. The range of first offenders in caseloads was relatively narrow (0-26%); however, the ranges of other variables was broad. Percentage of Blacks in caseload sample differ from zero to 94% and percentage of intact homes varied from 33% to 100% and more serious crimes were distributed from 13% to 73% in the caseloads sampled. If the range of cases sent to court was influenced by any of these attributes of the caseloads, a significant relationship would be expected between the percentage ranks of these pairs of variables.

The percentage of first offenders was the only attribute of the caseloads which related to percentage sent to court ($\tau = -.29$, $\text{sig.} = .07$) and sent to higher authority ($\tau = -.36$, $\text{sig.} = .02$). Conversely, the

percentage rank of counselled and closed was significantly related to the percentage rank of first offenders ($\tau = .32$, $\text{sig.} = .04$). This means that the variance between probation officers in percentage sent to court and to a higher authority is partly related to the percentage of first offenders in their caseloads. However, the percentage of first offenders cannot completely explain the wide variation in per cent sent to court since the highest percentage of first offenders in any probation officer's caseload was twenty-five per cent. Consequently, there appears to be individual differences among probation officers regarding their philosophy of handling offenders which is independent of the seriousness of the crime or the number of previous offenses.

Whether the juvenile is a first offender is one basis which influences severity of dispositions. Another basis for dispositions is restitution, school involvement; and professional help which we have combined under community involvement. Although the per cent of cases disposed of on this basis were not frequent in probations officers' caseloads (0-33%), the relationships with other variables are interesting and consistent with expectations. Community involvement as a basis is independent of whether the offense is the first ($\tau = .005$, $\text{sig.} = .97$). It is significantly related to the counselled and closed disposition ($\tau = .32$, $\text{sig.} = .04$) and the intactness of the family ($\tau = .31$, $\text{sig.} = .05$), and is negatively related to sent to court ($\tau = -.28$, $\text{sig.} = .08$). Since the percentage of Blacks tends to be negatively related to percentage of community involvement ($\tau = -.25$, $\text{sig.} = .11$) and percentage of intact homes ($\tau = -.34$, $\text{sig.} = .03$), a partial correlation of these three variables (community involvement, Blackness, and intactness) was performed. The analysis indicates that the relationship between being Black and not being counselled and closed on

the basis of community involvement is interacting with the intactness of the family. Thus, it is the intactness of the family which most strongly determines whether community involvement is used as a basis, and fewer Blacks are handled this way because a greater proportion of homes of Blacks are not intact. These results would suggest that community involvement as a basis for handling an offense informally depends upon the family constellation and to some extent the ability of the family to afford restitution and the amount of support from the home and school. Since Blacks are more often at a disadvantage in this regard, community involvement is used less often as a basis for their dispositions.

These results indicate two independent criteria which influence the disposition decision made by the probation officer. One is the first offense which is often the basis for "counselled and closed" dispositions. Community involvement as a basis for handling an offender informally appears to be related to the intactness of the family. Thus, first offenders and offenders from intact homes tend to receive less severe dispositions. Seriousness of the crime and number of prior offenses do not relate with basis for disposition. Current status or, more specifically, the per cent of "open" cases is negatively related to per cent counselled and closed ($\tau = -.29$, $\text{sig.} = .06$), but does not show any relationship with being sent to court. Thus, the data indicate two rationales for more lenient dispositions, but do not indicate the basis for remanding an offender to a higher authority which constitutes more than half of the cases in many probation officers' caseloads.

Of the 311 cases in the sample, 134 (43%) of the decisions were made by the probation officer, 77 (25%) by the district attorney, and 100 (32%) by the judges. The district attorney served as an intermediate link between the probation officer and the judge. His function is to determine the appropriate-

ness of cases for a court hearing. Of the one hundred seventy-seven cases sent to the district attorney, one hundred were scheduled for a court hearing, sixty-three were kicked back due to lack of prosecutory merit, thirteen had the charge reduced, and three were dismissed. When a case is kicked back, it almost always is counselled and closed; and therefore, it is recorded as an informal disposition. This accounts for the discrepant finding that seventy-five per cent of the cases in the population are handled informally by the probation officer while only forty-three per cent of the cases in the random sample were actually disposed of by the probation officer. What was unknown until the smaller sample was analyzed, is that about a third of the cases sent to the district attorney are kicked back and counselled and closed.

It is interesting to examine the variation across probation officers regarding the percentage of cases kicked back by the district attorney. Fourteen of the twenty-one officers show a kicked-back rate of twenty-five per cent or less. The kicked-back per cent ranged from zero to sixty per cent across the probation officers. Differential experience is not likely to account for the variability since all twenty-one officers in the sample were Degreed and had at least two years experience in this court. The fact that the officer with the highest per cent of cases kicked-back also had a high percentage of Black offenders in his caseload (87%) prompted us to compare the mean per cent kicked-back between officers who had more than fifty per cent Blacks in their caseloads and those who had less than fifty per cent Blacks. Both groups had referred more than fifty per cent of their caseloads to a higher authority. The mean kicked-back per cent of the five officers whose caseloads contained more than fifty per cent Black offenders, was thirty-four per cent as compared to a twenty-four per cent kicked-back rate for the nine officers whose caseloads contained less than fifty per cent Black offenders. A possible explanation for the higher

kicked-back rates for officers who refer a large proportion of their Black caseloads to a higher authority is that the district attorney is deliberately diverting Black offenders from a court hearing. That an officer himself is prejudicially referring too many Blacks to a higher authority is contraindicated since officers with few Blacks also refer sizeable proportions of their caseloads to the district attorney, and because officers who have sizeable Black caseloads also deal with more serious crimes. Consequently, an objective rationale exists for referring a greater number of Blacks to a higher authority. In order to test the hypothesis that Blacks referred to a higher authority are disproportionately kicked-back would require a case-by-case analysis and interviews of court officials. Since the records are by no means a complete account of the decisions made, this test was not undertaken. Nevertheless, it remains a curious finding that among probation officers who refer a sizeable proportion of their caseloads to a higher authority, those with a high proportion of Black offenders in their caseloads have a higher kicked-back rate despite the fact that their caseloads tend to commit more serious crimes.

D. Questionnaire Results

The questionnaire responses of these twenty-one probation officers were interesting as a gauge of how they viewed which factors were most influential in reaching dispositions. Factors listed by nearly all officers as most important were: seriousness of crime, attitude toward crime and law, potential recidivism, family involvement and stability, neighborhood, number of previous offenses, and recency of prior offense. About half of the officers consider school success, agency involvement, personality of the offender, and group or individual action important considerations. Age

was considered important by six officers, socio-economic status by one, and race by none of the officers.

The agreement among probation officers on the questionnaire is rather puzzling in view of the inconsistency in other findings. Perhaps the weight given to each factor varies among the officers. Also puzzling is the fact that nearly all the officers ranked the seriousness of the crime as an important consideration, yet there was no relationship between their variables in the correlation analysis. Two items on the questionnaire asked officers to rank crimes and dispositions according to seriousness. The results indicated substantial agreement with the hierarchy used in the study.

Why officers believe they are operating in certain legalistic criteria such as seriousness of crime and number of previous offenses yet the objective results do not bear this out, is not clear at this time. It is possible they were trying to project a "law and order" image on the questionnaire while operating more humanistically with their clients. However, all but a few officers stressed prevention and rehabilitation as goals of the court rather than legal control or protection of society. These inconsistencies add up to the strong suggestion that probation officers as a group are heterogeneous and as individuals possess contrasting attitudes and philosophies regarding their roles and how they function within the agency.

CHAPTER IV. DISCUSSION OF THE FINDINGS

A probation officer is clearly an important decision maker in the juvenile justice system. At the intake of a person, he determines whether or not to hold the offender in detention. Next, he determines whether to handle the case informally or formally. If he chooses to handle the case informally, he may place the offender on supervision or counsel and close the case. Almost three-fourths of cases are disposed of in this way. If a formal disposition is called for, he refers the case to the district attorney who assesses the prosecutory merit of the case and on that basis may recommend a court hearing, reduce the charge, kick back the case to the probation officer, or dismiss the case altogether.

Once the case reaches the court level, the possible formal dispositions are to dismiss, to impose obligations, to hold open, to supervise, or to transfer legal custody either to Corrections or to the Department of Public Welfare. The present study did not undertake an analysis of the rationale for dispositions at the judicial level for two reasons. First, judges usually follow the recommendations contained in the social study prepared by the probation officer. Secondly, the outcome of the court hearing is affected by the weight of evidence and the strategy of the adversaries, and these legal determinants were not within the scope of the present study. The main interest was to identify what the bases for disposition decision by probation officers are and the degree of consistency which officers followed these rationales in reaching their decisions.

The present findings indicate that severity of disposition is influenced by the offenders' former offense record. More lenient dispositions are accorded first offenders. Multiple offenders whose case was currently active

received stiffer dispositions than those whose case had been closed. Therefore, the recency and seriousness of the former offense seemed to influence disposition accorded the current offense more than the seriousness of the current offense. In this respect the present findings lend support to Terry's (1967) finding that prior record influences disposition. However, seriousness of crime and the age of the offender which Terry found related to disposition, were not found to be related in this study. Perhaps seriousness of offense was not related to the severity of disposition in this study because of a peculiar chain of events. Cases sent to the district attorney with recommendations for formal dispositions are often kicked-back due to lack of prosecutory merit and are automatically counselled and closed. An analysis of kicked-back rate for probation officers showed that those who sent a high proportion of Blacks to a higher authority had a larger proportion kicked-back. Since Blacks appeared to commit more serious offenses, the fact that several automatically receive the most lenient disposition (counselled and closed) as a result of being kicked-back by the district attorney may explain the failure to find a stronger relationship between seriousness of offense and severity of disposition.

Contrary to studies which report stiffer disposition accorded to Black offenders, these results suggest an opposite trend in which Black offenders often do not receive a court hearing despite the fact they commit more serious crimes. Perhaps the court, in its effort to appear impartial, has overcompensated and are treating Blacks more leniently. An alternative explanation is that Blacks are more difficult to prosecute perhaps because they are "better" criminals, but we have no evidence to support this alternative explanation. All that can be said for certain is that the court under study does not show any evidence of treating Blacks more harshly than Whites.

The inconsistency across probation officers is marked in the present findings. Some officers send almost all of their cases to a higher authority, others send none. The per cent of first offenders in their caseloads accounts for some, but not all, of this variability. Inconsistency among probation officers, together with the absence of any strong relationships between the variables studied and the disposition reached, could mean that the dispositions are influenced more by attitudes and philosophies of the officers themselves rather than by objective characteristics of the offender. Although racial bias was not indicated, at least not a negative bias, it is possible that other biases do enter into the decisions reached. Ohlin, Piven, and Pappenfort (1956) described a variety of attitudes reflected in probation departments. There are the "punitive" officers who are untrained in social work and who view themselves as law enforcement officers. They strive to protect the community and tend to recommend institutional commitments and other harsh measures more often. They also describe the "protective" agents who regard themselves as responsible for treatment but vacillate between protecting the public and helping their clients. Finally there are "welfare workers" in probation settings who are more likely to recommend probation or other non-institutional dispositions for offenders. Responses to the questionnaire items by the officers sampled offers some subjective evidence that such a range of attitudes is reflected in this sample.

Another possible explanation for the inconsistency across probation officers is that other bases for dispositions are being used which were not identified in the present study. For example, the offenders' attitude toward the crime and the cooperation of his family were ranked as important considerations by officers in this study and were also noted as important in Cohn's (1963) study. Personality of the offender is another important influence in the

Cohn study; however, a majority of the probation officers sampled in this study felt this was a less important consideration. Perhaps there are other unidentified factors which strongly influence the officers' decisions and if analyzed and objectified could account for more of the variability.

A final explanation for the inconsistency is the individuality of the offenders. Although certain characteristics of the offender were considered, many others likely contribute to each offender's individuality. If probation officers handle each case individually, then a degree of inconsistency would be expected and perhaps be desirable. Until this can be established by further research, however, the inconsistency across probation officers ought to concern those involved in juvenile justice. Even though unanimity is an unreachable goal and no two officers may handle the same offender identically, greater consistency than was found in this study seems necessary if the juvenile justice system is to protect itself from accusations of unequal treatment and/or bias towards either harshness or leniency. Correction of this problem may not require a tightening of the legal structure to more closely resemble adult judicial processes nor would it necessarily be desirable to stress more legalistic criteria in reaching dispositions. What is needed is to objectify some of the subjective and attitudinal considerations of the probation officer in relation to the offender's behavior and personality. For example, a majority of the officers ranked potential for recidivism as an important consideration in reaching dispositions, yet it is unclear how they assess this potential or even whether there are objective criteria to identify the recidivists. It would appear they assess potential for recidivism on a basis of the number and seriousness of the previous offenses, the type of neighborhood, and perhaps the family structure and relationships.

If it were possible to identify the potential recidivist before he recidivates, the disposition of early offenders would be a more objective, and therefore, more defensible process. Moreover, it would provide a basis for intervention which would both serve the protection of society and the best interests of the offender. It is for these reasons a review of the research on recidivism is presented in the next chapter.

CHAPTER V. REVIEW OF RESEARCH LITERATURE ON RECIDIVISM

In this section, research literature dealing with the identification of recidivists and the assessment of delinquency potential by paper and pencil, measures and predictive scales will be reviewed in order to assess the relative merits of each approach and its potential utility for incorporation into the juvenile justice system.

A. Characteristics of Recidivists

The studies herein reviewed are addressed to the question -- do recidivists possess objective characteristics different from those who do not recidivate? If the question can be answered in the affirmative, then recidivism potential could be assessed by simply matching an offender to these characteristics.

Most of the studies related to recidivism compare delinquents who recidivate following a period of institutionalization from those who do not. Predicting success of parole is not related to our purpose which is to identify potential recidivists among early offenders before disposition is judged. Nonetheless, on the presumption that the characteristics would be related, studies of parole success were reviewed.

Ganzer and Sarason (1973) reviewed case files of two hundred male and female recidivists and non-recidivists. Recidivism was defined as the return to a juvenile institution as either a parole violator or recommitment within twenty months after release from an institution. Thirty-four family background and personality measures were compared, seven of which significantly differentiated the two groups. Recidivists got into trouble and were first institutionalized at younger ages, had lower estimated verbal intelligence, and were more frequently diagnosed as sociopathic personalities than were non-

recidivists. Socio-economic status, type of offense, and extent of delinquent history did not differentiate the two groups. Males diagnosed as sociopathic personalities who did not recidivate tended to come from intact homes, had not committed aggressive offenses against other persons, and had been older at the time of coming to the attention of authorities.

In a similar study, Laulicht (1963) followed five hundred eighty boys for at least one year after release from a training school. Age of first offense was not related to recidivism. More recidivating boys had stolen, had been frequent runaways and were below average intelligence. Shorter stays (six months or less) resulted in greater recidivism than longer stays (thirty months or more).

Litwack and Herbert (1967) studied institutional adjustment of recidivists and non-recidivists followed five years after parole. Again, age of first court appearance differentiated the two groups, but the best single predictor was number of times in the discipline cottage.

Two studies attempted to develop a taxonomic approach which would differentiate recidivists from non-recidivists. Baer (1970) administered a Biographical Questionnaire to sixty male institutionalized delinquents one month prior to parole and checked recidivism rates one year later. The content of the questionnaire included family constellation, peer relations, personal habits, etc. Those who showed lowest recidivism rates had the highest incidence of larceny-theft offenses and an absence of stubborn child-runaway offenses which characterized the recidivists. However, no significant relationship was obtained between the classifications based on the Biographical Questionnaire and recidivism.

Stein, Sarbun, and Kulik (1971) defined seven delinquent types based on four dimensions: delinquent role, drug usage, parental defiance, and assaultiveness. The types did not show any relationship to recidivism. However,

the parentally defiant, mild delinquent had the lowest recidivism rate and was over-represented by Caucasians, and the drug using delinquent showed the highest rate of reinstitutionalization. The study did not report numerical values for these groups; only comparative statements were presented.

Farrington and West (1971) reported that a sample of early delinquents resembled a sample of more aggressively behaved youngsters on several measures. Both groups showed poor scholastic attainment, got into trouble more, came from large families with parental disharmony and inadequate supervision. Results suggested that convictions for delinquency at an early age tend to occur when overt aggressiveness is coupled with social deprivation.

The most ambitious research of recidivism rates among early offenders was conducted by Unkovic and Ducsay (1969). They followed 2,500 offenders over a ten year period. Six variables of statistical significance were isolated in the prediction of recidivism. They were age, sex, type of offense, religion, and single or group action. Recidivists up to age fifteen were twice as numerous as recidivists of older teen ages. Recidivism rate of males was 39% as opposed to 18% for females. Rate for crimes committed in a group was 36% as compared to 29% for those who tended to act alone. The rate for Blacks was 34%, whereas the rate for Whites was 25%.

Combination of the six variables resulted in wide differences in recidivism rates. For example, offenders who are male, young, no victim, Negro, and Protestant failed twice as often as male, older, victim, Negro, Protestant. So the distinguishing characteristic is age more than whether the crime was committed against a victim.

In a study by Craig and Budd (1967) property theft was found to be the most frequent offense of boys who recidivated. Boys under fourteen showed

more recidivism within the same year than boys older than fourteen, suggesting that younger offenders get into trouble more often (or are apprehended more often). The youngster who commits a serious offense is more likely to recidivate, but this was the only study which reported this relationship. The main finding was that features associated with recidivism also characterized crime committed with companions. Three groups of offenders were identified:

1. The "seasoned delinquent" - a recidivist who operates with companions.
2. The younger offender - under age fourteen, who commits solitary offenses, having acted with the flavor of anti-social acting out.
3. The single offense offender.

This classification suggests a breakdown which could enable the probation officer to tailor the degree of intervention to the youngster in each category. The offender in the first category would be older, commit more serious offenses with companions, and be a recidivist. This youngster could benefit from more intensive intervention, such as a treatment or correctional facility or community treatment. The "young offender" will also likely recidivate unless the reasons for his acting out are identified and corrected. In these cases the probation officer would be advised to closely examine the family dynamics for marital discord, deprivation of affectional needs, sibling rivalry, and other indications of neurotic relationships. In these instances the probation officer could counsel the family and the child himself or make recommendations for outside assistance. The third category could be counselled and closed.

In summary, this survey of research on recidivism shows that age of first offense is most frequently and consistently associated with repeated offenses. The younger the offender at first offense and/or commitment, the more likely

he will recidivate. To what extent this is an artifact of his having more time to repeat a crime is undetermined. Other variables related to recidivism reported by at least two independent research articles were type of offense, companions or alone, adjustment to institutional rules, and sociopathy. Broken homes, the criminal history of the parents, and socio-economic status were not related to recidivism. The variables reported by at least one study were prior delinquency record, length of institutionalization, seriousness of offense, race, sex, intelligence, and degree of adventuresomeness.

Although there is not great consistency across studies, the research on recidivism does indicate that certain features tend to be more prevalent among recidivists than non-recidivists. Recidivists tend to be younger at first offense, commit crimes with others, and tend to commit more serious offenses. In studies on parolees from institutions, those who failed tended to disobey institutional rules, live with one or both biological parents after discharge, and be returned to school rather than to a job.

Despite these consistencies, it is doubtful that the presence of these characteristics could provide a specific enough basis index from which to predict recidivism. We do not know which factors are most important nor how they interact to one another. So a youngster fitting some, but not all these criteria, would be a borderline case. Moreover, these characteristics do not distinguish every recidivist from every non-recidivist, and therefore, the amount of error in prediction would likely be high.

B. Studies on Psychological Measures to Identify Recidivists

Since a list of offender characteristics would not likely enable us to identify recidivists, we surveyed paper and pencil measures to see which, if

any, had demonstrable predictive power. The drawback of most of the research on this is that they are retrospective, i.e., adjudicated delinquents or institutionalized delinquents are tested and these results compared to non-delinquents. Only two studies were prospective and one of these did not follow-up subsequent delinquent acts. Teichman, (1972) studied patterns of self perception and perception of parental attitudes toward the self of boys on the verge of delinquency as estimated by teachers, social workers, and psychologists were studied. The self concept inventories of subjects on the verge of delinquency were more similar to those obtained from institutionalized delinquents than non-delinquents. However, the sample size was small (25) and no follow-up was reported to see if those subjects on the verge of delinquency later performed delinquent acts.

In the other prospective study, Smith and Lanyon (1968) found that the MMPI, clinicians' judgements of MMPI's, and a moderator variable were unsuccessful in predicting delinquency occurring one year after measures were administered. The base expectancy table was the only tool which predicted better than chance those youngsters who violated probation within a year. Of the two hundred eighty-seven offenders, one hundred fourteen (39.7%) were violators.

To test the power of the MMPI to distinguish recidivists from non-recidivists, Mack (1969) administered the test prior to placement at a training school and followed a group of one hundred sixty boys on parole. The eighty-two recidivists did not differ in age, I.Q., or length of stay from the sixty-eight non-recidivists. Comparison of mean T scores resulted in no significant differences at even the .10 level between the two groups. Also, profile code types were similar between the two groups. Pd was most elevated. When scales were ranked, the recidivists showed a slight tendency to have the Sc (schizophrenia) scale

more highly ranked within their profile. The author concluded, "the results of the present investigation strongly suggest that the MMPI, considered alone, is not associated with recidivism to any important extent within such homogeneous populations as the present one, although the existence of a minimal association, of doubtful predictive utility, cannot be ruled out." (page 614)

Even if the MMPI possessed predictive power, its excessive length and reading level demand render it of doubtful practicality as a screening instrument. A shorter form of the MMPI (Kincannon, 1968) has been developed which can be orally administered to poor readers; however, its comparability to the full MMPI has not been satisfactorily demonstrated in a delinquent sample (Armentrout and Robzer, 1970).

In other retrospective studies, the California Personality Inventory (Cowden, Schroeder, & Peterson, 1971; Hindelang, 1972), the Minnesota Counselling Inventory (Cowden, Peterson, & Pacht, 1969) and the Jesness Inventory (Baker and Spielberg, 1970) are found to possess some predictive power. In a direct comparison between two of these measures, Cowden, Peterson, and Pacht (1969) found that the Jesness Inventory functioned more effectively in discriminating between delinquent subgroups showing a good and poor prognosis in an institution, and in general, discriminated subgroups of delinquents more significantly than the Minnesota Counselling Inventory. The socialization and self control scales on the California Personality Inventory (CPI) were found most strongly predictive of youngsters engaged in a wide range of delinquent activities by Hindelang (1972); however, the length (480 items) of the CPI is a major drawback. A study of the Kvaracues Delinquency Proneness Scale (Feldhusen, Benning, & Thurston, 1972) indicated the total score does not add significantly to the discriminant factor for predicting delinquency.

Of all the paper and pencil measures reviewed, the Jesness Inventory shows greatest promise as a predictive measure as well as practical utility due to its relative shortness (155 items) and previous applications in the prediction and treatment of delinquency. The Jesness Inventory provides scores on the following scales: Social Maladjustment, Value Orientation, Immaturity, Autism, Alienation, Manifest Aggression, Withdrawal, Social Anxiety, Repression, and Denial. An Asocial Index is derived by weighing certain items on the Social Maladjustment Scale and subtracting the total number of items answered in a positive direction on other scales to control for acquiescent response bias. Thus the Asocial Index is based upon the relative distance between the Social Maladjustment Scale and scores on the other scales.

The Asocial Index as a predictor of delinquency potential has been thoroughly developed. The manual reports the proportion of false positives scoring above any given score on the Asocial Index. This allows a researcher to select the error level in prediction. For example, the probability of predicting that a non-delinquent will become delinquent is only ten per cent if the cutoff score is 22 and above and is reduced to five per cent if the cutoff is set at a score of 24 on the Asocial Index. The manual also reports the percentage of true positives obtained at the different base rates. If a base rate of .50 is assumed (which is probably true of a court population) ninety per cent of the true male delinquents can be correctly identified by a score of 23 or above on the Asocial Index. Similar findings are reported for female delinquents. It is possible, therefore, to set any error factor which is desirable once the base rate within the population being tested is roughly estimated. The higher the base rate of delinquency in the population

tested, the lower the Asocial Index cutoff score can be without increasing the proportion of false positives.

Concern about depending upon one score as a predictive index of delinquency potential centers around the reliability and fakeability of the measure. Odd even reliability ranges from .62 to .88 across the ten scales as reported on a sample of 1,862 delinquents and non-delinquents. The reliability of the Social Maladjustment Scale, from which the Asocial Index is derived, was a respectable .84.

Fakeability is of greater concern, particularly if the scores are to be used in decision making. To determine whether delinquents can fake non-delinquent scores, the test was administered on two consecutive days under differing conditions. In the first condition, fifty-seven delinquents were told that the results were to be used for research purposes only and would be held in confidence. The next day, they were administered the test and were told that their results would be given to the social worker for presentation to the Board. The results were reassuring. Despite some slight changes in the expected direction, the mean Asocial Index did not change.

Criticism may be leveled at this test of fakeability, however. It is conceivable that the delinquents decided that to change their answers on the second test would put them in a worse light than if they stuck to their original answers, no matter how incriminating. Moreover, using the first scores as a criterion for honesty is also open to question. Consequently, the fakeability of the inventory has not been adequately tested. A better test would be to ask delinquents to rate each item on the dimension of social desirability to determine how many items have a strong negative connotation or to request that institutionalized delinquents deliberately try to answer to create a non-delinquent score on the inventory.

A useful feature of the Jesness Inventory is that I-level classifications can be derived from the scores. This scheme has been the basis for much research in the California Youth Authority which studies differential treatment results based on I-level classifications. Briefly summarized, the research project (Palmer, 1973) reported that an intensive community-based approach appeared to be more effective than traditional institutionalization for both "neurotic" and, to a lesser extent, "passive conformist" youths but was less effective in reducing subsequent delinquent behavior in "power oriented" youths. With the extensive results already available using a differential treatment plan for subtypes identified on the basis of Jesness Inventory scores, this measure would be useful in both identifying those delinquents who need more intensive treatment and what kind of treatment is likely to be most effective.

Certain preliminary research would be needed before the actual value of the inventory to the decision making process could be assessed. A better check of fakeability is needed to increase confidence that delinquents in need of more intervention would not be overlooked. A test of validity of the Asocial Index is needed to determine if it can separate the true delinquent likely to recidivate from the pseudo delinquent less likely to recidivate. Such a test could not be done retrospectively because a sample of non-recidivists would be difficult to locate and results after an extended period of no further misconduct could not be assumed to approximate the scores which might have been obtained had they been tested at the time of their former offense. Therefore, a prospective study would be required in which a sample of delinquents were tested and followed closely for at least one year to see whether the recidivists scored differently on the Asocial Index from the non-recidivists.

Our review of the research literature did not reveal that such a validation study had been completed. However, a study comparing delinquent-prone,

non-delinquent, and delinquent Ss on the Jesness Inventory was reported by Baker and Spielberg (1970). Thirty-eight delinquent-prone adolescents between the ages of sixteen and nineteen were selected from a federally supported social action agency which provided vocational and personal guidance to school dropouts. Control Ss came from Washington D.C. public schools. The delinquent group comprised 173 legally defined male delinquents. All groups were matched for intelligence; however, the mean age of the experimental group was about ten months older than the control group.

Delinquent-prone subjects were found to score significantly higher on Social Maladjustment, Value Orientation, Alienation and Repression scales than control Ss. Despite their being older, the experimental group scored higher on the Immaturity Scale. A cluster analysis of the subscale scores suggested that delinquent-prone youngsters manage to keep some aspects of reality away from themselves by projecting feelings in a more immature way, by a failure to reorganize emotions and by exclusion of feelings from consciousness. This was typically manifested by blaming their difficulties on those other than themselves. The delinquent group tended to show a cluster of scores indicative of a perceived lack of satisfaction in the self and a tendency toward escape or detachment from others.

The importance of this study is that scores of delinquent-prone youths differ significantly from that of a non-delinquent group.

Additional discriminatory power of the Jesness Inventory was reported by Cowden, Peterson, and Pacht (1969), who administered the inventory to 106 delinquent boys within three weeks of their admission to a correctional institution. Ss were classified into high, medium, and low groups in terms of clinicians' rating of global prognosis and counsellors' ratings of cottage behavior. Boys receiving negative prognosis scored significantly higher

than those showing positive prognosis on the social maladjustment, value orientation, immaturity, alienation, and Asocial Index of the Jesness Inventory. Despite the weakness that follow-up reports of institutional adjustment were not reported to validate these different test scores, their study indicates that the Inventory can distinguish subgroups within a sample of institutionalized delinquents. It seems likely, therefore, that its discriminatory power would be even stronger for a sample of delinquents in court due to a wider range of severity contained in that delinquent population.

Among the several paper and pencil screening measures surveyed, the Jesness Inventory holds the greatest promise as a predictive instrument. Its items are easy to understand and relatively few in number. The scales derived appear relevant to an assessment of delinquent potential and an Asocial Index has been derived for that purpose. Although a direct validation of its ability to distinguish severity of delinquent potential within a delinquent population has not been conducted in a court population, a study with newly institutionalized delinquents indicates that it is able to differentiate delinquents with a good and poor prognosis. Furthermore, it offers a classification scheme on which subsequent research has developed differential treatment effectiveness. With additional checks on fakeability and validity, the Jesness Inventory could prove to be a useful tool in the assessment of delinquent potential and consequently aid in decision making.

C. Predictive Scales

No review of the literature on the prediction of delinquency potential would be complete without mentioning the intensive work by the Gluecks. It is not within the scope of this paper to review their work in great detail, but we shall examine it regarding its applicability to our needs.

Two major disadvantages pertain to the application of the Glueck Social Prediction Scale which consists of ratings on the factors: 1) discipline of boy by mother, 2) supervision by mother, and 3) cohesiveness of family unit. The first disadvantage is that the prediction table is devised to assess the prospects of a boy's chances of becoming a serious delinquent before any delinquent behavior has been evidenced. Consequently, its purpose is not relevant to our needs nor is it readily convertible to them. The second disadvantage in this approach is the requirement that extensive in depth interviews be undertaken with the boy's mother in the home. This requires a great deal of time and would very likely prove impractical for probation officers with present caseload size and turnover. Despite the refinements in the Glueck scales and several impressive validation studies (Glueck and Glueck, 1972), these disadvantages reduce its appropriateness for our purposes.

Before leaving the Glueck work, mention should be made of a paper by Eleanor Glueck in which she identified four factors which differentiated "pseudo" from "true" delinquents. On the basis of ratings for (1) adventuresomeness, (2) attitude toward school, (3) age of companions, and (4) truancy, 96.3% of the "true" delinquents scored in the high risk group and 94.2% of the "pseudo" delinquents fell in the low risk group. These findings suggest that the Glueck approach could provide practical predictive utility in a court setting which deals solely with youngsters who have engaged in delinquent activity. Moreover, the information needed to assess delinquency potential can be readily obtained in an office interview with a cooperative parent. Unfortunately, these factors have not been validated according to Selma Glick, who has worked closely with the Gluecks and authored several validation studies on the original scales. That these scales were reported in 1966 and no one has validated

1. Telephone conversation

them raises a question as to the confidence that fellow workers had in the theoretical predictor scales. Consequently, we are not at this point encouraged that a validation study of these scales would prove fruitful.

A predictive scale was derived from Thorne's Integration Level Test Series (Davis and Panton, 1972). An item analysis of 465 items resulted in twenty-nine responded differently by sixty-one high school males and fifty-seven incarcerated male offenders. Not only does this seem too small a number to assess delinquency potential, but there is also no information regarding cutoff scores on the scale nor any assurance that the scale would be able to differentiate more serious delinquents in a population of male offenders. There is also the problem of administering a test with 465 items and the question of comparability of scores if only the twenty-nine items are administered. Perhaps further research of this relatively new scale will make it more promising than it looks at present.

CHAPTER VI. SUMMARY

The purpose of the project was to explore the feasibility of developing a means to identify potential recidivists to be used in the decision making process of the juvenile justice system. Previous research into the bases for disposition decisions at the probation officer level indicated that objective, legalistic criteria were used as a basis for more severe dispositions which were not imposed until the offender has established a delinquent pattern of several serious offenses. One author noted that prevention did not seem to be an important function of the court since sanctions were not imposed until after several offenses had been committed. The court appeared to be following a philosophy of judicious non-intervention until the juvenile had demonstrated through repeated misconduct that intervention was required. Although this approach minimizes the development of a delinquent identity by diverting the early offender from the legal system, it also may divert from needed treatment those who are likely to continue delinquent activity without it. Thus, the juvenile justice system is caught in the dilemma of not wanting to create more delinquents by exposing early offenders to a process which might engender a delinquent identity on the one hand, while not wanting to withhold preventative treatment from early offenders who need it to curtail further delinquency on the other hand. The dilemma could be resolved if potential recidivists could be identified before they recidivate so that different intervention approaches would be applied to early offenders who are likely to recidivate from those who are not.

To explore the feasibility of such a preventative approach, two directions were investigated. One was a thorough review of the research litera-

ture on the identification of recidivists to determine the extent of predictive success of various measures and approaches. The literature on predicting delinquents has been extensive and for the most part unproductive; however, this research attempted to predict delinquency among juveniles who had not yet engaged in delinquent activity. Since the intent here is to predict the likelihood that a juvenile who had engaged in a delinquent act would commit further delinquent acts, the disappointing results of efforts to predict delinquency among a non-delinquent sample do not pertain. The second focus of the investigation was an analysis of the way disposition decisions were reached in a large metropolitan juvenile court. Who makes the decision, and on what basis, were analyzed to assess whether an alternative approach was both needed and practical within the present court structure.

To accomplish this analysis, statistics for all male delinquency cases handled by the court over a seven month period were computerized so that offender characteristics and dispositions could be correlated. In addition to this global analysis, case records were randomly sampled from twenty-one probation officers to explore other bases for dispositions which might not have been revealed in the statistics of the larger population. A questionnaire was completed by the sample of probation officers to obtain their view of which factors were important in determining dispositions. Relationships were analyzed using non-parametric correlation statistics and percentage analysis.

Few characteristics of the offender and the offense were found related to method of handling and disposition. There was a tendency for the current status of the offender to influence disposition. New cases (first offenses) more frequently received the most lenient disposition. Among multiple offenders, those whose current status was active generally received harsher dispo-

sition than those whose status was closed. Other characteristics, including age of the offender, seriousness of the crime, number of prior offenses, and race did not seem to influence disposition to any degree.

An examination of the sample of probation officers revealed much inconsistency across officers in disposition decisions which were unrelated to characteristics of their caseloads. That first offenders were handled informally was confirmed in the sample. As an additional finding, intactness of the family was related to community involvement as a basis for informal dispositions. The bases for informal dispositions were more readily identified in the results than were the bases for referring the offender to a higher authority. Possible reasons for this, apart from the fact that a majority of the cases are handled informally, were discussed.

Questionnaire responses of probation officers were not consistent in all respects with the numerical findings. Several officers ranked seriousness of crime and number of previous offenses as important considerations for disposition, yet strong relationships between these factors and dispositions were not found. Also, other considerations ranked as important such as offenders' attitude toward crime, and family involvement on the questionnaire were not mentioned in the case summaries.

The failure to discover many strong relationships between objective characteristics of the offenders and their dispositions by probation officers, and the inconsistency across probation officers indicates the absence of any consistent and public rationale for dispositions, but it does not rule out the existence of a more subjective, individualistic approach which varies from officer to officer and offender to offender. Individuality is not necessarily undesirable if it can be demonstrated that the best interests of the offender are placed above the individual biases of the probation offi-

cer. Until that is established, the court is open to being criticized for unequal treatment and failing to substantiate its decisions on firm grounds.

The criteria which do moderately relate to disposition have to do with the prior record of the offender and thereby agree with other findings that intervention tends to occur only after diversion and other lighter interventions have not controlled the delinquent behavior. On the basis of these findings, an objective rationale for differential intervention based on the potential for recidivism appears needed and consistent with the objectives of the court.

A review of the literature on recidivism revealed that not much has been developed for the purpose of assessing potential for recidivism in a youngster who has already come to the attention of the court. Characteristics of recidivists are consistently reported by several independent research articles, but they are too broad and uncircumscribed to be applied as the sole basis of a predictive index. Age, group action, and type of offense are often reported to be associated with recidivism but these data do not supply information about the relative importance of each characteristic nor the complex interaction of any two without the other. Consequently, these characteristics can only serve as danger signs and might spur an investigator to explore in greater depth the youth's background, family setting, and personality.

Several personality measures to identify delinquency-related traits have been studied. Of those reviewed, the Jesness Inventory appeared to show most potential as a reliable and informative paper and pencil measure. It can be practically administered and the results provide useful and relevant information regarding the delinquency potential and prognosis of the offender.

If some additional tests of validity turned out favorably, it is conceivable that the Inventory could be a useful tool to court officials in the decision making process.

Finally, the Glueck Social Prediction approach was briefly reviewed and discarded as impractical and inappropriate for our purposes. Another predictive index was derived by an item analysis of Thorne's Integration Level Test Series. Out of 465 items, only twenty-nine were answered significantly different by a group of high school students and incarcerated male offenders. This few number of items does not provide a firm ground from which to base prediction regarding future delinquent behavior.

On the basis of what presently exists to assess the potential recidivism of any given offender, additional research efforts will be necessary to develop a valid and useful predictive tool. Perhaps the Jesness Inventory will eventually prove useful as a screening instrument. Since almost all probation officers surveyed consider potential for recidivism an important influence on disposition, they would likely welcome an objective measure to assess recidivism potential.

Even if a valid predictive index could be developed and was favorably received by court personnel, one question remains unexplored. Since the judicial process of the juvenile court is becoming more similar to the adult judicial system in regard to the protection of civil liberties, there may be some reluctance to intervene more than has been the case with an early offender merely on the grounds that a strong likelihood exists for continued delinquent activity. The question revolves around whether prevention remains a viable function of the juvenile justice system at this stage of its development. Moreover, the issue of whether to submit to being tested may also be

a problem since the responses could be viewed as self incriminating. These legal considerations should be explored before any further effort is invested toward developing a measure of potential recidivism to be used as a basis for disposition decision making in the juvenile justice system.

APPENDIX A. BREAKDOWN OF OFFENSE CATEGORY
ACCORDING TO SERIOUSNESS

Person 1 -- murder, manslaughter, forcible rape, aggravated assault
Person 2 -- robbery, assault, weapons, fraud
Property 1 -- burglary, robbery, larceny, auto theft with intent to keep
Property 2 -- shoplifting, vandalism
Society 1 -- drug use, drunk driving
Society 2 -- disorderly conduct, drunkenness, sexual misconduct other than
rape, auto theft with no intent to keep

The following categories were not included in the data analysis:

Non-crimes -- Unwed mother, running away, truancy, curfew, ungovernable
Traffic -- All types except drunk driving and hit and run
Dependency -- Neglect, abandonment, injurious condition, child abuse

APPENDIX B. QUESTIONNAIRE

1. Rank the following crimes in order of seriousness from one to nine:

- _____ Assault, except aggravated
- _____ Disorderly conduct
- _____ Drunkenness
- _____ Larceny
- _____ Robbery, except purse
- _____ Robbery, purse
- _____ Shoplifting
- _____ Truancy
- _____ Ungovernable

2. Rank the following dispositions in order of severity:

- _____ Counsellled and closed
- _____ Held open
- _____ Obligations imposed
- _____ Transfer of legal custody to Corrections
- _____ Transfer of legal custody to Department of Family Services
- _____ State Mental Health supervision
- _____ Voluntary supervision
- _____ Transfer of guardianship

3. List the primary reasons you might not refer a juvenile on a felony charge to the juvenile court.

4. List the primary reasons you might refer an offender to court on a misdemeanor charge.

APPENDIX B. QUESTIONNAIRE (continued)

5. Which of the following characteristics influence you most and which least in determining a disposition? (Place a letter "M" - most or "L" - least next to each).

- | | |
|--|--------------------------------|
| _____ Age | _____ Socio-economic level |
| _____ Seriousness of crime | _____ Race |
| _____ Attitude toward crime and law | _____ Type of neighborhood |
| _____ Family involvement and stability | _____ Group or individual act |
| _____ Number of previous offenses | _____ School success |
| _____ Recency of previous offense | _____ Agency involvement |
| _____ Prosecutory merit | _____ Potential for recidivism |
| _____ Peer and/or supervisory opinion | |
| _____ Personality of offender | |

6. Rank the goals of the court as you see them to be at present.

- _____ Prevention
- _____ Protection of society
- _____ Rehabilitation
- _____ Accountability
- _____ Legal control
- _____ Social order

7. Check the following conditions which you feel would help achieve any of these goals.

- | | |
|--|---|
| _____ More time for personal counselling | _____ Classification scheme |
| _____ Less paper work | _____ Greater staff in charge |
| _____ Lower case load | _____ Orientation and training programs |
| _____ Objective test information | _____ Fewer hindering legalities |

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