

Juvenile Justice in Context

Anne Rankin Mahoney

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Figures and Tables

Figure 1.1	The Interaction Between Communities and Juvenile Courts	13
Figure 2.1	Context Over Time: Changing Ideologies and the Juvenile Court	18
Figure 8.1	A Graduated Approach to Juvenile Offenders	126
Table 3.1	Percentage of Youths 10–17 Entering Suburban County’s Juvenile Justice System and Housing Values of the Tracts	41
Table 4.1	Case Processing Time by Stage	55

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Table of Contents

1	The Juvenile Justice Network	1
2	Dreams Over Time	17
	Changing Views of Juvenile Justice	
3	A Court in Its Context	33
4	Time-Bound Decisions	49
	The Reality of Court Process	
5	Constraints on Court Autonomy	63
6	Negotiations for Change and Resources	79
	The Placement Alternatives Commission	
7	Diagnosis, Detention, Day Resources	93
	Cost and Survival	
8	Investment in the Future	119
	Appendix A	133
	The Methodological Context	

Appendix B 149

Notes

Bibliography 155

References 157



The Juvenile Justice Network

Dreams and dollars establish the context for juvenile justice in the United States. Dreams tell us what justice for juveniles should be. Dollars pay for it. Both are generated in the community through a political process and channeled into the juvenile court. Both are constantly renegotiated between the community and the court and among agencies that work with the court.

A juvenile justice network, made up of the court and its related agencies, functions within a larger environment that is temporal, spatial, political, and economic. The network has a history, exists within a place, and negotiates with other organizations in the community to establish and maintain its ideologies and resources. The juvenile court's dream is a commitment to an optimistic view of human nature, a belief that behavior can be changed and that good intentions yield good results. As a society, we shaped that dream in 1899 into a special court for children. In 1967 the U.S. Supreme Court brought us to the realization that good intentions are not enough when it held in its

landmark *Gault* decision that children, like adults, are entitled to due process of law.

With the *Gault* decision, the juvenile court, relatively stable since the turn of the century, entered a period of change that is still in progress. *Gault* precipitated revisions of state juvenile codes throughout the country, and Federal attention to delinquency spawned a series of "reforms"—experimental programs that brought new agencies and procedures into the court. Now after two decades of revamping and rethinking, the juvenile court is under attack and has no clear sense of direction. What is it doing? What is it supposed to do? How does it fit into a broader view of children's services and the legal system?

The purpose of this book is to explore the juvenile court's relations with its larger environment through an in-depth description of one court network, called here, "Suburban Court."¹ The book utilizes a social system framework that takes into account action within and between three organizational levels: the court's external environment, agencies within the court, and individual behavior. It is a story of myriad changes, shrinking resources, and shifting ideologies.

When we think about the court we tend to focus primarily on the court itself, on individual cases, on decision makers within it, and on its closely related agencies. Yet what goes on in the courtroom is influenced by a larger environment. An awareness of the contextual dimensions of the juvenile court is essential to an understanding of it and its decisions, and to the development and implementation of a coherent policy of justice for children.

The Juvenile Court as an Open System

Juvenile courts, like criminal courts, do not fit into traditional organizational models, which tend to emphasize authority from the top down, clearly specified organizational goals, and rational decision making. As Sarat (1977:4) notes, trial courts do not possess most of the characteristics that we commonly associate with complex organizations. They have no single structure of internal control or hierarchy and no central control of incentives or rewards (Eisenstein and Jacob, 1977; Mohr, 1976). Furthermore, courts theoretically do not create their own goals, but are dependent on the community for clarification of both goals and priorities. Yet courts *are* organizational, and we cannot understand the way they function or how they can change unless we take into account their peculiar organizational structure.

Two aspects are especially important. First is the court's dependence on its environment for ideologies, authority, clients, and resources (Bortner, 1982:225). This environment includes a variety of local, state, and federal funding units and the politics they represent, as well as child-serving agencies, families, and children.

The second aspect is that the "court" is not a single entity, but a network of related, yet autonomous organizations whose activities all revolve around a courtroom. The courtroom, with its presiding judge, is the symbolic center of the network where decisions are proclaimed and legitimated. Although it is useful to employ the terminology of the open systems model of structure to describe the court (as we will later), it is in fact less tightly connected than the word "system" implies; it is more like the organizational set described by Blau and Scott (1962), Evan (1966), or Weick (1976).

The social systems approach to organizations is useful for describing the implementation of change in organizations because it draws our attention to three levels of activity that form much of the organizations' context and directly and indirectly affect its decisions (Scheirer, 1981). The *macro level* focuses on decision making by legitimated organizational authorities, negotiations with other organizations, the acquisition and utilization of resources, and political, legal, and ideological pressures from the environment. The *intermediate or subunit level* addresses the internal processes of an organization or organizational network—factors such as role expectations of supervisors, standard operating rules and routines, communication flow, and work-group norms. These intermediate-level processes concern day-to-day work patterns that surround the introduction of new programs or policies and thus have an important impact on their success. The third level is the *individual level*, at which individual staff members promote or limit change to the extent that they understand it and are willing to modify their behavior to carry it out.

The open systems model allows us to think about organizations as connected in an interorganizational network (Benson, 1975) and decisions as collective products (Waegel, 1981). It focuses attention on the ways in which organizations strategically adapt to their environments (Aldrich and Pfeffer, 1976:3), engage in political interaction to retain or obtain control of real or symbolic resources (Bacharach and Lawler, 1980), and make internal decisions.²

The open systems model, then, provides a useful metaphor for our discussion of juvenile justice. It directs our attention to a court's dependence on its environment not only for resources, but also for legitimation, purpose, and clientele (Hasenfeld and Cheung, 1985). At the same time, it alerts us to the linkages among numerous small segments of an organization (Weick, 1985)

and to an organization's need to continually renegotiate the conditions of its existence.

Suburban Court is like all courts in its ultimate economic and political dependence on its environment and the importance of its horizontal linkages. Variations in size, location, and organizational structure may influence outcomes of interactions between a court and its community, but the fact of a court's embeddedness in its environment is constant. No court is independent of its context, although we tend to study courts and court decisions as if they were.

By examining Suburban Court during a two-year period, I hope to illustrate the ways in which it and many other courts and their environments interact and to show how resource shifts, political in-fighting, personalities, experimental programs, and a changing political climate can shape a court and its decisions.

Dependence on the Environment

The juvenile justice network is dependent on its environment for ideologies, which give it its authority and clients, and for its resources. *Ideology* is defined here as it is used in recent sociological theories of organizations: It is a manner of thinking characteristic of a group or culture, a taken-for-granted normative system that can lend legitimacy to organizations and assert connections between an organization's assigned tasks and its chosen procedures (Benson, 1975:237; Meyer and Rowan, 1977).

Ideologies

Since its inception, the ideology of the juvenile court has developed as beliefs about children, offenders, and the legal system have shifted nationally and in local communities. The beliefs include assumptions about who children are, their relative importance, their needs, their appropriate behavior, and who is responsible for them. Beliefs about offenders include how they are defined, their relative importance, and how they should be treated. Beliefs about the legal system touch on issues of how justice is achieved and to whom it applies.

Changing Ideologies The juvenile court came into being in an era of strong reformist impulses. Over the years, however, federal, state, and local legislation has shifted its direction. The original paternalistic stance toward children that led to the development of informal hearings in 1899 has given way to a commitment to due process that has resulted in mini-criminal courts for chil-

dren. (Carey and McAnany, 1984:42; Fox, 1970; Hahn, 1984:168; Lemert, 1970). As a result of U.S. Supreme Court decisions in the 1960s and 1970s, most states have revised their statutes regarding children and delinquency to make courts more legalistic and their jurisdiction more specific (Levin and Sarri, 1974).

Ambivalence about Ideologies Juvenile courts are assigned the difficult task of officially responding to youths who are alleged to be problems. Because most communities are ambivalent about how delinquents should be handled, they send the courts conflicting messages.

Society's message concerning its desire to act in the best interest of the child may be mediated by other messages about law and order, community safety, and cost efficiency. In principle, what is good for the child *should* be good for society. In practice and over the short term, however, this may not be obvious to all citizens and policy makers. For example, services for children, especially delinquents, are costly, and in a world of finite resources, dollars spent on juvenile justice are dollars taken away from other needy—and perhaps more “deserving”—groups. Also, delinquents who are “given another chance” or are released on legal technicalities may leave the court with an increased respect for due process, or they may commit a more serious crime. An ongoing tension remains between the best interests of the child and the best interests of the community. Although this is in part what brought a specialized juvenile court into existence in the first place, the court continually receives conflicting messages.

Related to the issue of the best interest of the child is another dichotomy: that of the two social statuses of child and offender. The child is viewed traditionally as needing protection and nurturing. The offender is seen as deserving punishment. Although this may oversimplify the highly complex relationship among courts, communities, and juveniles who come before the court, such ambivalence is very much a part of the response pattern and reflects the ambivalence that many adults in our society feel toward adolescents. How much of the community response toward juvenile offenders is prompted by the youth's objective behavior and how much is motivated by a subjective feeling of threat that adolescents pose to adults and to adult psychological, organizational, and economic interests?

As a political economy, the court needs authority, sometimes called a domain, which is the right and responsibility to carry out certain kinds of programs (Benson, 1975: 229–232). Clients are part of a court's domain. Community ideology sets the guidelines for determining who enters the court system, and provides gatekeepers, like police officers and child-care workers,

to determine who becomes a client. The court, as part of its domain, retains the right to reject certain kinds of clients, but beyond that can modify its population only by influencing the practices of its gatekeepers or by getting legislatures to change the laws.

Resources

We tend to think of courts as autonomous, but actually they operate under major constraints, especially since they do not generate income of their own and must rely on community resources. Many juvenile courts are part of state court systems where they almost invariably have low status. Indeed, the entire court system in some states is considered low status compared to other governmental units. Courts compete for resources and power like other organizations and often are at a disadvantage in the competition. In recent years, resources have flowed from all three levels of government: federal, state, and local. The community provides a variety of resources to the court, including money, facilities, time, and personnel. In the context of the juvenile court, this includes everything provided for children who enter the larger court network, from juvenile police units through diversion programs, court operations, and juvenile correctional facilities.

Resources can be expanded either by increasing them or by utilizing existing ones more effectively. Court delays may be reduced, for example, by adding judges or by making better use of a judge's time. The actual resource level is as important as the perceived level. Community A, with expanding resources, may view a given level of support positively because it is an increase over earlier levels. Community B, on the other hand, may view a similar level negatively because it represents either a decreased or static level in the face of growing needs.

Resources vs. Ideologies Ideologies and resources interact with society, one another, and the court itself to create a context within which a specific juvenile court operates and makes decisions about individual youths. The community has both dreams and dollars. Its dreams are goals born of its beliefs about children and community responsibility for them, about the potential that social institutions have to change lives, and about the importance of due process of law. Some dreams conflict, not surprisingly, since they emerge from the competing interests and alliances that make up American society.

Legislation, in theory but not always in practice, provides guidance about what the juvenile court is supposed to do, but community resource allocations often give other messages about the real priorities. (Programs are sometimes

mandated, for example, without funds being allocated.) The court is expected to protect the child and the community and to act on adolescent offenders without forsaking the best interest of the individual child—all within a limited budget. The real price of services is frequently hard to track, given the intricacies of federal, state, and local cost-sharing arrangements. As a result, court workers who are concerned about resource constraints may have little solid information about actual costs or where reductions might be made to least compromise court goals. When priorities are unclear, it is hard to use existing resources well. They tend to be wasted in nonproductive ways—excessive paperwork, meetings that go nowhere concerning issues that no one can do anything about, hearings that can't be held because someone or something is missing, agencies that have no real function. It is hard to make decisions without clear priorities about how to use resources.

Shrinking Resources Funds for human services, including those for children, suffered cutbacks in the early 1980s. As resources diminish or are reallocated in response to changing definitions of societal needs, courts and children's services compete for limited resources and have to make a strong case for why they need them. These sharp resource reductions may be reversed somewhat, but they probably haringer a new reality for the financing of all human services. As Lawson and Gletne (1982:45) warn, limitation of resources for courts is a virtual certainty, and it stems not only from a particular set of political actions, but also from a larger understanding that money, like natural resources, is not without limit.

The traditional juvenile court movement, emphasizing the best interest of the child as its first priority, made the implicit assumption that whatever money was necessary should be available for court services. Advocates of the juvenile court movement have argued that if the movement has failed, it is because it was never given adequate resources (Krisberg and Austin, 1978:568; White House Conference on Child Health and Protection, 1932). Yet services for juveniles proliferated in the 1960s and 1970s (Galvin and Polk, 1983:325), while solutions to the delinquency problem, at either an individual or societal level, seemed no closer. The "more money, more services" approach did not solve the juvenile delinquency problem.

It is unclear whether the court's continuing failure to meet early expectations results from lack of resources or their inappropriate use, lack of knowledge or just mistaken premises about what is possible. What is clear, however, is that resources for the court in the future are going to be less plentiful than they have been in the recent past, in part because advocates of the "more, more, more" approach did not make a good case for it when resources were

at their peak. Particularly in the next decade, with age distribution tipping toward the over 65 group and the proportion of the population under 18 dropping, children's services in general may be seen by policy makers as a lower priority.³ A juvenile justice system built on a model of spiraling needs and costs, as the present system seems to have been, may have difficult times ahead. Negotiations between the court network and the community may become increasingly fierce as the court endeavors to continue to expand, or at least *maintain* its level of community support.

Time as a Resource Time is a resource of particular importance for the juvenile court, since its jurisdiction is, by nature, limited to a narrow band in an individual's life (roughly from age 10 to 17). Time can be bought with other resources, like additional judges, increased staff, and more courtrooms, or it can be extended, within limits, by more efficient use. As a court's environment changes, its need and use of time shifts. Theoretically, changes can result in a need for less time, but more often courts experience expanding demands on their time in conjunction with constant or declining resources.

A substantial body of literature has been developed on case processing time (e.g., Church, et al. 1978a; Mahoney, Sipes, and Ito 1985), but until recently there has been limited attention to time use in juvenile courts. At present groups such as the Institute of Judicial Administration and American Bar Association (IJA-ABA) Juvenile Justice Standards Committee (1980a), the National Conference of State Trial Judges (1984), and the Conference of State Court Administrators (1983), along with some state legislatures (e.g., Florida in its 1981 revision of its Rule of Juvenile Procedure) are developing time standards and speedy trial rules for juveniles. These standards put further resource pressure on juvenile courts that want to operate within recommended time frames but cannot without increasing personnel or making better use of available time.

The Problem of Change Overload

The juvenile justice system's dependence on the larger community leaves it vulnerable to changes within that community, as well as within its own domain. Change may come from external events, such as new legislation and revised funding levels, or from internal factors, like personnel turnover or agency restructuring.

Organizations and individuals cope with potential and actual changes in a variety of ways. Initially they may try to influence the direction of change to

make it as compatible as possible with their original objectives. This may be difficult, however, if they cannot agree on goals and priorities. Once a change is mandated for the court, participants may accept it or try to neutralize its impact through narrow interpretation or informal redefinition. Some participants may even try to turn changes, or the resultant confusion, to their own organizational advantage.

Change is a constant in many juvenile courts as legislators and policy makers continually tinker with codes and treatment programs while new agencies and the shuffling of agency responsibilities keep organizational relationships continually in flux. One reason change continues in this fashion is that the court's role remains undefined. It should operate within a network of services for children, but because we are unsure about how we want to treat young people and what priority to place on their needs, we don't give the court clear signals. Without such a consensus the court is vulnerable to the community's current attitudes about children. New programs rise and fall; resources are prey to fads of theory and policy. Rapid change can put a heavy burden of continual adaptation on a court. The overload it produces is akin to the overload Walker (1981) describes in intergovernmental relations. The more the environment is in flux, the more problematic it becomes for the court system and the more concerned court agencies may be about finalizing agreements with the community regarding their objectives and procedures.

Reforms, if they are to produce any significant impact on a system, must disrupt the system's balance sufficiently to induce participants to engage in new behavior. A reform, as used here, refers to a statement of a policy preference that contradicts operations and priorities reflected in current practice (Nimmer, 1978:175). As a result, it generates disagreement as well as readjustment within the system. The disagreement may become especially acute when a reform is mandated without allocation of sufficient funds, necessitating shifts in priorities and resource use.

Internal change at the intermediate level has accelerated in the court as the number of agencies involved in its work proliferate. New interest groups, agencies, and individuals, all with particular ideologies and economic interests, move in and out of the juvenile justice system. The introduction of defense attorneys into juvenile courts, for example, upset their internal balance as lawyers trained in the adversarial techniques of trial practice tried to establish their role in a court lacking opposing counsel. Judges consequently found themselves pushed into the role of state's attorney and soon jurisdictions were rewriting their codes to include state's attorneys or prosecutors.

In many jurisdictions the juvenile court is one of several courts through which newly hired prosecutors and public defenders rotate. New attorneys