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An Attitudinal Survey of Forty-Four Juvenile Court Counselors Regarding Due Process Standards in Juvenile Cases

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In late 19th century America, new schools of criminological thinking asserted that crime had its origins in a complex blend of environmental and social factors rather than in the moral deficiencies of the offender. Partly as a result of this new attitude the handling of offenses by juveniles became differentiated from adult cases, first through the construction of separate penal institutions and, beginning in 1899, through the establishment of courts specializing in juvenile cases.

Later, under the influence of emerging social work and psychological doctrines, the juvenile court and its affiliated departments (such as probation) came to be viewed as a social welfare team which would treat the physical, emotional and environmental problems which

were felt to be the underlying causes of delinquency. As an alleged aid to this treatment process, juvenile court procedures were deliberately altered from those used in adult cases. Concern for the legal rights of groups who had been denied due process of law led to demands for a more legalistic emphasis in the juvenile court in the 1950's and 1960's.

This study was undertaken to examine the attitudes of juvenile probation officers toward the Supreme Court's Kent, Gault and Winship decisions which made a number of due process procedures mandatory in juvenile cases. Hypotheses were examined which asserted that (1) juvenile probation officers have a generally negative attitude toward due process, (2) probation officers with backgrounds in social work have more negative attitudes toward due process than do their colleagues with other types of backgrounds, and (3) within juvenile probation departments supervisors have more positive attitudes toward due process than do their subordinates.

The data were obtained by a questionnaire submitted to a number of juvenile probation officers who work in a county probation department located in a metropolitan area of a western state. The questionnaire was submitted to a total of 70 probation officers and supervisors. Completed questionnaires were received from 44 probation officers and supervisors (26 males and 18 females). Twenty-eight of the respondents had social work training or experience, while the others had training in other educational fields. Nine respondents were in supervisory positions.

The research instrument was a self-administered, two-part questionnaire. The first part of the self-administered questionnaire

consisted of background information. The second part of the questionnaire contained 26 questions dealing with due process standards. The respondents had a choice of five response categories for each question; these categories reflected the degree of favorableness toward due process. Each question was weighted to enable the compilation of scores.

Analysis of the data showed that the probation officers had a somewhat negative attitude toward due process standards which have been imposed on juvenile cases in the last few years. In addition, social work background was found to be a generally insignificant factor in determining the attitudes of respondents toward due process.

The subjects were generally agreeable to provisions of the Winship decision regarding standards of evidence in juvenile cases. In addition, the probation officers appear to have accepted the right of lawyers to appear in juvenile court as decreed by the Gault decision.

The respondents were generally in favor of the juvenile court concentrating its efforts on serious cases of delinquency and diverting so-called "problem" children to outside agencies. The subjects also were in favor of having considerable discretion to recommend probation revocations. Social work training was not found to make a significant difference in general attitudes toward due process. In addition, supervisors demonstrated more favorable attitudes toward due process than did the non-supervisors.

AN ATTITUDINAL SURVEY OF FORTY-FOUR JUVENILE COURT COUNSELORS REGARDING DUE PROCESS STANDARDS IN JUVENILE CASES

by

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j.r.f.

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CHAPTER I

INTRODUCTION AND REVIEW OF LITERATURE

I. INTRODUCTION

The problems of crime and delinquency in 19th century America were viewed legally and philosophically in rather narrow terms. The responsibility for infractions of society's rules rested not with environmental and social factors but with weaknesses in the offender's moral character or heredity or in his preoccupation with hedonistic pursuits. Accordingly, the judical reaction to the misbehavior of adults and young people focused on punishment as a means of eliminating the offender's undesirable traits.

In the latter part of the 19th century an increased awareness of social problems developed among some scholars and laymen. Attention was given to new ways of solving social problems which did not always coincide with traditional practices. One area which was open to innovation was the viewpoint that juvenile offenders should be treated as junior versions of adult criminals. An early result of this changing attitude was a differential handling of delinquent youngsters. Separate penal institutions for juveniles began to appear after the Civil War in order to separate young offenders from their adult counterparts. In 1899, the first court for the exclusive handling of juvenile cases was established in Cook County, Illinois.

The original Cook County juvenile court and those which soon followed it in various parts of the country were initially concerned

with the handling of delinquency cases in a relatively punitive manner. Later, under the influence of social workers and psychological doctrines, considerable emphasis was placed on understanding the personal and social factors involved in delinquency. The court and its affiliated departments (such as probation) came to be viewed as a social welfare team which would work with the "whole" child and treat his behavioral difficulties in much the same manner as a physician would treat a physical ailment. (1)

This idealistic and well intentioned treatment philosophy was frequently used as a justification for "informal" juvenile court and probationary proceedings in which the Constitutional rights granted adults were not deemed applicable to juvenile cases. For many years juvenile defendants were denied the right to counsel, the right to protection against self-incrimination and the right to confront and cross-examine witnesses. In addition, juvenile court judges in all states were allowed to make a determination of delinquency using only a loosely defined concept of "a preponderance of evidence" instead of proof being established "beyond a reasonable doubt" which is the standard in adult cases. Juvenile probation officers also were allowed broad powers to set probation standards and rules and to recommend probation revocations.

Until relatively recently legal challenges to the lack of juvenile due process were rejected by courts on grounds that young offenders were not formally charged with crimes and were under the jurisdiction of authorities who were concerned with the children's welfare. (2) As recently as 1955 the Supreme Court's in re Holmes decision declared that juvenile courts were not criminal courts and were not subject to the procedural rules used in adult tribunals. (3) This line of

argument was overturned by the Supreme Court in the Kent and Gault decisions of 1966 and 1967 and the Winship decision of 1970. The Kent decision declared that juveniles were entitled to a hearing, legal counsel and other procedural rights before their cases could be remanded to adult criminal courts. (4) The Gault decision made due process involving the right to counsel, protection against self-incrimination and the right to cross-examine witnesses applicable to juvenile hearings in general. (5) The Winship decision asserted that evidence in juvenile cases involving violations of criminal codes had to meet the same standards applied to adult cases, namely, proof "beyond a reasonable doubt". (6)

This new judicial imposition of due process in juvenile court proceedings required that juvenile probation officers and other court functionaries perform their duties in ways which were potentially in conflict with their professional training and role conceptions. A considerable number of juvenile probation officers have had social work training or work experience which oriented them toward traditional forms of casework in social welfare agency settings. Such training emphasized the discovery and treatment of personality defects behind socially disapproved behavior within the context of a public agency where individuals voluntarily seek solutions to personal problems. For example, a study by Ohlin, Piven and Pappenfort (7) indicated that probation and parole officers schooled in social work anticipated "treating" and "helping" their clients in traditional casework fashion and sometimes were ill prepared to make punitive decisions or to cope with situations in which subjects resisted the "treatment" being imposed upon them.

Influenced by the treatment philosophy of traditional casework methods, juvenile probation officers in the past have been allowed, and have come to expect, a considerable amount of personal discretion in the manner in which they deal with young offenders. This discretion was manifested in the presentation of evidence by juvenile probation officers during adjudicatory hearings and in the officers' dispositional recommendations reported to judges. Without the restraints of evidential standards and challenges by defense counsel, probation officers were able to submit testimony and reports which were highly subjective in nature and sometimes based upon unverified assertions, gossip or hearsay.

The presence of lawyers and requirement of rules of evidence in juvenile hearings has been resisted by some probation officers perhaps on the grounds that lawyers would thwart the benevolent aims of the court and probation systems by using "legal technicalities" to free youngsters in need of treatment and rehabilitation. In addition, the probation officers may have feared that scrutiny of evidence would cause the loss of confidential sources of information concerning the background and alleged offenses of a youngster and would generate hostility on the part of a juvenile toward a probation officer who was trying to help him. This apprehensiveness may have been inspired in part by the social work training of many juvenile probation officers. (8, 9, 10) Social casework training tends to prepare a person for employment in settings in which the benevolent intentions and expertise of the caseworker are assumed. According to legal scholar Fred Cohen:

> ...spokesmen for the correctional process often emphasize the conclusion (e.g., a 'bad risk', 'immature', 'unfit to remain at large') and the

> good faith or expertise of the person making a decision. . . . The considerable emphasis, then, that correctional decision makers place on efficiency, effectiveness and their expertise and conclusions creates a tension with due process norms. /Emphasis in the original/ (11)

However, all probation officers may not be equally hostile to due process rulings. Those officers who have backgrounds in fields such as sociology or those who have no specific training in corrections or welfare might view procedural safeguards for juveniles more positively than their colleagues who have been trained as social workers. The training of the sociologist-probation officer more than likely stressed the environmental and situational factors underlying human behavior and placed less emphasis on the discovery and treatment of personality defects behind socially disapproved actions. These probation officers may tend to feel that some young offenders will end law-breaking activities on their own as they grow older without being handled or treated by the juvenile court.

In essence, the probation officers without social work training probably view the restrictions of due process requirements as less of a hinderance to the performance of their duties than do their colleagues with social work training. Probation officers without social work training most likely would be contented with a custodial role over probationers while probation officers with social work training might feel that due process standards interfere with a perceived role emphasising the treatment of personality and psychological problems that manifested themselves in delinquent behavior.

The study reported here is an inquiry into the attitudes of juvenile probation officers toward due process at a point in time when the effects

of the Supreme Courts rulings have had sufficient time to influence the operating procedures of most juvenile probation departments. The study covers aspects of due process involving the juvenile court's authority, the participation of lawyers in juvenile cases and the activities of juvenile probation officers.

II. REVIEW OF LITERATURE

Development of Probation and the Juvenile Court Movement

Early attitudes toward crime and punishment in the Western world bore little resemblance to the modern conception of corrections as a means of rehabilitating an offender into a useful citizen who could function within a community. Instead, those who engaged in crime were judged in the context of traditional Christian Morality which regarded sinners as being dominated by evil influences which had to be removed through the punishment and suffering of the offender. (12)

The first major step toward a philosophy of correction as opposed to mere punishment emerged in the so-called Classical school of criminology which developed under the influence of the Italian Cesare Beccaria (1738-1794) and the Englishman Jeremy Bentham (1754-1832), both of whom were concerned about the painful, cruel punishments inflicted on criminals and the unchecked power of judges who arbitrarily imposed such penalties. (13) According to David Dressler, (14) the Classical school had considerable influence on criminal law and judicial practice by encouraging the mitigation of severe punishments and the development of fair procedural practices which are now referred to as due process.

A further change in thinking about the nature of crime and punish-

ment developed in the Positive school of criminology associated with the work of an Italian doctor, Cesare Lombroso (1835-1909). Lombroso who has been the subject of a considerable amount of ridicule, is most popularly known for his belief that combinations of certain physiological traits such as an irregularly formed skull, flattened nose or a low sensitivity to pain were indicative of a type of person predisposed to acts of crime. (15) Even though his methodology was faulty, Lombroso has an important place in the history of corrections due to his assertion that crime was the result of a multitude of factors, environmental and social as well as biological. (16)

The work of Lombroso and the Positivist school of criminology he inspired was most likely an important philosophical underpinning for the concept of probation. When it became apparent that many factors entered into criminal causation instead of just the traditional moralistic explanations, the way was opened for a different approach toward offenders which involved rehabilitation rather than mere punishment.

The Positivist school of criminological theory developed in the nineteenth century within the context of a rapidly growing awareness of social problems and a desire to apply scientific methods to the solution of those problems. This Humanitarian Movement, as Dressler has termed the phenomenon, manifested itself in the United States and England in anti-slavery movements and in organized efforts to obtain humane treatment for criminals and the mentally ill. (17)

Probation was one aspect of the effort to mitigate the harsh treatment of criminals. It developed in a rudimentary form in Massachusetts in 1830 with the adoption of the English common law practice of

releasing criminals on their own recognizance after the posting of a "good behavior" bond. (18) The antecedent of modern probation can be traced to the individual efforts of a cobbler named John Augustus who, in 1841, attended a Boston police court and decided to stand bail for a man charged with public drunkenness. After a 'probationary' period of three weeks the defendant reappeared in court, manifested signs of self-improvement and was given a token fine of one cent plus court costs. (19)

Augustus was pleased by the results of this initial effort and from that time until his death in 1859 he stood bail for over 2,000 offenders and tried to supervise their conduct prior to their court appearance. (20) The work of Augustus was continued after his death by Rufus R. Cook of the Boston Children's Aid Society and others who served on a voluntary basis and loosely supervised and reported to courts on the conduct of adults and juveniles convicted of various crimes. (21)

Probation was not destined to remain in such an elementary state for long. Probation workers, like a number of other nineteenth century crusaders for human welfare, found that the effective limits of an all voluntary, unstructured effort were quickly reached. According to Oscar Handlin:

> As urbanization and industrialization intensified problems of social control and economic deprivation ....complaints about the inadequacy of voluntary philanthropic efforts became increasingly vocal. The magnitude of the task seemed to call for more efficient organization, more highly developed technical skills, and greater monetary support than agencies controlled by volunteers could command. (22)

In Massachusetts probation became institutionalized by the state legislature in 1878 when the position of paid probation officer for the

city of Boston was created. (23) However, in most communities and states the institutionalization of probation was generally related to the growth of the juvenile court movement, (24) and the efforts of an emerging group of professional social workers to take over the duties of volunteer philanthropists in most areas of humanitarian work. (25) Early professional social workers tended to feel that the administration of treatment programs should not be left in the hands of untrained laymen. The benevolent volunteer type of probation officer, therefore, began to lose favor.

The first juvenile court was established in Cook County, Illinois in 1899. From that point on, probation was considered to be such an important tool in treatment and rehabilitation that it was generally introduced as an integral part of the juvenile court movement. As a result probation officers (mostly with social work training) became full-time specialists. In the early twentieth century probation developed as follows:

> Thirty of the forty-eight states first introduced probation in juvenile court laws; eleven states first introduced probation in the form of general or adult probation in the criminal courts; four states and the District of Columbia first introduced probation as a criminal court measure limited to juveniles; and the remaining three states simultaneously introduced adult probation and juvenile courts (with provision for juvenile probation). (26)

Conflicting Orientations Toward Delinquency Leading to Reform of the Juvenile Court

Because of their close association with the juvenile courts, probation officers with treatment and rehabilitation orientations came in contact with lawyers, scholars and other persons whose overall

objectives for aiding delinquents were similar but whose theoretical orientations and methods were inclined toward an adherence to due process of law. These two different orientations can be categorized as Psycho-Social and Legalistic.

The Psycho-Social orientation toward the handling of delinquents can be traced to the Positive view that crime stemmed from a number of social, psychological and environmental factors which could be discovered and altered by scientific means. This type of thinking plus a newly acquired acceptance of psychological and sociological orientations led early proponents of the juvenile court to believe that the causes and conditions of adult crime would first manifest themselves in delinquency. It was believed that a benevolent juvenile court could determine such factors and then "treat" the child instead of punishing him. According to H. Warren Dunham:

> This attitude supposedly opened the door for 'scientific justice' where the child before the juvenile judge would be studied in a total fashion --biological, psychological and sociological.... (27)

The attempt to treat the "whole" child led the juvenile court into arrangements with a number of public and private child welfare groups who were sometimes sharply divided over whether a child's environment or psyche was the starting point for treatment. The emphasis on alleviating environmental factors in delinquency began to give way in the 1920's to the influence of Freudian psychiatric theories. Virginia Robinson, one of the most outspoken of the psychiatric case workers contended in 1924:

> ...that all social case work, in so far as it is thorough and in so far as it is good case work, is mental hygiene. Case work not founded on

> the point of view of personality and adjustment for which mental hygiene contends is simply poor case work, superficial in diagnosis and blind in treatment. (28)

Despite their different emphasis, child welfare organizations like the Judge Baker Foundation and the Commonwealth Fund worked closely with the early juvenile court and helped it to take on the image of a social rather than a punitive agency. (29) As noted earlier, juvenile probation became an important factor in the treatment processes used in the juvenile court. According to the United Nations:

> The essential principles of the juvenile court are (a) the acceptance of protection and guidance, instead of punishment, as the objectives of the treatment of juvenile offenders, and (b) the adoption of a flexible, individually adjusted plan of treatment for each offender. As a method of treatment, probation is one of the indispensable instruments of the juvenile court....(30)

In order for the psycho-social goals of treatment and prevention to be accomplished, state legislatures granted broad powers to juvenile courts as these tribunals were created. Under the so-called "omnibus" provisions found in the laws of most states, juvenile courts were given authority not only over behavior recognized as criminal for adults (such as robbery, assault, murder, etc.) but also over types of behavior which do not have counterparts in the adult penal code. Vague, subjectively defined terms like "waywardness", "lewd-behavior" and "ungovernability" were used to describe non-criminal types of youthful conduct which were believed to be predicative of adult criminality and subject to the juvenile court's jurisdiction. [1]

[1] Examples of these "omnibus" provisions can be found in Oregon Revised Statutes 419.476 and in Sections 600-602 of the California Welfare and Institutions Code.

Juvenile probation officers were also given considerable discretion to impose conditions of probation on youngsters which exceeded juvenile court demands and infringed on areas traditionally reserved for individual choice. For example, juvenile probation officers could order regular church attendance as a condition of probation or restrict hair and dress styles of their clients. Revocation of probation was left to the discretion of the juvenile probation officer and no explanation or hearing was deemed necessary since probation was considered a form of conditional freedom. (31)

Legal justification for these broad powers was found in the revival of an old English Common Law doctrine known as parens patriae. The concept originated in feudal times when courts would act to prevent the royal treasury from losing tax revenue by taking over the duties of guardians who had mismanaged the estates of minors. (32) In 1722 an English court extended the parens patriae concept so that all minors in need of help were legally placed under the paternal protection of the king. (33)

Parens patriae was applied in the United States as part of the emerging Psycho-Social orientation toward juvenile delinquents. The roles of the juvenile court judge and probation officer were to be those of kind but firm substitute parents who would listen to a child, try to determine the nature of his problems and have access to character information in order to determine the best treatment program aimed at preventing future delinquency.

In order to determine the child's "character" the juvenile court hearing was to be held in as informal a manner as possible with none of the contentiousness which characterized the traditional adversary

methods of adult criminal courts. Accordingly, the usual rules of evidence were discarded in the juvenile court hearing and information was introduced about a youngster's conduct which would be dismissed as hearsay or gossip if presented in an adult court. Similarly, juveniles were not allowed the right of protection against self-incrimination because confession was viewed as a first step toward rehabilitation. Lawyers usually were not permitted to represent youngsters because their presence was deemed a hinderance to the treatment orientation of the court. It was reasoned that if lawyers were able to have juveniles set free on "technicalities" the rehabilitative intentions of the court would be subverted.

It also was believed that whatever disposition was made in a case was for the good of the child. Therefore, most states did not allow appeals in juvenile cases or provide for the keeping of transcripts. This meant that a youngster could be irrevocably sentenced to a reform school until his twenty-first birthday for a subjectively defined offense like "waywardness" or for a petty crime which would net him only token punishment as an adult.

Concern with the legal rights of juveniles came about as part of a general interest in procedural law which developed after World War II.[2]

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[2]A detailed look at the development of interest in procedural law is beyond the scope of this study. However, legal scholar Fred Cohen has placed concern with juvenile rights in a broad context of legal challenges by welfare recipients, students, mental patients and other disadvantaged groups against arbitrary and unjust practices of public officials and institutions. (See Fred Cohen, The Legal Challenge to Corrections: Implications for Manpower and Training, Washington, D.C., Joint Commission on Correctional Manpower and Training, 1968, pp. 2-11) This procedural rights' effort was undoubtedly aided by the appointment to the Supreme Court during the 1940's and 1950's of justices whose later decisions displayed concern over the laxity of due process procedures on the state level.

Legal scholars such as Roscoe Pound stressed in their writings the need for investigation into the "law of the books". (34) The procedural rights of adults were reaffirmed in a series of important Supreme Court decisions in the 1960's. Rulings in the cases of Mapp, Gideon, Escobedo, Miranda and others succeeded in (1) tightening the rules of evidence gathering, (2) providing free lawyers for all indigents accused of felonies, (3) providing the advice of counsel during interrogation, and (4) requiring policemen to inform all suspects of their rights and their option to remain silent. (35)

During the 1940's a few appellate court decisions in Texas and Nebraska gave recognition to the idea that juveniles were entitled to constitutional safeguards. In the 1950's additional decisions in New Hampshire and the District of Columbia enhanced the movement toward due process for juveniles. (36) Simultaneously, law journals frequently began to print articles which were critical of the procedural practices found in juvenile courts. (37) However, the practices of the court were largely unaffected during this period.

In 1960 a significant change in California juvenile court practices was brought about when the legislature passed an act establishing due process standards in juvenile cases. The events preceeding passage of the law typify the way in which a Legalistic orientation toward the handling of juvenile offenders began to successfully challenge the Psycho-Social methods discussed above.

Concern for the rights of juveniles in California emerged in the mid-1950's among a few juvenile court judges and probation officers. But most of the concern came from lawyers who had been frustrated and thwarted in their attempts to help young clients who had been

detained by juvenile authorities. (38) The desire for procedural change manifested itself in late 1957 with the appointment by Governor Goodwin Knight of a special Juvenile Justice Commission consisting of an attorney, a professor of criminal law, a teaching criminologist and the president of the California Parent-Teachers Association. (39) Notably absent from the Commission were any juvenile court or corrections representatives.

The Commission made recommendations for procedural reform which were passed by the 1960 California Legislature over the objections of juvenile probation officers and juvenile court judges. Both groups saw the introduction of due process in juvenile proceedings as a direct attack on the traditional doctrine of benevolent treatment under which the court had operated. (40) In addition, the juvenile probation officers felt that their reputation had been damaged by criticisms which had been levelled at probation practices and that they had been denied participation in formulating changes which had been imposed from outside the field of probation. (41)

Behind the overall challenge to procedural methods in juvenile cases were changes in public attitudes which had undermined the 19th century thinking upon which juvenile court and probation practices were based. A severe blow to the juvenile court's philosophy was growing skepticism among some lawyers, legal scholars and social scientists that conditions leading to adult criminality could be detected and amended in childhood. (42) Critics also pointed out that communities were in need of change more than delinquents. According to Sanford Fox:

> The role of juvenile crime as a predictor was

> weakened by the growing belief that society, as well as the child, was at fault; the more each act of criminal behavior symbolized the failures of the community, the less sense it made to be preoccupied with crime as an incipient failure of character. (43)

The objections to imposed procedural reforms which had been voiced by California judges and juvenile probation officers were heard nationally a few years later when the efforts of lawyers and legal scholars to impose due process on the juvenile court were acknowledged in three historical Supreme Court decisions. The first case, in 1966, Kent vs. United States, established that before a juvenile could be remanded to the jurisdiction of an adult court, he was entitled to a hearing, the advice of counsel and other procedural guarantees. (44)

A year later, the In re Gault decision extended to juveniles the right to counsel, advance notice of charges against them, the right to protection against self-incrimination and the right to confront and cross-examine witnesses. In 1970 the Supreme Court declared in In re Winship that evidence used to determine an adjudication of delinquency must meet the same standards of proof used to determine guilt in an adult court; that is, delinquent behavior must be proved beyond a reasonable doubt and cannot be determined merely upon a preponderance of evidence, a standard which all states permitted their juvenile court judges to use. However, a 1971 Supreme Court decision, In re Burrus perhaps marked the temporary limit of the extension of due process procedures to juveniles. The court declared in the Burrus decision that youngsters were not entitled to jury trials in cases under juvenile court jurisdiction. (45)

Effect of Procedural Reform on Juvenile Court Practices

The degree to which procedural reforms have been implemented in juvenile court practices has not been extensively investigated. Two studies which have been made of juvenile courts indicated that compliance with provisions of the Gault decision has been imperfect. At the same time there appears to have been a substantive trend in some instances toward protection of the due process rights of juveniles.

A study by Lefstein, Stapleton and Teitelbaum (46) of juvenile courts in three cities code named Zenith, Metro and Gotham found that full compliance with the Gault provisions was an exception rather than the rule. For instance, observers present at adjudicatory hearings reported that judges frequently failed to advise youngsters of their right to remain silent or to have the assistance of counsel. When such advice was given, it frequently was done too hastily to allow a youngster the opportunity to reply (47) or was given in a negative fashion which may have discouraged the juvenile from exercising his rights. (48)

In a study by Reasons, (49) 3,225 juvenile cases on file in the Franklin County (Columbus, Ohio) Court of Domestic Relations were divided into Before-Gault and After-Gault categories. Few procedural changes were noted between the two periods but a number of other effects were found. For example, the number of cases in which juveniles were represented by counsel increased during the After-Gault period. In addition, there was a decline during this same period in the number of cases reaching the adjudicatory stage. An increase also was noted in the number of case dismissals and in the

use of fines or probation instead of incarceration. The findings were interpreted as being indicative of a normative shift toward legalism on the part of juvenile court personnel. (50)

Effect of Procedural Reform on Juvenile Probation Officers

The professional training and role conception of the juvenile probation officer has placed considerable emphasis on the validity and expertise of the probation officer's subjective decision making abilities. (51) Reliance on a juvenile probation officer's evaluative capacities may be functional in a traditional social agency setting but might prove to be a source of conflict and tension in a juvenile court setting especially since more stringent due process procedures have been imposed in recent years.

This tension is likely to be manifested in the relationships between juvenile probation officers and lawyers because lawyers are likely to challenge or infringe upon areas the probation officer has traditionally thought of as his own bailiwick. A study by Brennan and Khinduka (52) of midwestern lawyers and social workers indicated that the two groups were, in effect, competing against one another for certain duties in the handling of juvenile cases. For example, both lawyers and social workers felt that informing a juvenile of his procedural rights, investigating and substantiating allegations and explaining to a juvenile the reasons for a court hearing were responsibilities of their own fields. (53)

Another study by Brennan and Ware (54) queried a group of 32 juvenile probation officers about their perception of a lawyer's role in juvenile court cases. The officers were surveyed after having

attended a week-long institute dealing with procedural changes in the juvenile court. The officers were undecided as to whether the presence of lawyers would interfere with the therapeutic goals of the court, but they were generally favorable toward a role for the lawyer which would enhance the rehabilitation program of a delinquent. (55) In addition, the probation officers felt that possible obstacles in their relationship with lawyers stemmed from differences in professional education and terminology. Increased legal training and enhanced status levels for juvenile probation officers were seen as ways to overcome difficulties in dealing with lawyers. (56)

The right of juveniles to have counsel in adjudicatory hearings has implications for the role of the juvenile probation officer. In many juvenile courts, the officer is already faced with the paradoxical task of presenting damaging evidence against a youngster (the equivalent of being a prosecutor in an adult court) and then having to develop some sort of friendly rapport with his client during the probationary period which may follow. Some juvenile probation officers might feel that having their information subjected to evidential standards and challenged by an attorney would further cast them into the role of an adversary in the eyes of a youngster, thus making the probationary relationship even harder to establish.

The procedural standards established by the Supreme Court may result in lawyers seeking access to the juvenile probation officer's confidential dispositional recommendations to the juvenile court judge. These reports have frequently contained opinions, hearsay and unsubstantiated information supplied by persons acquainted with

the juvenile.

Fred Cohen (57) contended that probation officers traditionally have resisted divulging dispositional recommendations on the grounds that confidential sources of information about the juvenile would be lost, that the offender would be hostile to the officer and the informant, and that no Constitutional right existed entitling the offender or his lawyer to see such information. The door to due process in juvenile cases was opened by Kent, Gault and Winship and such traditional defenses of privilege may not withstand future interpretations.

Changes imposed by outside sources are transforming the field of juvenile probation from a strictly social case work orientation to one in which the legal rights of juveniles must be taken into account. Probation officers, particularly those with social work backgrounds, still may be reacting to these changes with their old orientations intact.

The fact that probation officers do not readily accept duties they consider to be outside the realm of treatment was revealed in a study by Brennan and Khinduka. (58) They tested the hypothesis that a person's conception of his ideal role is partly a function of "the sources of his professional socialization". A group of juvenile probation officers with master's degrees in social work were compared with another group of probation officers without graduate degrees in social work. The two groups were queried as to which activities they thought they should be responsible for in the adjudicative and post-adjudicative stages. In the adjudicative stage none of the probation officers with MSW's believed that legally oriented

activities such as presenting information about an alleged offense should be part of their responsibilities, and only about one-third of those without MSW's thought that they should have legally oriented duties. (59)

In the post-adjudicative stage where the duties were largely casework oriented such as presenting social history information to the court, large percentages of both groups felt that they should assume responsibility for these tasks. On all items in this portion of the questionnaire, however, a slightly higher percentage of social work probation officers expressed approval than did the other probation officers. (60)

A study of 292 Los Angeles County probation officers by James McMillin and Peter Garabedian (61) showed generally "that education, position in the formal organizational structure and experience on the job tended to differentiate those probation officers who support the idea of having procedural safeguards from those who do not". Probation officers with social work backgrounds were found to be generally unfavorable toward the presence of procedural safeguards. It was believed that the curricula to which social workers were exposed heavily stressed the ideas of treatment and protection of youngsters (as opposed to punishment) and might have caused probation officers to be less favorably inclined toward procedural safeguards because such provisions may have been viewed as a restraint on efforts to "help delinquents". (62)

It was also reported by McMillin and Garabedian that the supervisory staff members in the department they studied were more legalistic than their subordinates who were in daily contact with

juveniles.

> No doubt those occupying supervisory positions, especially in large urban probation departments, are more attuned to the legal problems that arise as juvenile offenders are processed. Indeed, from their vantage point, procedural and other administrative considerations become paramount for the maintenance of a smooth running organization. (63)

Juvenile probation exists in a rapidly changing environment. Adherence by some juvenile probation officers to a strictly social work orientation may be maladaptive for them and for their field. If future judicial decisions continue the present trend, even more legalization will be imposed on adjudication and probation practices for juveniles. The juvenile probation officer will increasingly be called upon to justify his treatment practices, substantiate his evidence and recommendations and to generally develop a more legalistic approach toward his work.

Summary

This chapter has traced the development of the juvenile court in the United States and the influence of Psycho-Social doctrines in the handling of delinquency cases. The benevolent intentions of juvenile court workers to treat delinquents instead of punishing them resulted for many years in procedural methods in juvenile cases which were deliberately differentiated from the due process safeguards used in adult cases. Demands for a more legalistic emphasis in the juvenile court developed in the 1950's and 1960's within a context of concern for the legal rights of groups who had been denied due process of law. The effort to bring about procedural change in the juvenile court culminated

in the Supreme Court's Kent, Gault and Winship decisions which extended to juveniles many of the Constitutional safeguards given adults.

A review of literature indicated that probation officers were likely to be negative toward due process requirements because of a perceived threat to the "treatment" orientation that many probation officers have acquired as a result of social work training. In addition, it was indicated that Supervisory personnel in juvenile probation departments may be more positively inclined toward due process out of a desire to maintain departmental efficiency.

The research reported here is a study of these matters. Chapter II contains specific hypotheses relating to the variables of training and organizational position as well as information on the research setting and subjects studied. The research instrument used in the study also will be described.

CHAPTER II

THE RESEARCH PROBLEM AND RESEARCH DESIGN

Chapter I indicated that recent United States Supreme Court decisions have ruled that Juvenile courts must extend various protections of due process to youthful offenders. As a consequence, it seems clear that juvenile probation officers and their supervisors will be increasingly called upon to:

1) develop a working relationship with lawyers who represent juveniles in the adjudicative and post-adjudicative stages of delinquency cases,
2) substantiate information presented in juvenile hearings and justify treatment recommendations and probationary supervision practices,
3) develop a legalistic approach within which treatment and rehabilitative goals can be carried out.

The manner in which these demands are met will help determine the future quality of juvenile justice in the United States. The amount of discretion appellate courts will allow juvenile probation officials will be determined in part by the way in which juvenile probation officers meet the challenge of legalism and due process in juvenile cases.

The literature reviewed in the previous chapter suggested that the social work orientation of some juvenile probation officers placed considerable emphasis on treating and rehabilitating youngsters and might result in probation officers interpreting due process requirements as being an obstacle to helping delinquents. In addition, it was suggested that supervisory personnel in juvenile probation departments

may be favorably inclined toward due process standards for youngsters because they are better informed about legal matters and feel that maintaining high procedural standards will enhance departmental efficiency. This thesis reports a study dealing with these matters.

Hypotheses

Based upon the above considerations, the following general hypotheses were examined in this research:

1. Juvenile probation officers are opposed to the due process requirements which recent Supreme Court decisions have implied or imposed on the adjudicatory stage of juvenile cases.

2. Juvenile probation officers with work and/or educational backgrounds in social work have more negative attitudes toward due process standards imposed or implied by recent Supreme Court decisions than do their colleagues without work and/or educational backgrounds in social work. Therefore,

   A. Juvenile probation officers with work and/or educational backgrounds in social work have a more negative attitude toward due process standards which may restrict the scope and authority of the juvenile court than do their colleagues with other types of work and/or educational backgrounds.

   B. Juvenile probation officers with work and/or educational backgrounds in social work have a more negative attitude toward the role of the lawyer in juvenile cases than do their colleagues with other types of work and/or educational backgrounds.

   C. Juvenile probation officers with work and/or educational backgrounds in social work have a more negative attitude toward due process standards which may restrict the scope and authority of their occupational role than do their colleagues with other types of work and/or educational backgrounds.

3. Within juvenile probation departments supervisors are more favorable toward due process standards in juvenile cases than are the "field" men who are subordinate to them.

Research Setting

The study reported here took place in the Spring of 1972. The research instrument used was a self-administered two part questionnaire. The questionnaire was submitted to a total of 70 probation officers (who are officially known as juvenile court counselors) and supervisors. Completed questionnaires were received from 44 of the counselors and supervisors. The respondents work in a predominantly urban county with a population of approximately 400,000 persons in a Western state.

The department contains a total of six supervisory units, five of which cover different geographical sections of the county and a sixth unit which is concerned with special services. Each unit is headed by a supervisor who is in charge of from five to nine counselors. In addition, there are two groups concerned with intensive neighborhood probation work and one group handling intake operations. As of mid-May, 1972, the department had a total of 58 juvenile court counselors classified on two levels according to their experience or training. Twenty-five counselors on Level I have a minimum of two years casework experience and usually have done some advanced degree work. This group is assigned the cases considered to be the "most difficult". The 26 counselors on Level II generally have less than two years of casework experience and no advanced degree work. The counselors in this category are usually assigned to cases considered to be the "least difficult". In addition, seven counselors are classified as psychiatric caseworkers and are assigned to help counsel children with emotional disturbances. All of the psychiatric caseworkers have advanced degrees in social work or psychology or considerable work

experience in an allied field.

The department in which the counselors are employed is housed in a modern court and detention facility which offers educational and medical help to younsters in its care. A staff of 60 group workers is employed to supervise juveniles in the detention facilities.

Subjects

Completed questionnaires were received from a total of 26 males and 18 females. Twenty-two members of the group were in the 25 to 34 year age range and the remaining 22 were 35 and older. The group had an average of five years of college education. Twenty-eight of the respondents reported work experience and/or educational experience specifically in social work while the other 16 respondents had work training in social sciences or other fields. Twenty-eight of the respondents had received bachelor's degrees only, one having majored in social work, 19 in one or more of the social sciences and eight in various other fields. Fourteen respondents had graduate level degrees including seven who had MSW's, five with degrees in one or more of the social sciences and two with degrees in other areas. The other two respondents reported six years or more of college with degrees in law and medical counselling respectively. Nine of the subjects were in supervisory positions with the number of persons under their authority ranging from one volunteer to 77 employees. Two of the supervisors had MSW's, two had master's degrees in psychology and the other five had master's degrees in other areas.

Through the cooperation of the department's Director and its Research Coordinator, the questionnaires were distributed to the

counselors by their casework supervisors at regularly scheduled meetings. Upon instructions from the Research Coordinator, the casework supervisors asked the counselors to fill out the questionnaires at the meeting without prior discussion of the contents and to answer the questions in a factual manner. The subjects were assured that only findings for the total sample would be reported and that responses of specific indiciduals would be kept confidential; therefore, there was no reason to suppose that the respondents' replies were not reflective of their actual feelings. Because regular meetings of units within the department were held on varying days, the questionnaires were returned to the Research Coordinator by the casework supervisors over a period of approximately ten days.

The Study Instrument

As mentioned earlier, the research instrument used to test the hypotheses was a self-administered two part questionnaire. The first part consisted of background information on the respondent's education, previous work experience and present position in the organizational structure of the department.

The second part of the questionnaire contained 26 questions dealing with three areas outlined in the hypotheses:

1. The scope and authority of the juvenile court
2. The role of lawyers in juvenile cases
3. The scope and authority of the juvenile probation officer's role.

Recent Supreme Court decisions discussed in Chapter I, plus a review of the literature on the above dimensions were used as the sources for the items in part two of the questionnaire. Several preliminary versions of the questionnaire were prepared and revised on

the basis of evaluation and criticism from persons in the field of corrections and the sociology of law. Final revisions were made on the basis of criticisms and comments from a pre-test group of 30 social work graduate students at Portland State University.

The response choices on the twenty-six questions comprising part two of the questionnaire were:

1. Strongly agree
2. Agree
3. Disagree
4. Strongly disagree
5. Undecided.

The two possible choices reflecting the most positive attitudes toward the question and subject area were given a weight of 5 and 4 respectively. Weightings of 2 and 1 respectively were assigned to the two possible choices reflecting the most negative attitudes. A weight of 3 was assigned to answers in the "undecided" category. The weighted answers enabled scores for each respondent to be compiled for the total questionnaire and for the three sub-areas of the questionnaire. The responses of individuals were totaled and used as an indication of the respondent's attitude toward due process standards in the three dimensions covered by the research instrument.

Summary

This chapter has presented the hypothesis that juvenile probation officers have a negative attitude toward the due process procedures which Supreme Court decisions have imposed on juvenile cases in recent years. In addition, it was hypothesized that probation officers with social work training and/or experience would view various dimensions of due process more negatively than their colleagues with different

kinds of backgrounds. Also, it was hypothesized that within probation departments, supervisors have a more positive attitude toward due process than do non-supervisory personnel.

The data were obtained by the use of a two part self-administered questionnaire submitted to a group of juvenile probation officers and supervisors who work in a county probation department located in a metropolitan area of a western state. The dimensions of the questionnaire and the manner in which responses were weighted were described. Chapter III deals with the findings of the data in relation to the hypotheses.

CHAPTER III

FINDINGS

Several forms of analyses of the data from this study were undertaken in order to examine the hypotheses stated in Chapter II. In the sections to follow, the data are presented first for the group of probation officers as a whole and then for categories of respondents classified by educational and training background and organizational position. The chapter begins with an examination of the responses of the 44 probation officers to the individual items on the questionnaire. That section will be followed by an analysis of the summary scores of counselors on the total questionnaire, as well as examination of their scores on the three separate dimensions of the questionnaire. The chapter concludes with analyses of responses of social worker trained officers and workers with other training and of supervisors and non-supervisors.

Single-Item Results for Total Sample

The item-by-item responses of the 44 juvenile counselors are shown in Table I. The table indicates the percentage of respondents in each response category. Eleven of the questionnaire items dealt with views about the scope of the juvenile court, questions 1, 4, 7, 10, 11, 14, 15, 16, 18, 20, and 26.

The reader will see in Table I that the majority of respondents favored a treatment and rehabilitation orientation for the court. Over 90 percent of the respondents were against the court emphasizing

punishment (question 7), while 64 percent felt that it should pursue rehabilitation and treatment goals (question 15), and 91 percent were in favor of maintaining a balance between strictness and rehabilitation (question 11).

Nearly half of the counselors felt that the juvenile court should concentrate its resources and efforts on serious offenses (question 14), while 80 percent of the subjects supported the creation of Youth Service Bureaus to which so-called "problem" children could be diverted (question 26). However, only nine percent of the respondents were in favor of the court ignoring "problem" children if no other agencies exist to which these children could be sent (question 20), and over two-thirds of the counselors disagreed or were uncertain as to whether the court's jurisdiction over "problem" children should be eliminated from state delinquency codes (question 1). The respondents displayed considerable uncertainty in their answers to this portion of the questionnaire. They appeared to support the general idea that the court should handle only seriously delinquent youngsters but they were negative or undecided about steps which would divert children who manifest conditions such as "ungovernability" or "waywardness" from the juvenile court.

Two-thirds of the counselors disagreed that the case against a youngster accused of a criminal offense should be proved only by a preponderance of evidence rather than "beyond a reasonable doubt" (question 10); thus the respondents' attitudes appeared to be supportive of the Winship decision. However, the respondents would not extend the right of jury trials to juveniles. Instead, three-fourths of them agreed that jury trials are neither desirable or necessary in the juvenile court

TABLE I

RESPONSES OF JUVENILE COURT COUNSELORS, DUE PROCESS AND JUVENILE COURT POLICIES QUESTIONNAIRE

Questionnaire Item	Percentage of Responses					
	Direction of Question*	Strongly Disagree	Agree	Disagree	Strongly Disagree	Undecided
1. State juvenile delinquency laws should be revised to eliminate "delinquent conditions" such as ungovernability or truancy from court jurisdiction.	+	5%	27%	39%	7%	22%
2. Lawyers are not needed to represent juveniles in probation revocation hearings in the juvenile court.	–	2%	16%	48%	29%	5%
3. A lawyer need not be present at intake when a juvenile counselor is questioning a juvenile concerning a suspected law violation.	–	16%	52%	32%	0	0
4. Juveniles charged with violations of the criminal law should be allowed to have jury trials if they request them.	+	0	12%	41%	34%	13%
5. Juvenile counselors should be able to require a juvenile to attend church as a condition of probation if that recommendation is in the interest of the child.	–	2%	12%	41%	43%	2%

Table I (Cont'd.)

Questionnaire Item	Percentage of Responses					
	Direction of Question*	Strongly Disagree	Agree	Disagree	Strongly Disagree	Undecided
6. The participation of a lawyer in a juvenile court hearing may be harmful to the child he is representing because the lawyer's activities may interfere with the treatment and rehabilitative efforts of the court.	–	2%	34%	32%	25%	7%
7. Once a juvenile court has determined that a juvenile has violated a law, its primary function should be to impose some type of punitive sanction or punishment.	+	0	7%	38%	50%	5%
8. The lawyer in a juvenile case can best serve his client by working closely with the juvenile counselor to plan the best rehabilitation and treatment program for the youngster, rather than serving in the traditional adversary role.	–	22%	34%	30%	7%	7%
9. The intake officer should have a great deal of freedom in deciding whether to place an apprehended juvenile in detention or not.	–	18%	54%	18%	5%	5%
10. In a juvenile court, the case against a youngster accused of a violation of the criminal law should						

Table I (Cont'd.)

Questionnaire Item	Percentage of Responses					
	Direction of Question*	Strongly Disagree	Agree	Disagree	Strongly Disagree	Undecided
be proved by a preponderance of evidence rather than "beyond a reasonable doubt".	+	5%	9%%	52%	12%	22%
11. Juvenile courts should strive to maintain a balance by responding to the interests of the community, being reasonably strict with juveniles. It should also be concerned with the treatment needs of youths.	–	25%	66%	0	0	9%
12. The juvenile counselor should have a great deal of freedom to recommend that probation be withdrawn or revoked for violation of the conditions of probation.	–	9%	67%	14%	5%	5%
13. A lawyer representing a juvenile before the court should have complete access to the social history report if he requests it.	+	16%	54%	16%	5%	9%
14. Juvenile courts should deal mainly with juveniles who have commited "serious" crimes and should send youngsters who are recognizable only as "roblem children" to other agencies in the community	+	12%	36%	36%	0	16%

Table I (Cont'd.)

Questionnaire Item	Percentage of Responses					
	Direction of Question*	Strongly Disagree	Agree	Disagree	Strongly Disagree	Undecided
15. The primary function of the juvenile court should be to provide treatment and rehabilitation to juveniles.	–	14%	50%	27%	2%	7%
16. The best interests of a juvenile may be served by putting him under court control on informal probation, even if the facts of the case are not entirely clear as to his guilt.	–	5%	27%	41%	22%	5%
17. After adjudication, a lawyer should not have the right to challenge the juvenile counselors' treatment recommendations concerning a juvenile.	–	7%	9%	57%	18%	9%
18. Jury trials in juvenile court cases are neither desirable or necessary	–	22%	52%	9%	5%	12%
19. Lawyers representing juveniles in adjudicatory hearings should be allowed to challenge the admissability of evidence submitted by a juvenile counselor.	+	25%	65%	5%	0	5%
20. Juvenile courts should deal mainly with juveniles who have committed "serious" crimes and should leave youngsters who are recognizable only as "problem" children alone, even if						

Table I (Cont'd.)

Questionnaire Item	Percentage of Responses					
	Direction of Question*	Strongly Disagree	Agree	Disagree	Strongly Disagree	Undecided
there are no other agencies to which they can be sent.	+	2%	7%	54%	25%	12%
21. In order to best serve his client, a lawyer should have access to the information contained in the juvenile counselor's dispositional (treatment) recommendations.	+	20%	66%	9%	0	5%
22. The police should not be able to interrogate any juvenile in custody without the presence of a lawyer.	+	0	7%	70%	18%	5%
23. Juvenile counselors should be allowed to revoke probation in the case of juveniles who have violated the 'contract' by breaking the terms of their probation.	–	0	43%	39%	9%	9%
24. In adjudicatory hearings the lawyer for the juvenile should use every legal means at his disposal to obtain his client's freedom.	+	2%	27%	41%	16%	14%
25. A lawyer representing an accused youth in a juvenile hearing should not be able to cross-examine witnesses testifying in the case.	–	0	2%	41%	57%	0

Table I (Cont'd.)

Questionnaire Item	Percentage of Responses					
	Direction of Question*	Strongly Disagree	Agree	Disagree	Strongly Disagree	Undecided
26. Youth Service Bureaus should be created and many children who are now being dealt with in the juvenile court should be diverted to them.	+	30%	50%	13%	0	7%

N = 44

*+ = response of strongly agree indicates most favorable attitude toward due process

– = response of strongly disagree indicates most favorable attitude toward due process.

(question 18). The counselors were thus in accord with the Supreme Court's decision in the Burrus case which held that jury trials are not required in juvenile courts.

The role of lawyers in the juvenile court was the focus of eleven items on the questionnaire, questions 2, 3, 6, 8, 13, 17, 19, 21, 22, 24, and 25. Most of the respondents favored the involvement of lawyers in the adjudicatory phase of court operations, while less favorable attitudes were expressed toward the presence of lawyers at certain other key points in the handling of a juvenile case. For example, 90 percent of the court counselors responding felt that the evidence they present in an adjudicatory hearing should be subject to challenge by a lawyer (question 19) and 75 percent agreed that a lawyer should be able to challenge their treatment recommendations (question 17). Over two-thirds of the respondents felt that a lawyer should have complete access to a social history report (question 13), and 98 percent were in favor of lawyers being able to cross-examine witnesses (question 25). The presence of lawyers in probation revocation hearings also was approved by over three-fourths of the group (question 2).

However, other aspects of the role of lawyer were less favorably viewed. Less than a third of the counselors thought that a lawyer should be present while they are questioning a juvenile about a suspected violation (question 3), and 88 percent thought that lawyers should not be present while police are interrogating juveniles (question 22). Over a third of the counselors felt that lawyers may interfere with the treatment and rehabilitative efforts of the court (question 6). Over half of the respondents averred that lawyers should work closely with them in planning treatment and rehabilitation programs (question 8).

Four items on the questionnaire were concerned with the scope of the juvenile probation officer's role and the authority deemed appropriate for the counselor, questions 5, 12, 19, and 23. Most of the counselors agreed that their authority should not extend into some matters of personal choice. Specifically, 84 percent of them rejected the idea that they should be able to require a youngster to attend church (question 5). Nevertheless, 72 percent of the subjects agreed that they should have maximum discretion in deciding whether to detain incoming youngsters (question 9) and 76 percent thought that counselors should have considerable freedom to recommend that probation be revoked (question 12). The respondents were divided, however, on the idea of court counselors being able to actually revoke probation (question 23).

Single-Item Results for Worker Groups

Based on social background data from the questionnaires, the respondents were divided into two categories, those with social work training and/or experience and those with other types of backgrounds. The criteria used for dividing the groups were the type of work and educational backgrounds the respondents reported on the first part of the questionnaire. Those reporting work experience and/or training specifically in social work were classified as "social workers". Those who listed work and/or training in other areas of social science or in non-social science areas were designated as "other" workers. The respondents also were divided into supervisory and non-supervisory categories based on information obtained from part one of the questionnaire. Responses for members of these categories were tabulated and the original five response choices were collapsed into three:

"agree", "disagree", and "undecided".

The percentage distribution of each group's responses toward questions dealing with the scope and authority of the court are shown in Table II. The plus and minus signs depict the direction of the questions: that is, a plus sign signifies that an "agree" answer is indicative of a positive attitude toward due process and a minus sign indicates that a "disagree" answer reflects a positive attitude. The questionnaire dimension represented by the items in Table II center about the scope of the juvenile court. The questions in Table II are concerned with (1) whether the juvenile court's emphasis should be upon punishment or treatment of offenders and, (2) the desirability of procedural changes in juvenile court operations such as stronger rules of evidence and the introduction of jury trials in juvenile cases.

All of the respondent divisions were clearly opposed to the idea of a punitive orientation in the juvenile court (question 7). A slightly higher percentage of non-supervisors and individuals without social work training felt that punishment should be the court's main emphasis.

Nearly all of the supervisors and non-supervisors agreed with question 11 to the effect that the juvenile court should strive to maintain a balance between strict handling of juveniles and the pursuit of treatment programs. There also was considerable agreement with this question among supervisors and non-supervisors. However, a fairly high percentage of replies by supervisors were in the undecided category.

TABLE II

RESPONSES TO QUESTIONNAIRE ITEMS ON SCOPE AND AUTHORITY OF COURT, SOCIAL WORKERS AND OTHER WORKERS, SUPERVISORS AND NON-SUPERVISORS

Question	Training and Position	Direction of Question*	Percent (Categories Collapsed into Three) Agree	Disagree	Undecided
1. Eliminate "delinquent conditions" from laws	Social Work	+	32	46	22
	Other		31	44	25
	Supervisor		45	33	22
	Non-Supervisor		29	49	22
4. Jury trials for violations of criminal law	Social Work	+	11	68	21
	Other		13	87	0
	Supervisor		22	67	11
	Non-Supervisor		9	77	14
7. Punishment should be main function of court	Social Work	+	4	92	4
	Other		13	81	6
	Supervisor		0	100	0
	Non-Supervisor		9	86	5
10. Preponderance of evidence as standard for proof	Social Work	−	14	64	22
	Other		13	62	25
	Supervisor		11	67	22
	Non-Supervisor		14	63	23
11. Courts should balance strictness and treatment	Social Work	−	86	0	14
	Other		100	0	0
	Supervisor		78	0	22
	Non-Supervisor		94	0	6
14. Deal with "serious" cases, send others elsewhere	Social Work	+	57	29	14
	Other		31	50	19
	Supervisor		56	33	11
	Non-Supervisor		46	37	17

Table II (Cont'd.)

Question	Training and Position	Direction of Question*	Percent (Categories Collapsed into Three) Agree	Disagree	Undecided
15. Primary function of court should be treatment	Social Work		61	32	7
	Other		69	25	6
	Supervisor	−	44	56	0
	Non-Supervisor		69	23	8
16. Approve of informal probation	Social Work		29	64	7
	Other		38	62	0
	Supervisor	−	11	78	11
	Non-Supervisor		37	60	3
18. Jury trials are unnecessary and undesirable	Social Work		64	22	14
	Other		94	0	6
	Supervisor	−	67	11	22
	Non-Supervisor		77	14	9
20. Deal with "serious" cases, leave others alone	Social Work		7	86	7
	Other		13	69	18
	Supervisor	+	11	89	0
	Non-Supervisor		9	77	14
26. Creation and use of Youth Bureaus	Social Work		86	11	3
	Other		69	18	13
	Supervisor	+	89	11	0
	Non-Supervisor		77	14	9

N = 44

*+ = response of strongly agree indicates most favorable attitude toward due process

− = response of strongly disagree indicates most favorable attitude toward due process

Social caseworkers and supervisors most frequently gave support to the idea that the juvenile court should concentrate on youngsters accused of "serious" crimes and should divert "problem" children to outside agencies such as Youth Service Bureaus (questions 14 and 26). A considerably higher percentage of supervisors than non-supervisors felt that treatment and rehabilitation should not be the primary function of the juvenile court. Strong opposition, however, can be noted among all categories of counselors toward the idea of the juvenile court ignoring "problem" children when other treatment options are lacking (question 20).

Responses of the counselor categories toward questions dealing with the role of lawyers in the juvenile court are depicted in Table III. Again, the percentage breakdown in each of the three collapsed categories and the direction of the questions are shown. The majority of the social workers and supervisors did not perceive the presence of lawyers to be a threat to the court's treatment and rehabilitation efforts (question 6) while those with other types of backgrounds were evenly divided on the question. Relatively fewer non-supervisors were as enthusiastic toward lawyers as were their superiors. All worker categories generally supported the routine duties of lawyers (questions 13, 17, 21, and 25), but many respondents felt that lawyers are not needed during the initial questioning of a juvenile suspect (question 3). Supervisors and non-supervisors indicated that lawyers should work closely with counselors in planning treatment and rehabilitation programs while the social workers were somewhat divided on the issue (question 8).

Table IV depicts each categories' responses towards questions

TABLE III

RESPONSES TO QUESTIONNAIRE ITEMS ON ROLE OF LAWYERS IN COURT, SOCIAL WORK AND NON-SOCIAL, SUPERVISORS AND NON-SUPERVISORS

Question	Training and Position	Direction of Question*	Percent (Categories collapsed into Three) Agree	Disagree	Undecided
2. Lawyers not needed in revocation hearings	Social Work		14	82	4
	Other		25	69	6
	Supervisor	–	33	67	0
	Non-Supervisor		14	80	6
3. Lawyer not needed at at intake	Social Work		68	32	0
	Other		69	31	0
	Supervisor	–	44	56	0
	Non-Supervisor		74	26	0
6. Lawyer's participation may harm juvenile	Social Work		29	61	10
	Other		50	50	0
	Supervisor	–	33	67	0
	Non-Supervisor		37	54	9
8. Lawyer should aid in treatment, not be adversary	Social Work		46	46	8
	Other		75	19	6
	Supervisor	–	67	33	0
	Non-Supervisor		54	37	9
13. Lawyer should have access to social history	Social Work		71	22	7
	Other		69	18	13
	Supervisor	+	78	22	0
	Non-Supervisor		69	20	11
17. Lawyer should not be able to challenge treatment plans	Social Work		14	75	11
	Other		19	75	6
	Supervisor	–	0	89	11
	Non-Supervisor		20	72	8

Table III (Cont'd.)

Question	Training and Position	Direction of Question*	Percent (Categories collapsed into Three) Agree	Disagree	Undecided
19. Lawyers should be able to challenge evidence	Social Work	+	89	4	7
	Other		94	6	0
	Supervisor		89	11	0
	Non-Supervisor		91	6	3
21. Lawyer should have access to disposition	Social Work	+	86	7	7
	Other		87	13	0
	Supervisor		89	11	0
	Non-Supervisor		86	8	6
22. Police should not be able to interrogate without lawyer	Social Work	+	4	89	7
	Other		13	87	0
	Supervisor		11	89	0
	Non-Supervisor		6	88	6
24. Lawyer should use every means to free client	Social Work	+	29	53	18
	Other		32	62	6
	Supervisor		45	33	22
	Non-Supervisor		26	63	11
25. Lawyer should not be able to cross-examine witnesses	Social Work	–	0	100	0
	Other		6	94	0
	Supervisor		0	100	0
	Non-Supervisor		3	97	0

N = 44

* + = response of strongly agree indicates most favorable attitude toward due process

– = response of strongly disagree indicates most favorable attitude toward due process

TABLE IV

RESPONSES TO QUESTIONNAIRE ITEMS ON ROLE OF PROBATION OFFICERS, SOCIAL WORKERS AND OTHER WORKERS, SUPERVISORS AND NON-SUPERVISORS

Question	Training and Position	Direction of Question*	Percent (Categories collapsed into three) Agree	Disagree	Undecided
5. Counselor should be able to require church attendance	Social Work		7	89	4
	Other		25	75	0
	Supervisor	—	11	89	0
	Non-Supervisor		14	83	3
9. Intake officer should have freedom in detention	Social Work		64	29	7
	Other		87	13	0
	Supervisor	—	56	44	0
	Non-Supervisor		77	17	6
12. Officer should have freedom to revoke probation	Social Work		64	29	7
	Other		100	0	0
	Supervisor	—	67	33	0
	Non-Supervisor		80	14	6
23. Officer should be able to revoke for breaking contract	Social Work		39	50	11
	Other		50	44	6
	Supervisor	—	22	78	0
	Non-Supervisor		49	40	11

N = 44

*+ = response of strongly agree indicates most favorable attitude toward due process.

— = response of strongly disagree indicates most favorable attitude toward due process.

dealing with the scope and authority of the role of the probation officer along with the direction of the questions. Regarding this dimension, most of the counselors in each of the divisions were in favor of intake officers having maximum discretion in deciding whether to place an apprehended youth in detention (question 9). Relatively fewer supervisors were in agreement with this item than were non-supervisors. One possible interpretation of this finding is that it may reflect a desire on the part of supervisors to retain control over the actions of their subordinates. A similar trend can be noted in the supervisor's replies to questions 12 and 23 concerning the freedom of juvenile counselors to recommend probation revocation or to actually revoke probation.

Attitudes Toward Due Process Dimensions

This research was concerned with the patterning of replies of the respondents (juvenile court counselors) to due process questions, as well as with responses to single items. Accordingly, scale scores for individuals for the three questionnaire dimensions were calculated. The responses to single items within the three due process areas were scored and summed for individual respondents. This procedure yielded overall measures of responses toward due process standards along with scale scores on the three separate dimensions of the questionnaire: scope and authority of the court, role of lawyers in the court, and role of juvenile probation officers.

The procedure followed was to first identify the direction of item responses. That is, a positive attitude toward due process is indicated by a "strongly disagree" response on one item, while a "strongly agree" response would reflect the same attitude in another item. The direction

of responses on each item is indicated in Table I by the designation in column 1.

The response categories were then weighted, with the most positive response assigned a score of 5; the next positive, 4; undecided, 3; the next to least positive, 2; and the least positive, 1. By this procedure, the maximum possible range of total scores for individuals on the 26 items was from 26 to 130 (104 points). The actual or observed range of the counselors studied was from 49 to 100 (51 points). Apparently no counselor had a total score near the maximum possible score due to the nature of some of the questionnaire items. That is, certain of the questions dealt with fairly drastic changes from current juvenile court policies. One might expect that even those counselors who are generally in favor of due process for juveniles might be reluctant to endorse some of these items.

The component bar graph in Figure 1 presents a visual summary of scale scores for individuals on the questionnaire. Each respondent is portrayed in Figure 1 in terms of his total score with each bar also subdivided to show the scores on the three components or dimensions of the questionnaire.

A more detailed presentation of the information on the bar graph is contained in Table V. Total scores for individuals are shown in the table along with scores on individual dimensions. Also, each respondent is identified as to whether he indicated that he had social work training or experience (SW) or a non-social work oriented background (NSW). The nine supervisory persons are indicated in parentheses (Super.) after their background designation.

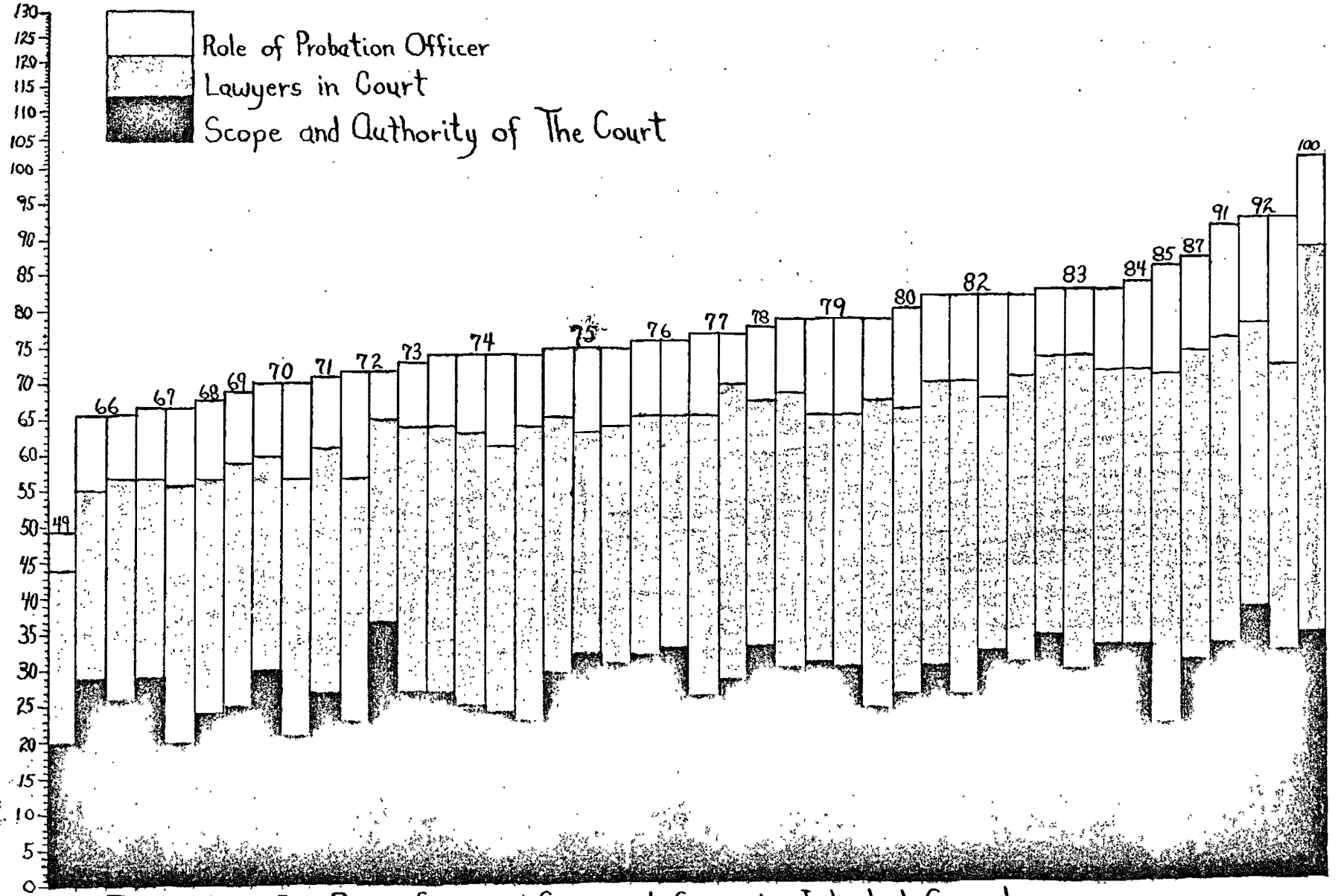

Figure : 1 Due Process Scores and Component Scores, by Individual Counselors.

TABLE V

DUE PROCESS SCALE SCORES AND COMPONENT SCORES, ALL RESPONDENTS

Type of Training*	Total Questionnaire Score	Scope and Authority of Court	Role of Lawyers in Court	Role of Probation Officer
SW (Super)	100	34	48	18
SW (Super)	92	32	40	20
SW (Super)	92	38	40	14
SW	91	33	43	15
NSW	87	31	43	13
SW	85	22	48	15
NSW (Super)	84	33	38	13
SW	83	33	38	12
NSW	83	29	44	10
NSW	83	34	39	10
SW	82	31	39	12
SW	82	32	35	15
SW	82	26	43	13
SW(Super)	82	30	39	13
SW	80	26	40	14
NSW (Super)	79	24	43	12
SW	79	30	35	14
SW	79	31	34	14
SW	79	30	38	11
NSW	78	33	34	11
SW	77	28	41	8

Type of Training*	Total Questionnaire Score	Scope and Authority of Court	Role of Lawyers in Court	Role of Probation Officer
SW	77	26	39	12
NSW	76	33	32	11
SW	76	32	33	11
NSW	75	31	33	11
SW	75	32	31	12
SW	75	29	36	10
SW	74	23	41	10
SW	74	24	37	13
NSW	74	25	38	11
SW	74	27	37	10
SW	73	27	37	9
SW	72	37	28	7
NSW	72	23	34	15
NSW (Super)	71	27	34	10
SW (Super)	70	21	36	13
SW (Super)	70	30	30	10
SW	69	25	34	10
NSW	68	24	33	11
NSW	67	20	36	11
NSW	67	29	28	10
SW	66	26	31	9
NSW	66	29	26	11
NSW	49	20	24	5

N = 44

*SW = Social work training and/or background
NSW = No social work training and/or background
(Super) = Supervisory position

The mean and median scores for the entire collection of respondents on the 26 questions were 77 and 76.5 respectively. Three model scores of 74, 79, and 82 occurred. Table VI indicated that the responses approximated a normal distribution.

It can be observed that the actual scores of the respondents were considerably lower or less positive toward due process than the maximum possible scores that were obtainable. That is, a respondent could have obtained a score of 130 by checking the most affirmative answer to all 26 items, but no actual score over 100 was observed. If respondents had answered all items "undecided", they would have obtained a score of 78. Table VI shows that half of the subjects were in the 70-79 total score grouping and an additional 15 had scores under 70, indicating a relatively low degree of enthusiasm for due process. Thus, the first hypothesis is supported. Most of the juvenile probation officers studied here do have relatively negative attitudes toward due process standards imposed or implied by recent Supreme Court decisions.

But again, it should be noted that some items which were included in the questionnaire did not deal specifically with recent rulings involved in Supreme Court decisions or with due process requirements that currently are obligatory for probation workers and other court personnel. For example, questions such as item number 1 dealing with the elimination of "delinquent condition" statutes relate to suggested changes in court jurisdiction which have not developed much beyond the discussion stage. Juvenile courts are not yet under pressure to do away with these "omnibus" categories. Accordingly, a respondent could have a very liberal view toward existing due process requirements in juvenile cases and still find it difficult to agree with certain items on

TABLE VI

DISTRIBUTION OF SCALE SCORES, ALL RESPONDENTS

Score Group	Number of Counselors
40-49	1
50-59	0
60-69	6
70-79	22
80-89	11
90-99	3
100 - plus	1
Total	44

the questionnaire. Therefore some of the negativeness indicated by the respondents is probably an artifact of the research instrument used. Stated another way, if the research instrument had been restricted to items dealing with the Kent, Gault, and Winship rulings, the counselors' overall attitudes toward due process might appear as much more positive.

Since the scores did vary from 49 to 100, the respondents' responses toward due process can be compared as to relative degrees of positiveness. In the data analysis which follows, 78 was taken as a dividing point to separate the respondents into "high" and "low" groups. Total scores of 77 and below were identified as being relatively negative and scores of 78 and above were defined as being relatively positive toward the due process standards imposed by recent Supreme Court decisions and other issues concerning the scope and operations of juvenile probation officers.

The first hypothesis asserted that juvenile probation officers are opposed to the due process standards imposed or implied by recent Supreme Court decisions regarding the adjudicatory stage of juvenile cases. Table VII depicts the percentage and number of respondents who indicated relatively positive and relatively negative responses on the total questionnaire and its three dimensions.

As noted previously, the mean score of the respondents for the entire set of items was 77. Twenty respondents (45%)[3] had total scores of 78 or above while the other 24 respondents (55%) had totals of 77 or below. Therefore, half of the respondents offered relatively negative

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3. In this report all percentages have been rounded off to the nearest whole number.

TABLE VII

DUE PROCESS SCALE SCORES AND COMPONENT SCALE SCORES, ALL RESPONDENTS

Areas of Questionnaire	Attitudes			
	Positive		Negative	
	Percent	Number	Percent	Number
Total Questionnaire	45	20	55	24
Scope and Authority of Juvenile Court	21	9	79	35
Role of Lawyers in Juvenile Court	82	36	18	8
Role of Juvenile Probation Officers	48	21	52	23

N = 44

replies and the remainder made relatively positive responses, even though the positive scores were not markedly affirmative. The literature cited in Chapter I suggested that the attitude of juvenile probation officers to these procedural changes would be less than favorable. It should be noted that the interquartile range was only ten points which means that 50 percent of the sample fell within a ten point range around the median (76.5), indicating that the attitudes of most of the probation officers were not exceedingly negative.

The first hypothesis can be examined further by separating the items into the three dimensions contained in the questionnaire. In terms of the scope and authority of the juvenile court, the minimum and maximum possible weighted scores ranged from 11 to 55 (44 points). The actual range among the counselors studied was considerably less, 20 to 38 (18 points). The mid-point of the maximum range, 33, was utilized to divide the respondents into "high" and "low" groups. Total scores of 32 and below were defined as negative ones, and scores of 33 and above were specified as positive ones. The mean score of the respondents was 28.6. Nine counselors (21%) had scores of 33 or above and 35 (79%) had scores of 32 or below. The majority of these responses, therefore, were relatively negative toward questions dealing with possible changes which would restrict the scope and authority of the juvenile court. (See Table VII).

The median score on this dimension was 29 while the interquartile range was seven, indicating again that the responses were clustered around the median. Thus, although the replies of the respondents were not extemely negative, they were more negative to this area than to the total questionnaire.

Regarding the role of lawyers in juvenile cases, the maximum possible range of the weighted scores was 11 to 55 (44 points). The actual range among the counselors studied was somewhat less, 24 to 48 (24 points). The midpoint of 33 (the score one would receive if all items in this area were marked "undecided") was again utilized to divide the group. The mean score of the respondents was 36.6. Thirty-six counselors (82%) had total scores of 33 or above and eight (18%) had total scores of 32 and below. The majority of these scores, therefore, were positive toward questions dealing with the role of lawyers in court. (See Table VII) The median for the area was 37 with an interquartile range of seven.

In the third dimension dealing with the scope and authority of the juvenile probation officer's role, there was a possible range of 4 to 20 (16 points). The respondents had a nearly identical range of 5 to 20 (15 points). The midpoint of 12 was used to divide the respondents into "high" and "low" categories on this dimension. Those with scores of 12 or higher were considered to have expressed relatively positive responses and those with scores of 11 or lower, relatively negative responses. The respondents had a mean of 11.8. Twenty-one subjects (48%) had total scores of 12 or above and 23 (52%) had scores of 11 or lower. The responses were, for the most part, fairly evenly divided with only a slightly larger percentage in the negative category toward changes which might restrict the role of the juvenile probation officers. (See Table VII)

The median score on this dimension was 11 while the interquartile range was only three, indicating that 50 percent of the respondents were clustered very close to the median. Therefore, the responses on this

dimension were not extremely negative.

In two out of the three dimensions of the questionnaire, relatively negative responses were made by the majority of juvenile court counselors. Only on the dimension of the role of lawyers in juvenile cases did positive responses predominate. It should be noted that this dimension of the role of the lawyer does accordingly contribute disproportionately to the total score of the respondents.

In summary, the analysis to this point generally supports the first hypothesis. Juvenile probation officers did have relatively negative views toward due process standards imposed by recent Supreme Court decisions. At the same time, the negative views uncovered in the data did not indicate an overwhelming rejection by the respondents of due process norms.

The most negative responses were displayed toward policies which would restrict the scope and authority of the court, indicative perhaps of resistance to changes which the respondents saw as a threat to the treatment orientation of the court. The counselors displayed their most positive responses toward lawyers in court indicating that, at least among the group studied, the presence of lawyers was not perceived as disruptive to the juvenile court counselor's duties or objectives. In regard to possible restrictions on the role of the juvenile probation officer, the mean and the median scores were very close to the positive range, perhaps indicating some indecision among the group.

Social Worker-Non-Social Worker Comparisons

Further analysis of the data was made by dividing the respondents into two categories, those with social work backgrounds and those

without social work backgrounds. The two worker categories were then divided into those with positive and those with negative scale scores toward due process standards in juvenile cases, utilizing the same method as was used for the total group. The hypothesis was that juvenile probation officers with work and/or educational backgrounds in social work have more negative attitudes toward due process standards imposed by recent Supreme Court decisions than do their colleagues without work and/or educational backgrounds in social work. This hypothesis was derived from the literature reviewed in Chapter I which indicated that the social work training of many juvenile probation officers leads them to perceive due process requirements as an impediment to casework oriented "treatment" programs.

Table VIII depicts the attitudinal scores of social worker and "other" counselors toward due process. The 28 social worker respondents had a range of scores from 66 to 100 (34 points) and a mean score of 78.9. Those 16 respondents without social work background had a range of scores from 49 to 87 (38 points) and a mean score of 73.6. Fourteen of the social workers (50%) had scores of 78 or above while six of the "other" workers (37%) were within this category. Negative total scores were expressed by 14 (50%) of the social workers and ten (63%) of the "other" counselors.

The above data indicates that relatively more of the social worker respondents had favorable attitudes toward due process in juvenile cases than did probation officers without social work backgrounds. However, the chi-square test of Table VIII suggests that the relationship in that table was not a statistically significant one.

The two groups were also examined on the three dimensions of the

TABLE VIII

DUE PROCESS SCORES, SOCIAL WORKERS AND OTHER COUNSELORS

Type of Training and Experience	Attitudes		
	Positive	Negative	N
Social Workers	14	14	28
Other Counselors	6	10	16

X^2 (Yates correction) = .237

questionnaire. One hypothesis was that social worker officers view due process changes which might restrict the scope and authority of the juvenile court more negatively than do the "other" workers. Table IX depicts the attitudinal scores of social worker and "other" counselors toward the scope and authority of the court. The social worker counselors showed scores of 21 to 38 (17 points)and had a mean score of 29.1. The "other" counselors had a range from 20 to 34 (14 points) and a mean score of 27.8. Although their responses were generally negative, the social workers as a whole were less negative than the "other" counselors.

Five social workers (18%) had scores of 33 or above and four "other" respondents (25%) had scores of 33 or above. Scores of 32 or under were shown by 23 social workers (82%) and by 12 persons (75%) in the "other" category.

The mean scores for the two categories indicated that relatively more social workers made positive responses toward changes which might restrict the scope and authority of the court. However, there was a higher percentage of social workers in the negative category than there were respondents from the "other" category. The chi-square test of Table IX suggests that the relationship in the table was not statistically significant. The hypothesis that social workers view changes which might restrict the scope and authority of the juvenile court more negatively than their colleagues without social work backgrounds was not supported by the data of this study.

Regarding the second dimension of the questionnaire, it was hypothesized that juvenile probation officers with work and/or educational backgrounds in social welfare would have more negative attitudes

TABLE IX

DUE PROCESS SCORES, SCOPE AND AUTHORITY OF JUVENILE COURT, SOCIAL WORKERS AND OTHER COUNSELORS

Type of Training and Experience	Attitudes		
	Positive	Negative	N
Social Workers	5	23	28
Other Counselors	4	12	16

X^2 (Yates correction)= .031

toward lawyers in juvenile cases than would their colleagues with other types of work and educational backgrounds. Table X shows the attitudinal scores of social worker and "other" counselors toward the role of lawyers in juvenile cases. The results showed that the social workers had a range of scores from 28 to 48 (20 points) with a mean score of 37.5. The range of scores for the "other" counselors was from 22 to 44 (22 points) with a mean score of 34.4. Both collections of workers generally had positive scale scores on this dimension of the questionnaire, with the social workers showing slightly higher scores on the scale.

Twenty-four of the social workers (86%) had scores of 33 or above and 12 of the "other" workers (76%) were within the positive end of the scale. The social workers had four respondents (14%) with scores under 33 and the "other" counselors included four respondents (24%) in the negative category. The indication was that a higher percentage of social worker respondents looked upon lawyers in juvenile cases slightly more favorably than did the "other" workers. The chi-square test of Table X was not significant.

The role of the juvenile probation officer was also examined in terms of the hypothesis that juvenile probation officers with work and/or educational backgrounds in social work view changes which might restrict the scope and authority of their occupational role more negatively than do their colleagues without this type of background. Table XI shows the attitudinal scores of social workers and "other" counselors toward the role of juvenile probation officers. The social workers had a range from 7 to 20 (13 points) and a mean score 12.3. The "other" counselors had a range of 5 to 15 (10 points) and a mean score of

TABLE X

DUE PROCESS SCORES, ROLE OF LAWYERS IN JUVENILE COURT, SOCIAL WORKERS AND OTHER COUNSELORS

Type of Training and Experience	Attitudes		
	Positive	Negative	N
Social Workers	24	4	28
Other Counselors	12	4	16

X^2 (Yates correction) = .231

10.9.

Seventeen of the social workers (60%) had scores of 12 or above and four of the "other" counselors (25%) had scores on the positive end of the scale. Scores of 11 or below were shown by 11 respondents (40%) of the social worker group and 12 respondents (75%) of the "other" group. The chi-square test of Table XI indicated that the relationship in this table is significant at the 0.05 level of significance. ($x^2 = 3.87$) Thus the training and educational backgrounds of the respondents appear to be related to the way they view changes which might restrict their roles. However, the specific hypothesis was not supported because the social workers expressed more positive attitudes than the "other" counselors, rather than the hypothesized negative orientation.

To summarize, it appears that the juvenile counselors studied had, as a group, relatively unenthusiastic attitudes toward due process as measured by items on the questionnaire, although, again, some of the questionnaire items go well beyond existing due process requirements. When the respondents were divided according to their work and educational backgrounds into social worker and "other" categories, there appeared to be no statistically significant relationships between work and training backgrounds and attitudes expressed on the entire questionnaire with the exception of the dimension of the role of the juvenile probation officer. The hypothesis of Carabedian and McMillin and other authorities reviewed in Chapter I about training being a partial determinant of juvenile probation officers' attitudes toward due process does not appear to apply to the probation workers in this study except in the area of the role of the juvenile probation officer.

TABLE XI

DUE PROCESS SCORES, ROLE OF JUVENILE PROBATION OFFICER, SOCIAL WORKERS AND OTHER COUNSELORS

Type of Training and Experience	Attitudes		
	Positive	Negative	N
Social Workers	17	11	28
Other Counselors	14	12	16

X^2 (Yates correction)= 3.87

Supervisors-Non-Supervisors Comparison

Another hypothesis examined in this study was that within juvenile probation departments, supervisors have more positive attitudes toward due process standards for juveniles than do the counselors who are subordinate to them. A comparison was made of the mean scores of the supervisory and non-supervisory categories. Table XII shows the total score means and component means for the supervisors and non-supervisors. The mean score of the nine supervisors studied on the total scale was 82.2, while by comparison, the mean score for the total sample was 77 and the mean score for the 35 non-supervisors was 75.7. The mean score of the supervisory group on the scope and authority of the juvenile court dimension was 29.9 while among the non-supervisors the mean score was 28.3. The supervisors and non-supervisors had mean scores of 38.6 and 36.1 respectively on the dimension of lawyers in juvenile cases. Regarding the role of the juvenile probation officer, the supervisors showed a mean score of 13.3 and the non-supervisors, a mean score of 11.3. On each of the dimensions, the mean scores for the supervisors were higher than those for the non-supervisors.

The supervisory category had a range of scores from 70 to 100 (30 points) on the total questionnaire while the non-supervisory category's range was from 49 to 91 (58 points). The median for the supervisory group was 82 with an interquartile range of 13. The median for the non-supervisory category was 76 with an interquartile range of 10. In the area of scope and authority of the court, the supervisory respondents had a range from 21 to 38 (17 points) and the non-supervisory respondents had a range from 20 to 37 (17 points). The median for the super-

TABLE XII

MEAN SCORES, DUE PROCESS SCALE AND COMPONENT SCALES, BY WORKER CATEGORIES

Position in Organization	N	Score Means			
		Total Questionnaire	Scope and Authority of Court	Role of Lawyers in Court	Role of Probation Officer
Supervisor	9	82.2	29.9	38.6	13.3
Non-Supervisor	35	75.7	28.3	36.1	11.3
Total Respondents	44	77.0	28.6	36.6	11.8

visory category was 30 with an interquartile range of 10 points. The non-supervisory category showed a median of 29 with an interquartile range of 7.

In the dimension of the role of the lawyers, the supervisory workers had a range from 30 to 48 (18 points) and the non-supervisory workers' range was from 26 to 48 (22 points). The supervisory category had a median 39 with an interquartile range of 8, while the non-supervisory category had a median of 37 with an interquartile range of 7.

The range of the supervisory respondents on the dimension of the scope and authority of the probation officer was from 10 to 20 (10 points) and the range of the non-supervisory category was from 5 to 15 (10 points). The median of the supervisory category was 13 with an interquartile range of 8 points. The non-supervisory category had a median of 11 with an interquartile range of 3.

A comparison of the mean scores and the medians suggests that supervisors do look more favorably upon due process standards for juveniles than do their subordinates. Based upon this limited analysis, the hypothesis was supported. For the workers studied here, at least, the contention of McMillin and Garabedian (64) that probation supervisors are more legalistically oriented than non-supervisory personnel was borne out.

Summary

In summary, the analysis in this chapter indicates that relatively large numbers of the juvenile probation officers studied here had negative attitudes toward due process standards which Supreme Court decisions have made mandatory in juvenile cases. In addition, social

work background was found to be a generally insignificant influence on the responses of counselors toward due process. An exception was noted in the area of the respondents' attitudes toward the scope and authority of their occupational role.

A relatively high degree of favorableness toward due process standards was found among supervisors as opposed to non-supervisors in the sample.

Chapter IV presents a summary of the study and the conclusions which can be drawn from the research along with recommendations for further research.

CHAPTER IV

CONCLUSIONS AND RECOMMENDATIONS

Summary of the Study

In the early part of the 20th century, a Psycho-Social orientation toward the handling of young delinquents began to influence the juvenile court system which was developing throughout the United States. Newly professionalized social workers accepted the idea that the origins of crime were to be found in a number of social, psychological and environmental factors which could be discovered and changed by the use of scientific methods. This type of orientation led to the belief that a benevolent juvenile court could determine patterns of behavior in young persons which later would be manifested in adult crime. Once these factors were determined, it was believed that the juvenile court could "treat" the child's social or psychological difficulties in lieu of punishment and thereby reduce the likelihood of future criminal activity.

The treatment philosophy resulted in juvenile court operational procedures which were deliberately differentiated from the system used in adult criminal courts. The emphasis on "informal" proceedings as an aid to formulating a child's treatment program meant that the juvenile courts dispensed with a number of practices and procedures associated with American criminal justice. Youngsters brought before the juvenile court were denied the aid of counsel, the right to appeal, protection against self-incrimination, or the opportunity to confront and

cross-examine witnesses. Juvenile court judges were allowed to base their decisions on less restrictive standards of proof than used in adult courts. (Jury trials were not, and still are not, provided to juveniles). Juvenile probation officers were also allowed considerable discretion in the handling of their clients.

Judicial decisions over the years reaffirmed such procedures on the grounds that youngsters in juvenile courts were not charged with crimes. Juveniles were assumed to be under the protection of benevolent authorities concerned with the welfare of the child. But, in the period following World War II, concern for the rights of juveniles arose within a broad context of legal challenges against arbitrary and unjust practices by public officials and institutions.

Reform of juvenile court practices was preceded by a series of Supreme Court decisions in the 1960's reaffirming the procedural rights of adults such as Mapp, Gideon, Escobedo, and Miranda, as well as by revisions in state juvenile delinquency codes such as those that took place in California in 1960. Lawyers and legal scholars spearheaded the effort to have due process for juveniles affirmed by the Supreme Court. Their efforts resulted in the Kent, Gault and Winship decisions which established that juveniles were entitled to remand hearings, the advice of counsel, the right to confront and cross-examine witnesses, protection against self-incrimination, as well as the right to transcripts and appeals. Rules of evidence were also made to conform to the standards used in adult cases.

One result of these procedural changes is that juvenile probation officers are now required to perform their duties in new ways that are potentially in conflict with their professional training and role con-

ceptions. The autonomy which the juvenile probation officers had come to expect in the presentation of evidence at hearings and in making treatment and probation recommendations faced certain change with the presence of defense lawyers and more restrictive rules of evidence.

According to arguments in the correctional literature, social work training and job experiences have oriented probation officers toward the discovery and treatment of personality defects behind socially disapproved actions. If so, this would lead one to expect that these persons would view the presence of lawyers in court and other procedural standards as obstacles to the treatment and rehabilitative aims of the juvenile court and probation system.

The literature reviewed earlier suggested that an individual's conception of his ideal role stems in part from his professional socialization and that among probation officers, support for procedural safeguards may vary according to their education and position in the organizational structure of the department or agency for which they work. Accordingly, the following hypotheses were examined:

1. Juvenile probation officers are opposed to the due process requirements which recent Supreme Court decisions have implied or imposed on the adjudicatory stage of juvenile cases.

2. Juvenile probation officers with work and/or educational backgrounds in social work have more negative attitudes toward due process standards imposed or implied by recent Supreme Court decisions than do their colleagues without work and/or educational backgrounds in social work. Therefore,

   A. Juvenile probation officers with work and/or educational backgrounds in social work have more negative attitudes toward due process standards which may restrict

the scope and authority of the juvenile court than do their colleagues with other types of work and/or educational backgrounds.

B. Juvenile probation officers with work and/or educational backgrounds in social work have more negative attitudes toward the role of the lawyer in juvenile cases than do their colleagues with other types of work and/or educational backgrounds.

C. Juvenile probation officers with work and/or educational backgrounds in social work have more negative attitudes toward due process standards which may restrict the scope and authority of their occupational role than do their colleagues with other types of work and/or educational backgrounds.

3. Within juvenile probation departments, supervisors are more favorable toward due process standards in juvenile cases than are the "field" men who are subordinate to them.

The hypotheses were examined through a two part self-administered questionnaire submitted to a collection of 44 juvenile probation officers. The data supported the first hypothesis. The juvenile probation officers studied did have moderately negative attitudes toward the due process standards which are mandatory in juvenile cases. The second hypothesis was not supported in that a social work background was not found to be a generally significant factor related to due process attitudes among the respondents. The third hypothesis was partially supported. Supervisors were found to be more favorable toward due process procedures in juvenile cases than their subordinates.

Only 28 of the respondents reported training and/or experience specifically in the field of social work while 16 persons had other types of educational and work backgrounds. Therefore, conclusions and generalizations regarding the effect of background on attitudes toward

due process can be advanced only with caution.

Another factor which warrants caution in drawing conclusions from these data is that the respondents were classified by their department on two levels based on training and experience within the department. One level consists of persons with several years of prior experience, while the other workers show less prior experience. Unfortunately, this distinction did not come to the researcher's attention until the study was nearly completed. It would have been desirable to study variations in attitudes toward due process among workers with social work compared to other training, with length of work experience held constant. One cannot be sure from the data in this thesis that the apparent slightly more favorable views of persons classed as social workers are not actually related basically to length of work experience and only incidentally to educational background.

Recommendations for Further Studies

The research reported in this thesis was restricted to some relatively narrowly defined matters regarding due process and the juvenile court. Also, the study was restricted to a single probation department and involved a relatively small number of court counselors. Accordingly, the generalizations which can be advanced from the study are modest ones. However, in addition to the specific conclusions of the study, some suggestions can be advanced for further research, growing out of the investigation here.

Among other things, members of other juvenile probation departments in urban and rural areas should be studied to ascertain the possible effects of regional factors on opinions. It seems reasonable to suppose that accurate knowledge of the Supreme Court decisions

relating to due process for juveniles may not have been equally diffused to all parts of the country. In particular, knowledge about these rulings may be less complete in rural areas. Moreover, even where these rulings are known, regional attitudinal differences toward the handling of delinquents could lead to differential implementation of procedural standards. For example, rural juvenile court officials may assume that it will be relatively easy to ignore Supreme Court rulings because community pressure groups such as the American Civil Liberties Union are not present to oversee their activities. In urban areas, on the other hand, such pressures from outside groups are more likely to be focused upon courts.

In addition, juvenile court judges and probation officers in sparsely populated areas are often laymen with no formal training in their field. Also, their responsibility for juvenile cases may be one of many roles they fulfill. For example, in several counties in the state where this study was conducted, the County Court Judge, who also serves as juvenile court judge, has no formal legal training and devotes most of his time to the office of county commissioner. In essence, the awareness by some probation officers of due process standards may be limited by their lack of training which may make it difficult to carry out these requirements.

A number of long term studies of juvenile probation departments in urban and rural areas should be made in order to follow the course of acceptance and implementation of the Gault and Winship decisions. Particular attention should be paid to the possible effects of changes in judicial and social work attitudes toward delinquency as well as changes in the leadership of probation departments or the governmental

bodies which administer them.

Another area of investigation might center on organizational variations between juvenile probation departments within urban areas. In a related organizational domain, Wilson (65) found that urban police departments manifest different "styles" of policing ranging from simple order maintenance to rigid enforcement of laws. In another study, Wilson (66) distinguished between what he called professional and non-professional (or "fraternal") police departments:

> The professional department looks outward to universal, externally valid enduring standards; the non-professional department looks, so to speak, inward at the informal standards of a special group and distributes rewards and penalties according to how well a member conforms to them. (67)

Similarly, Emerson (68) studied the juvenile court of an Eastern metropolitan area. He found that the personnel in the court had less professional qualifications than were characteristic of larger and more progressive juvenile court systems.

It is reasonable to suppose that varying degrees of professionalization also exist within juvenile probation departments, having an effect upon the workings of the court. In addition, the department's "style" of dealing with juveniles may range from harsh supervision to therapeutic treatment and may be partly a reflection of the degree of professionalization within the department and the governmental unit to which it is responsible. The probation department examined in this study manifested a fairly high degree of professionalization as well as a preference for a treatment and rehabilitation orientation for the court. Other urban probation departments should be studied to determine the relationship between professionalization, orientation and work "style".

Finally, studies should be made of the curricula to which social work students are exposed. Particular attention should be given to the way in which social workers are prepared (or not prepared) to use traditional social casework methods in settings where they may conflict with due process standards or other restrictions.

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