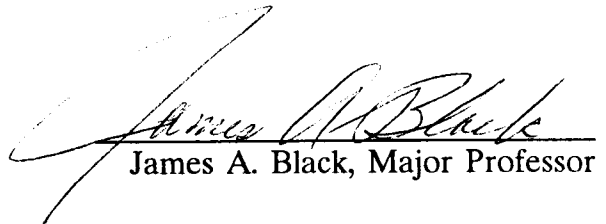
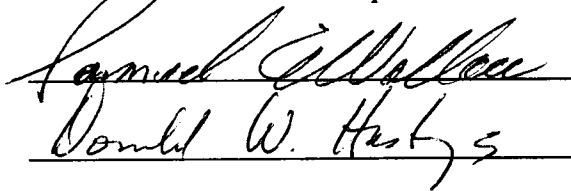


To the Graduate Council:

I am submitting herewith a thesis written by Kelly Virginia Broyles entitled "The Art of Interpretation: An Examination of Justice Ideologies of Juvenile Court Personnel in Tennessee." I have examined the final copy of this thesis for form and content and recommend that it be accepted in partial fulfillment of the requirements for the degree of Master of Science, with a major in Sociology.


James A. Black, Major Professor

We have read this thesis
and recommend its acceptance:


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Accepted for the Council:


Vice Provost and
Dean of The Graduate School

THE ART OF INTERPRETATION: AN EXAMINATION OF JUSTICE
IDEOLOGIES OF JUVENILE COURT PERSONNEL
IN TENNESSEE

A Thesis
Presented for the
Master of Arts
Degree
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Kelly V. Broyles

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ABSTRACT

Using models of juvenile justice ideology, this thesis examines factors influencing juvenile court officials adherence to legally prescribed justice mandates in Tennessee. Survey data collected from juvenile court officials in 58 of Tennessee's 95 counties were used to develop scales which empirically conform to fundamental assumptions and operational principles of the Constitutionalist and Socialized models of justice. The study then compared court officials' ideological preferences to that mandated by Tennessee law. It also examined the relationship between court officials' ideologies and selected personal, organizational and demographic factors. Three statistical techniques were used to analyze the data: factor analysis, reliability statistics, and Pearson's Correlation Coefficient. Findings indicate that there are distinct ideological preferences and that the year of employment, court size, and level of county urbanization are significant in explaining ideology. Collectively, these results indicate a bifurcation in Tennessee's legislatively mandated ideology. This bifurcation in ideologies must be resolved if a coherent system of juvenile justice is to be maintained.

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CHAPTER I

PROBLEM STATEMENT

An ideology is:

. . . a manner of thinking characteristic of a group or culture, a taken-for-granted normative system that can lend legitimacy to organizations and assert connections between organizations assigned tasks and to chosen procedures (Mahoney, 1987, p. 237).

According to Faust and Brantingham (1974), the juvenile court system is influenced by two distinctive ideological models. The original model of "Socialized justice" emphasizes the concept of parens patriae. The second model of "Constitutional justice" emerged in the 1960's and concentrates on procedural and technical aspects of juvenile justice. Bortner refers to this division as the "emergence of a Janus system of justice that may be likened to the Roman god, possessing a head with two opposing faces" (1988, p. 364). Both models vie for dominance in the juvenile justice system.

Each model contains different assumptions that can conceivably shape juvenile court personnel's decisions and actions. These opposing ideologies allow court officials to hold different assumptions and guiding principles. This circumstance suggests that juveniles can be processed through the same justice system, yet be dealt with on the basis of different ideologies.

The problem addressed in this research is twofold. Do Tennessee's juvenile court personnel adhere to the philosophy reflected in the prescribed legal mandates of the Tennessee State Legislature or to other philosophies of juvenile justice? What is the impact of selected sociologically relevant variables on the philosophies held by judges and chief probation officers in Tennessee?

The first question is addressed by determining juvenile court respondents' attitudes on procedural issues and functions of the juvenile court. The second question is addressed by assessing how specific variables impact on the philosophy by Tennessee juvenile justice officials as mandated by Tennessee law. Three sets of variables are examined: personal, organizational, and demographic. Specific personal characteristics include: sex, age, the number of years personnel have worked in the juvenile justice system, and the present position of employment. The organizational variable is the size of each juvenile court. The geographic variables are court location and county urbanization.

CHAPTER II

JUVENILE JUSTICE PHILOSOPHIES

The theoretical framework underpinning this research is that of Faust and Brantingham (1974). Although other models of justice have been offered (McGarrell and Flanagan, 1987; Voigt and Thornton, 1984), Faust and Brantingham's analysis most clearly delineates the dichotomy of ideologies in the juvenile justice system. According to them, the two ideological models that dominate juvenile justice in America are the Socialized justice model and the Constitutional justice model. They identify the explicit assumptions and principles that underlie each of these ideologies (Faust and Brantingham, 1974, p. 568-575).

Socialized Justice

The first juvenile court system, located in Illinois in 1899, operated in the framework of Socialized justice. The central principle of this model is parens patriae. The court system took on the role of parent, protecting of the child and providing nurturance and guidance for children. American juvenile justice traditionally held the court to be nonpunitive and therapeutic, a legal institution that offered individual consideration and treatment focused on juvenile needs and characteristics (Bortner, 1982, p. 1). Children were viewed as incapable of

criminal intent and in need of protection from adult exploitation and their own indiscretion.

Faust and Brantingham suggested several reasons for the success of Socialized justice. First, Socialized justice advocates were aware of the importance of public relations and the need for political support. Advocates spoke out at forums arguing for a "children's court." The first director of the United States Children's Bureau, in fact, proposed principles similar to those contained in this Socialized model of justice. Second, the Socialized model was grounded in the positivistic assumptions of individualism and determinism. The model's success was also due to professional support received from social workers. The implementation of its principles was achieved by the actions of social workers and probation officers in their handling of case work. The final contributing factor in the success of the Socialized model was the decision of the Supreme Court of Pennsylvania in a case that addressed the constitutionality of the juvenile court. In 1905 in Commonwealth v. Fisher, the constitutional attack was overridden and Socialized juvenile court proceedings were accepted. Court actions were malleable and designated to benefit the child (1974, pp. 560-574).

The Socialized juvenile court was broken down into basic fundamental assumptions and operational principles drawn from Faust and Brantingham.

They are as follows:

Fundamental Assumptions

1. Delinquent, dependent, and neglected children are all produced by an evil environment, the principal feature of which is poor parental care.
2. All "troubled" children are basically the same, and can be effectively dealt with through a single unified system of judicial procedure.
3. The juvenile court should function as a "social clinic," designed to meet the child's needs which will, in turn, protect the community and serve the best interests of society.
4. The juvenile court should provide every "troubled" child with the same care, supervision, and discipline that would be given by a good parent.
5. Children should not be subjected to the stigma of criminality.
6. The only rights a child has are his rights to shelter, protection, and guardianship (Faust and Brantingham, 1974, 568).

Operational Principles

1. "One-track adjudication" -- a single, unified "ward of the court" proceeding for all troubled children (delinquent, dependent, or neglected).
2. Extensive use of diagnostic custody in a residential setting offering protective supervision and constructive activity.
3. Informal procedures to get at the "whole truth" about the child--i.e., what needs are evidenced through his behavior and condition? rather than, What was done, and did he do it?
4. Power to fashion ad hoc treatment orders for each child, according to his individual needs.
5. Commitment of the child to "care" and/or "treatment" for the remainder of his minority--long treatment is good treatment.
6. Extensive use of the dynamic principle of "modification of court order," as the needs of the child change under treatment (Faust and Brantingham, 1974, p. 569).

This model was proposed to operate under the philosophy of aiding the child. This "ideal" concept of Socialized juvenile justice began to be challenged in 1960's, when the constitutional revision of juvenile justice began. Criticism of the Socialized model focused on the issues of retribution, practicality, and constitutionality. The Socialized model, it was argued, favors individual rehabilitation instead of punishment. The model does nothing to deter unruly and delinquent children and downplays the importance of retribution. Practicalists saw problems with court functions. It was not practical to send children to facilities only masked by the title of "reformatory school," when in actuality the children were confined in prison facilities. The last significant criticism of Socialized justice was the lack of procedural clarity. Critics argued for closer adherence to the constitution (Faust and Brantingham, 1974, p. 570).

Constitutionalist Justice

Arguments against Socialized justice led eventually to the formulation of a Constitutionalist model of juvenile justice. This model was grounded in the Supreme Court rulings of Kent v. United States (1966), In re Gault (1967), In re Winship (1970), and Breed v. Jones (1975). These landmark cases established procedural guidelines by which juvenile courts were to perform. A two track adjudication process was incorporated in order to separate decisions pertinent to a finding of delinquency (adjudication hearings) from decisions pertinent to

dispositional matters (disposition hearings). This procedure also separated dependent and neglected children from unruly and delinquent children.

Attention shifted from personal characteristics of the child to a consideration of the specific offenses, especially those involving violence. Strict adherence to procedural and technical aspects of justice delivery became mandatory. The fundamental assumptions and operational principles of the Constitutionalist ideology are:

Fundamental Assumptions

1. Delinquent, dependent and neglected children are all "produced" by an inadequate environment, the principle feature of which is poor parental care.
2. Children in need of help are different from children accused of crime, and must be dealt with through separate judicial procedures.
3. Current diagnostic and treatment techniques for dealing with socially maladjusted children are not sufficiently developed to warrant the assumptions of effectiveness on the part of the court, acting as a good parent.
4. Where the results of court action may be a coerced loss of freedom, the State must justify interfering with a child's life, by demonstrating a crucially important reason for doing so.
5. Children must not be subjected to the stigma of criminality.
6. Children have rights to shelter, protection, and guardianship (Faust and Brantingham, 1974, p. 573).

Operational Principles

1. "Two-track adjudication"--different procedures for dealing with children in need of help (dependent and neglected), and children accused of crime (delinquent).

2. Use of informal adjustment schemes, designed to avoid official court action.
3. Strict control of pre-hearing detention, with extensive use of "release on recognizance."
4. Adjudicatory stage of delinquency cases subject to rigorous procedural requirements for protection of rights to appropriate notice, to counsel, to confrontation and cross-examination, to the privilege against self-incrimination, and to application of a standard of proof beyond a reasonable doubt.
5. Use of a wide range of treatment dispositions, subject to rigorous periodic review.
6. Subsequent modification of a court order only under procedural conditions applicable to an adjudicatory hearing (Faust and Brantingham, 1974, p. 574).

Radical Justice

Although a dichotomy exists in Faust and Brantingham's (1974) work, a third model was constructed to explain an additional ideological position on justice which emerged after Faust and Brantingham's research was completed. This model extended the theoretical framework of Faust and Brantingham (1974). The Radical model of justice ideology stresses the importance of circumventing the juvenile's contact with official court processing. Protection of society and community is a relevant factor; processing only the most serious legal cases through the justice system is viewed as advantageous to both the delinquent and the community. The most beneficial alternative to the formal procedures of the Constitutionalist and Socialized models is the emphasis on community programs falling outside the official juvenile justice machinery.

This model of justice has not received the same consideration in justice

delivery as the previous models. The ideology of Radical justice is relatively new to the juvenile justice system. Fundamental assumptions and operational principles have been developed for it as follows:

Fundamental Assumptions

1. Delinquent children are produced by a social structure in which an imbalance of economics and power (i.e., capitalistic society) creates feelings of powerlessness and inadequacy.
2. The juvenile justice system should focus on non-rehabilitative schemes since they are directed towards correcting irrelevant characteristics of offenders and are basically unjust.
3. Juvenile courts should function to develop protective or preventive processes and discontinue focus on individual offenders.

Operational Principles

1. "No-track" adjudication procedures should not be muddled in a philosophy of offender centered rehabilitation, but be fixed to promote class equality and fairness.
2. The judicial system should utilize a wide range of diversionary practice including the abolition of parole and indeterminate sentencing.
3. The system should incorporate the decriminalization of victimless crimes to eradicate some of the problem of "warehousing."
4. There should be strict adherence to the process of assuring the rights of juveniles against a less than impartial judicial system.
5. Create new informal programs to substitute formal court procedures, if so desired, by juvenile's counsel and court officials.
6. The juvenile justice system should not become involved in the juvenile's life until some violation has occurred. This will reduce contact between system and juvenile.

Within the boundaries of these ideological classifications, research can more accurately delineate the position of juvenile court personnel. Each ideological framework identifies a distinctive position from which court personnel may operate in a decision-making capacity.

Specific legislative requirements have been delineated for all judiciary staff anticipating consistency in justice delivery. Nonetheless, subjectivity in handling individual juvenile cases appears to occur frequently. As Bortner notes, there is ". . . a multitude of factors involved in the decision-making matrix---'facts,' professional judgments, personal biases, organizational dictates, political pressures--but the matrix varies from court to court and decision-maker to decision-maker" (1988, p. 115). Justice ideology is operationalized through the decision-making process. The implications of a preferred ideology influences not only dispositional sentencing, but also the adherence to legislation mandates.

Tennessee Law On Juvenile Justice

Tennessee law clearly delineates the responsibility of the Juvenile Court in dealing with troubled youth. The basic guidelines are:

"To provide for the care, protection and wholesome moral, mental physical development of children coming within its provisions" (Tennessee Rules of Juvenile Procedure, 1984, p. 663). "Consistent with the protection of the public interest, to remove from children committing delinquent acts the taint of

criminality and the consequences of criminal behavior and to substitute therefore a program of treatment, training and rehabilitation" (Tennessee Rules of Court, 1984, p. 684).

The juvenile justice system in Tennessee has original jurisdiction over all individuals under the age of eighteen. If the courts so decide, a juvenile whose age is between sixteen and eighteen can be transferred to the criminal justice system. The rules followed in Tennessee's Juvenile Courts are Tennessee Rules of Juvenile Procedure. These rules encompass:

"all cases in which children are alleged to be delinquent, unruly, dependent and neglected or abandoned; in all cases involving the termination of parental rights, in all cases involving emergency temporary care; in all cases to revoke the probation of delinquent or unruly children; and in all cases to terminate home placements" (1984, p. 663).

The purpose of Tennessee's Rules of Juvenile Procedure is to provide "speedy and inexpensive" court processes, to insure "fairness and equity," for protection of "rights and interests" of all parties, "uniformity in court processes," and provide guidelines for all court personnel (1984, p. 664).

The adherence of Tennessee law to Socialized justice is clear. First, the juvenile court should function as a social clinic designed to meet the child's needs and which will, in turn, protect the community and serve the best interests of society. Second, the court should make certain that children should not be subjected to the stigma of criminality. Third, the law emphasizes the extensive use of diagnostic custody in a residential setting offering protective supervision

and constructive activity. Fourth, the law views the commitment of the child to care and/or treatment for the remainder of his minority--long treatment is good treatment. Fifth, the law consists of extensive use of the dynamic principle of "modification of court order," applicable to the needs of the child as they change under treatment (Faust and Brantingham, 1974, p. 569).

Elements of both the Socialized and Constitutional models of juvenile justice can be gleaned from legislation. Overall, though, Tennessee legislation continues to emphasize the Socialized model of justice. (Refer to pp. 38-42 for a detailed discussion of items related to each model.)

Tennessee laws on juvenile justice were examined to establish an ideological foundation of the juvenile court system. The first research question was addressed by examining the ideology held by court officials and the ideology of Tennessee mandates.

CHAPTER III

SOCIAL INFLUENCES ON IDEOLOGIES

Although Tennessee law supports socialized justice, social factors often are influential in shaping ideological positions. This study examined three types of social variables: personal characteristics, organizational variables, and demographic factors.

Independent Variables

Personal Characteristics

Personal characteristics of decision-makers have been largely neglected by much of juvenile justice research. Bortner best describes the relevance of such exploration.

"The concept of individualized justice championed by traditional juvenile justice philosophy emphasizes the necessity of examining the behavior, attitudes and propensities of juveniles. The present inquiry demonstrates that to truly understand the process of individualized justice as implemented within the modern juvenile court it is necessary to examine the behavior, attitudes, and propensities of those who administer juvenile justice. The philosophy of individualized justice stresses the characteristics of juveniles, but the implementation of the ideal focuses upon the characteristics of decision makers" (Bortner, 1982, p. 249).

"Individualized" refers as much to the interpreter of juvenile characteristics as it does to the juvenile. The art of interpretation reveals more about the artist than

the subject. Hence, adherence to legislative mandates can possibly be influenced by personal factors. The investigation of personal characteristics of decision-makers is sparse and related to decisions rather than ideological preferences. The focus of most literature in this area has been most often directed toward personal characteristics of juveniles and background material related to them, i.e., previous offenses and type of offense (Rubin, 1985, p. 7). The human element is difficult to remove from the decision-making process in subjective areas such as juvenile justice. Rubin indicated the extent to which subjectivity is found in the judicial component when he stated there are "...very individualistic interpretations and clearly different applications of juvenile justice" (1985, p. 17).

Studies incorporating variables on the personal characteristics of decision-makers have focused on four specific areas: age, gender, race, and experience within the juvenile justice field by judges and chief probation officers (Myers and Talarico, 1987, 1986; McGarrell and Flanagan, 1987; Rubin, 1985; Sprowls, 1980; Tittle and Curran, 1988).

Age

Age is examined as an influential factor on court personnel through research into juvenile dispositions (Bortner, 1988; Myers and Talarico, 1987) and legislative ideology (McGarrell and Flanagan, 1987). Some studies indicate that age influences court personnel's ideologies; others do not.

For dispositions, older court judges are more lenient on offenders with dispositions such as probation. They are less likely to incarcerate offenders. Younger judges are "harder" in dispositional sentencing (Bortner, 1988, p. 117; Myers and Talarico, 1987, pp. 107-109).

Research on the personal characteristics legislators' of ideologies, by McGarrell and Flanagan found age was not a significant factor (1987, p. 109). Because of the chronological development of the Socialized and Constitutional models of juvenile justice, age can be viewed as an important variable to be examined.

This study examined the importance of this set of variables' influence on justice ideologies. Age could be positively correlated to the year court personnel began working in the juvenile justice system. It was conceivable that those respondents working in the juvenile justice system prior to 1967 would be aligned with a more informal justice, while those employed after 1967 would adhere to the basis of formal or procedural justice.

Gender

The issue of gender has long been a researched subject in the area of personal characteristics (Bortner, 1982; Currie, 1988; Currie and Skolnick, 1988; Myers and Talarico, 1987). In examining of court personnel, women differ from men in decision-making practices. Women are more liberal and lenient than

men (Bortner, 1988, p. 117; McGarrell and Flanagan, 1987, p. 107; Myers and Talarico, 1987, p. 30). These findings suggest women are more inclined to adhere to conservative foundations of justice, adhere to a legalistic approach. Based on personal experience as an intern in the juvenile court systems, I also found evidence of gender differences in philosophy.

Race

The race of decision-makers differentiates their types of actions. As Bortner purports, one's race "will impact his or her world view and actions" (1988, p. 117). Literature cites white individuals as more conservative, while non-whites are more liberal and radical in their views (McGarrell and Flanagan, 1987, p. 113; Myers and Talarico, 1987, p. 27). The data cited clearly indicate that race could be a significant variable in the view of ideology.

Court Personnel

The juvenile court personnel studied are juvenile court judges and chief probation officers, thus representing the probation staff. Probation officers, for example, are usually portrayed as interested in the individual child, against the legalization of the juvenile justice process, for rehabilitative efforts, and against punishment. Often these individuals are referred to as "soft." Juvenile court judges are traditionally perceived in the same way, although is a more diversified

categorization reported in the literature (McGarrell and Flanagan, 1987; Mahoney, 1982; Ruben, 1985(b)). Some judges are viewed as "tough." Some judges are viewed as legalistic. Still others are concerned for the individual child's needs. Rubin examines the diversification among "judges," illustrating that such wide discretionary attitudes and practices could be attributed to the differing ideological schemes offered through the models of juvenile justice (1985(b), pp. 366-367). Mahoney finds a correlation between both divisions of juvenile court judges and probation officers; he indicates "probation officers align themselves closely with the judge and see themselves as an arm of the court" (1987, p. 116).

Experience

Experience is generally viewed as increasing one's knowledge and skills in an area thus influencing attitudes and behaviors. McGarrell and Flanagan found that employment in the criminal justice system was not significantly related to the models of justice utilized in their research on legislator ideology (1987, p. 115). Personal observation led me to question these data for court officials. Having experienced the working atmosphere in different juvenile courts first-hand, I believe the greater the length of experience in juvenile court, the more likely an individual is to view justice informally. Court officials who were employed for a short period were more likely to follow procedural components of juvenile

justice.

Closer scrutinization of decision-makers' characteristics was necessary to better clarify the actual beliefs of court personnel. Sprowls summarizes the current position of juvenile justice personnel:

"It would be bizarre to suggest that personal characteristics of decision-makers and their subjects are of no consequence in determining the outcome of decisions" (1980, p. 46).

Organizational Influence

Although personal characteristics of decision-makers in the juvenile justice system presumably impact on adherence to legally prescribed mandates, some research concludes that organizational or environment variables influence adherence to particular justice ideology is more prominently found in organizational or environment variables (Kast and Rosenzweicz, 1973; Perrow, 1970; Thompson, 1967). The importance of organization on justice philosophy is examined through the variable of court size.

Many organizational variables are worthy of inquiry when viewing their significance on ideology. This area of juvenile justice is just beginning to be explored. As with most any aggregation of individuals, a range of attitudes from complete alliance to diversification of philosophies occur. Data indicate that the larger the court size, the more legalistic and procedural it becomes; smaller court size allows more versatility in handling of individual cases (Bortner, 1988, pp.

120-122).

The juvenile court system constitutes a bureaucracy which varies from one county juvenile court to another. Although each court has legislatively mandated guidelines, court size could influence adherence, as Bortner emphasizes:

"In our examination of juvenile justice . . . it is essential to recognize that the juvenile justice system is a highly complex bureaucracy that must function and survive within contemporary society. It would be naive to ignore the pressures experienced by this system - internal pressures generated by the bureaucratic form that it has assumed . . ." (1988, pp. 120-121)

...the court's lack of clarity regarding procedures and goals, combined with a wide latitude of organizational and individual discretion included an environment in which units of the court network were able to press their own goals rather than the courts" (1982, p. 30).

Size of court may influence justice ideology as well as adherence to specified mandates. Bortner notes the relationship between court size and the allegiance to statewide policy, suggesting that growth of the court could be a determinant through disposition (1982, pp. 35-36), thus possibly reflecting ideological views (Mahoney, 1987; Myers and Talarico, 1986). The conclusion drawn presumes the larger the court size, the greater the amount of discretion utilized and the greater the diversification of ideology.

Demographic Influence

Geographic variation became a prominent area of study in the 1970's (Austin, 1981; Krisberg et al., 1984; Lemert, 1970; Mahoney, 1987; Myers and

Talarico et al., 1987, 1986; Poppenfort et al., 1979; Poulin et al., 1980; Tittle and Curran, 1988). Significant variables in state justice practices have been discerned through the study of "Justice by Geography" (Krisberg et al., 1984).

The ideological frameworks of juvenile courts vary from state to state as illustrated in the differential treatment of youthful offenders. The importance of explaining court personnel ideology is illuminated by various social scientists (Bortner, 1982 and 1988; Faust and Brantingham, 1974; Krisberg et al., 1984; McGarrell and Flanagan, 1987; Tittle and Curran, 1988).

Krisberg et al. (1984, p. 177-78) report significant documentation of intrastate level variation in justice delivery. The increase in legislative action gave rise to the "diversified attitudes and beliefs of opinion leaders" (McGarrell and Flanagan, 1987, p. 103). Since the emphasis of these data is on legislator ideology, there is a need to examine other political elites and their philosophic dispositions, i.e., juvenile court officials. Their beliefs and attitudes contribute to the creation of a distinctive juvenile justice ideology.

The experience gained by interning at both urban and rural county courts, stressed the importance of examining the variable of urbanization in justice research. Krisberg et al. stress that significant interest should be placed on comparable studies of geographic location as well (1984, p. 177). It is apparent from this research that no standardization of interstate justice exists.

The most frequently researched demographic variable is county location (Austin, 1981; McGarrell and Flanagan, 1987; Myers and Talarico, 1986, 1987; Tittle and Curran, 1988). As observed by Myers and Talarico, "...urbanization emerged in its own right, as a contextual factor--a determinant--of discrepancies" (1987, p. 387). Rural areas operate outside legislatively mandated judicial process guidelines, leaving decisions to more individualistic interpretations (Austin, 1981). Level of urbanization was found to influence which ideological framework is utilized in decision making. McGarrell and Flanagan (1987, p. 109) concluded that urban decision-makers scored higher on the scales of liberal and radical justice; those from rural areas scored higher on the scale of conservative or traditional justice.

CHAPTER IV

METHODOLOGY

To examine the ideological views of Tennessee's juvenile court officials, a survey was collected. Data were collected by using mailed questionnaires. Analytical statistical techniques included factor analysis, reliability statistics and Pearsons' Correlation Coefficients.

Data Collection

A questionnaire gathered information on ideological preferences and personal, organizational, and geographic characteristics of Tennessee's juvenile court judges and chief probation officers in each of the 95 counties. A mail-out-mail-in survey was used. Two mailings were sent, approximately one month apart. The first wave yielded 72 responses, the second mailing resulted in 25 additional responses. Two questionnaires were enclosed in each mailing, one questionnaire for the judge and one for the chief probation officer. In all, court officials from 58 of Tennessee's 95 counties responded.

Most individuals return surveys shortly after receiving them if the person anticipates responding (Dilliman, 1972, p. 183). The court officials surveyed were sent a second follow-up mailing, containing two additional copies of the questionnaire replacing the two questionnaires previously sent. This mailing

urged each respondent to return the pre-stamped survey if they had forgotten or misplaced the first questionnaire.

Each questionnaire contained a brief statement of the research objectives in the cover letter. The cover letter included the identification of the persons and organization conducting the study, stressing the importance of the study and necessity of each individual's response. The cover letter informed each respondent that his/her answers would be confidential (Miller, 1982, p. 145). Instructions were also enclosed for each county judge to give the chief probation person the additional copy of the survey. Identifiers were removed and the data were aggregated to insure confidentiality.

The questionnaire was fashioned after a survey by Professor Ralph A. Rossum of the Rose Institute of State and Local Government in California. Items for the questionnaire were constructed to parallel those used in Crime Control Ideology by McGarrell and Flanagan (1987, pp. 116-117). These items consisted of personal characteristics, organizational information and demographic information. In the section of the questionnaire viewing ideological models, 47 items tapped into a broad range procedural issues and individual and community needs.

Models of Justice Operationalized

The initial identification of differing ideologies was one of the first theoretical aspects viewed. The models of juvenile justice philosophy developed

by Faust and Brantingham, Socialized and Constitutionalist justice (1974, pp. 568-569; 574-575), served as the foundation for beginning work in the area. Other models were suggested. However, as stated previously, Faust and Brantingham's scheme was the most functional (Bynum et al, 1986; Farrington and Gunn, 1985; McGarrell and Flanagan, 1987). Their model was supplemented by the addition of a third model, the Radical model. This model was devised to represent an additional philosophical view that arose after the completion of Faust and Brantingham's research (1974).

This study focuses on ideology. Juvenile justice ideology has three constructed dimensions -- Socialized, Constitutionalist and Radical justice. Questionnaire items 1-7 pertain to various aspects of the three ideological frameworks. Questionnaire items were representative of ideological frameworks through each models assumptions and principles.

Although the verbal identification of the models exist, there is a lack of empirical specificity. What is important is the development of scales consisting of items that reflect the core features of each model. It was necessary to recast the rhetoric of the ideologies into statements which would discriminate between the models of justice. The result of this process is the development of a series of question that relate to the fundamental assumptions and operational principles of each model. The question and assumptions are stated below.

The Socialized Model

The prominent elements of the Socialized model of justice are viewed through fundamental assumptions and operational principles. These assumptions and principles are expressed in a verbal model (Faust and Brantingham, 1974). Questionnaire items have been listed with the Socialized model to illustrate item validity. Item/model operationalization is presented in the following.

Fundamental Assumptions

1. Delinquent, dependent, and neglected children are all produced by an evil environment, the principal feature of which is poor parental care. (e.g., Retain juvenile court jurisdiction over neglected and abused children.)
2. All "troubled" children are basically the same, and can be effectively dealt with through a single unified system of judicial procedure. (e.g., Keep exclusive jurisdiction over juvenile cases.)
3. The juvenile court should function as a "social clinic," designed to meet the child's needs which will, in turn, protect the community and serve the best interests of society. (e.g., Use detention facilities for rehabilitative purposes.)
4. The juvenile court should provide every "troubled" child with the same care, supervision, and discipline that would be given by a good parent. (e.g., The state has the right to intervene in the lives of children before a crime is committed.)
5. Children should not be subjected to the stigma of criminality. (e.g., Remove status offenders from court jurisdiction.)
6. The only rights a child has are his rights to shelter, protection, and guardianship.

Operational Principles

1. "One-track adjudication" -- a single, unified "ward of the court" proceeding for all troubled children (delinquent, dependent, or neglected). (e.g., The primary function of the juvenile court is to help children.)
2. Extensive use of diagnostic custody in a residential setting offering protective supervision and constructive activity. (e.g., Punishment is an inappropriate element of juvenile justice.)
3. Informal procedures to get at the "whole truth" about the child--i.e., what needs are evidenced through his behavior and condition? rather than, What was done, and did he do it? (e.g., Simply being in court does the child more harm than good.)
4. Power to fashion ad hoc treatment orders for each child, according to his individual needs. (e.g., Serious offenders should have decisions regarding security and treatment determined by their individual needs.)
5. Commitment of the child to "care" and/or "treatment" for the remainder of his minority--long treatment is good treatment. (e.g., Use detention facilities for rehabilitative purposes.)
6. Extensive use of the dynamic principle of "modification of court order," as the needs of the child change under treatment (Faust and Brantingham 1974, p. 569). (e.g., Juvenile judges must act as advocates in the development and allocation of resources.)

Constitutionalist Model

Fundamental assumptions and operational principles have been developed for the Constitutionalist model of justice (Faust and Brantingham, 1974). Questionnaire items are listed below with the Constitutionalist model to substantiate the ideological foundation for each item.

Fundamental Assumptions

1. Delinquent, dependent and neglected children are all "produced" by an inadequate environment, the principle feature of which is poor parental care. (e.g., The primary function of the juvenile court is to help children.)
2. Children in need of help are different from children accused of crime, and must be dealt with through separate judicial procedures. (e.g., The courtroom experience between the state and the child is necessarily adversarial.)
3. Current diagnostic and treatment techniques for dealing with socially maladjusted children are not sufficiently developed to warrant the assumptions of effectiveness on the part of the court, acting as a good parent. (e.g., The juvenile court places too much emphasis on rehabilitation.)
4. Where the results of court action may be a coerced loss of freedom, the State must justify interfering with a child's life, by demonstrating a crucially important reason for doing so. (e.g., The primary focus of the juvenile court for disposition of violent, chronic, and serious delinquent should be based on the act committed.)
5. Children must not be subjected to the stigma of criminality. (e.g., Remove status offenders from court jurisdiction.)
6. Children have rights to shelter, protection, and guardianship. (e.g., The main function of the juvenile court is to promote class equality and fairness.)

Operational Principles

1. "Two-track adjudication"--different procedures for dealing with children in need of help (dependent and neglected), and children accused of crime (delinquent). (e.g., Establish separate secure detention facilities for all violent juvenile offenders.)
2. Use of informal adjustment schemes, designed to avoid official court action.
3. Strict control of pre-hearing detention, with extensive use of "release on recognizance." (e.g., Use legal guidelines in all decisions after apprehensions.)
4. Adjudicatory stage of delinquency cases subject to rigorous

procedural requirements for protection of rights to appropriate notice, to counsel, to confrontation and cross-examination, to the privilege against self-incrimination, and to application of a standard of proof beyond a reasonable doubt. (e.g., The presence of legal counsel representing the juvenile improves the quality of juvenile justice.)

5. Use of a wide range of treatment dispositions, subject to rigorous periodic review. (e.g., Require victim impact statements before sentencing.)
6. Subsequent modification of a court order only under procedural conditions applicable to an adjudicatory hearing. (e.g., Regardless of the issue, there needs to be very explicit procedures for dealing with the many problems youth are confronted with.) (Faust and Brantingham, 1974, pp. 573-574).

The Radical Model

The Radical model of justice was developed to offer an additional ideological position on juvenile justice. This model extends the model development presented by Faust and Brantingham (1974). Questionnaire items are listed below with the fundamental assumptions and operational principles of the Radical model to support item validity.

Fundamental Assumptions

1. Delinquent children are produced by a social structure in which an imbalance of economics and power (i.e. capitalistic society) creates feelings of powerlessness and inadequacy. (e.g., Childrens' interests need to be balanced against the interests of the larger society.)
2. The juvenile justice system should focus on non-rehabilitative schemes since they are directed towards correcting irrelevant characteristics of offenders and are basically unjust. (e.g., Children should be considered mature and responsible adults at a specific age, whether its for driving, drinking, sex, drug or alcohol abuse counseling, military service, or anything else they do.)

3. Juvenile courts should function to develop protective or preventive processes and discontinue focus on individual offenders. (e.g., The juvenile court should only intervene in serious cases where there is a clear threat to community safety.)

Operational Principles

1. "No-track" adjudication procedures should not be muddled in a philosophy of offender centered rehabilitation, but be fixed to promote class equality and fairness. (e.g., Guidelines should be adopted to reduce dispositional disparity.)
2. The judicial system should utilize a wide range of diversionary practice including the abolition of parole and indeterminate sentencing. (e.g., Eliminate indeterminate sentences.)
3. The system should incorporate the decriminalization of victimless crimes to eradicate some of the problem of "warehousing." (e.g., Most juveniles should be dealt with by agencies other than the juvenile court, if at all.)
4. There should be strict adherence to the process of assuring the rights of juveniles against a less than impartial judicial system. (e.g., Limit the discretion exercised by judges in sentencing decisions.)
5. Create new informal programs to substitute formal court procedures, if so desired, by juvenile's counsel and court officials. (e.g., Most juveniles should be dealt with by agencies other than the juvenile court, if at all.)
6. The juvenile justice system should not become involved in the juvenile's life until some violation has occurred. This will reduce contact between system and juvenile. (e.g., The juvenile justice system should only punish juveniles involved in serious crimes.)

Personal Characteristics

The variables hypothesized as potentially influencing individuals' adherence to ideology were age, gender, the present position of the staff surveyed and the number of years each staff member was employed in the

juvenile justice system. Age was grouped into intervals (question 8). Gender was self-reported (question 9). The present position of the staff, judge or chief probation officer, was self-reported (question 13.1). The length of time of employment in the current position (question 13.2) and the length of employment in the juvenile justice system (question 14) were reported in years.

Organizational Variable

The influence of the bureaucratic system was viewed through the controlled variable of court structure. Court structure was determined through county of employment (question 15) and the number of professional employees in each court (question 16). Tennessee's Statistical Abstracts and a listing of Tennessee Judges with Juvenile Court Jurisdiction were also used to determine court size.

Demographic Variable

The demographics were examined by viewing each of the 95 counties in Tennessee. The counties were studied by regional location East, Middle and West Tennessee and by each county's level of urbanization. The Tennessee Statistical Abstracts was used to determine county urbanization. Counties found within Standard Metropolitan Statistical Area's (SMA's) were considered urban counties. Counties contiguous to counties comprising SMA's were considered

suburban counties. The remaining counties were considered rural (1983, p. xiv).

Sample Characteristics

Forty-nine counties were represented in the first mailing with 72 individual responses. The second mailing resulted in an additional nine counties represented, with 23 responses returned. Both categories of court personnel were well represented with 51% of the data returned from judges 48% resulting from probation officer response.

Personal Characteristics

Personal characteristics for judges and probation officers were age, sex, length of experience and the present position each respondent in the juvenile justice system. The mean age of the respondents was 44, with ages ranging from 22 through 76. Men comprise the majority of the court positions with 68 men and 25 women responding. Of the total responses, 46 were received from judges, 44 from chief probation staff.

Organizational Characteristic

The size of each court was determined by the number of professional staff currently employed in each court. The mean number of professional staff in each court was 3, with a range from 1-35.

Demographic Characteristics

Court location was used to identify the demographic characteristics employed in this survey. The western portion of Tennessee was lowest in the response rate, middle and east Tennessee were well represented.

Statistical Procedures

Three statistical operations were performed. These techniques were factor analyses, reliability statistics, and Pearson's Product Moment Correlation.

Factor analysis was used to identify the underlying dimensions of each model. This procedure permits identification of which items correspond to a given model of juvenile justice. Repeated factor analyses were used to reduce the original list of statement items to subsets of items that measured each model.

Once factor analysis identified items on each of the two dimensions, the items were used to construct scales. The scalability of these factors was evaluated by computing item to total scale score correlations and Cronbach's alpha coefficient of reliability (Babbie, 1986, p. 526).

The final statistical technique used was Pearson's Correlation. This operation examined the models and their associations with age, sex, each personnel's present position in the juvenile justice system, and length of experience.

CHAPTER V

FINDINGS

Factor Analysis

Repeated factor analyses were performed using principal component solution. Pairwise deletion for missing data was used in the analyses. The minimum eigen value was varied from 2.5 to 1.5. The final value used for factor formulation was 1.7. In the final analysis, factor loadings of .40 or more were used to assess simple structure. Varimax rotation was used.

The final results reformulated the theoretical models of justice. Two of the three proposed models were found to be empirically grounded. The ideological framework of the Constitutionalist model emphasizes the consistency of procedure in juvenile justice delivery. The Socialized model focuses on individualized treatment and types of juveniles in contact with the juvenile justice system. The Radical model of justice was not found to be ideologically significant at this time. The final reliability analysis reformulated the Constitutional and Socialized models through the following questionnaire items:

Constitutionalist model of justice

Regardless of the issue, there is a need for explicit procedures in dealing with the many problems youth are confronted with.

The main function of the juvenile court is to promote class equality

and fairness.

Have prosecutor participation in all decisions after initial apprehensions.

Require victim impact before sentencing.

Socialized model of justice

Remove status offenders from court jurisdiction.

Retain juvenile court jurisdiction over status offenders.

The Constitutionalist model scaled according to the proposed model of justice with the exception of the second item scaled. This item was originally scaled in the Radical model. This item was operationalized in the Constitutionalist model after examining the items procedural significant. The established scales were representative of the Socialized and Constitutionalist models of justice after the completion of necessary changes were implemented to clarify questionnaire items.

Nine items from the survey were highly correlated with two underlying dimensions (Table 1). Five of the items found were significantly related to the procedural aspects of juvenile justice, while one was not. In the second cluster of items, two items were found to relate to types of children or needs of children.

Table 1. Rotated Factor Loadings for Constitutionalist and Socialized models

	Constitutionalist model	Socialized model
Regardless of the issue, there needs to be very explicit procedures for dealing with the many problems youth are confronted with.	.53	-.46
Remove status offenders from court jurisdiction.	.14	.59
Retain juvenile court jurisdiction over status offenders.	- .04	.61
Have prosecutor participation in all decisions after initial apprehension.	.73	.32
Require victim impact statement before sentencing.	.51	.13
The main function of the juvenile court is to promote class equality and fairness.	.70	-.12
The child's welfare is more important than the nature of the offense.	- .16	.54
The presence of legal counsel representing the juvenile improves the quality of juvenile justice.	.14	.61
Serious offenders should have decisions regarding their security and treatment determined by their individual needs.	.64	-.09

Scale Analysis

Scales were constructed using these two factors and checked for their reliability. The first scale was composed of four items measuring the procedural aspect of juvenile justice. These items were:

Regardless of the issue, there needs to be very explicit procedures for dealing with the many problems youth are confronted with.

The main function of the juvenile court is to promote class equality and fairness.

Have prosecutor participation in all decisions of the initial apprehension.

Require victim impact statements before sentencing.

An additional item scaled but did not meet the theoretical criterion of the Constitutionalist model and was dropped (i.e., Serious offenders should have decisions regarding security and treatment determined by their individual needs.) The Cronbach's alpha before the item was dropped was .54. Dropping the item from the scale lowered the Cronbach's alpha by .01. The empirical significance of the scale was only slightly altered, after the item was dropped, while the epistemic value of the scale was improved. This scale measures on aspect of the Constitutionalist model of justice. Cronbach's alpha of .53 indicated a moderate level of consistency in the scale (see Table 2).

The second scale initially contained four items. This scale contained two

items which emphasize the types of children in contact with the juvenile justice system. These items reflect characteristics of the Socialized model of justice. Two items which factored on this scale were not used. The first item dropped was clearly a courtroom procedure issue (i.e., the presence of legal counsel representing the juvenile improves the quality of juvenile justice). The elimination of the second item simply improved the alpha coefficient (i.e., the child's welfare is more important than the nature of the offense). Cronbach's alpha before deleting the items was .53 and after deletion of the items it was .72.

Pearson's Product Moment Correlation Coefficient

Pearson's r was used to examine the association between the models of justice and of age, sex, present position of employment, number of professional staff in each court, the year each respondent was first employed by the juvenile justice system and the level of county urbanization. The year each respondent began working in the juvenile justice system was obtained by subtracting each respondents length of employment in the justice system from his/her age, then subtracting that value from the date of the present year. Pearson's r was used to test whether or not the proposed models of justice existed and to establish the predominant model of justice in Tennessee's juvenile justice system. Of the scaled models, court personnel preferred the ideology of Constitutionalist justice instead of the ideology of Socialized justice.

Table 2. Pearson's Product Moment Correlation Coefficients Scale Score by Age, Sex, Present Position of Respondent, Number of Staff Employed in Each Court, and by the Year Each Respondent was Employed in the Juvenile Justice System.

	Constitutionalist model				Socialized model			
	r	% of explained variance	N	P	r	% of explained variance	N	P
Age	-.04	.00	82	.36	-.14	.02	86	.10
Sex	.12	.01	84	.14	.02	.00	89	.04*
Present Position of Employment	.10	.01	82	.19	.08	.01	86	.22
Number of Staff	-.05	.00	80	.35	.24	.06	84	.01
Year of Employment in the Juvenile Justice System	.19	.04	80	.04*	.19	.04	83	.04*
Level of County Urbanization	-.08	.01	83	.23	.19	.04	88	.04*

$p \leq .05^*$
 r = correlation
% of explained variance = r^2
N = number of cases
P = probability

Table 2 presents Pearson's Correlation Coefficients, the percent of explained variance, and the number of cases in each analysis. Pearson's r tests for the strength of the model (scale). Explained variance examines the significance each model in explaining ideology. The N column indicates the number of cases used in each correlation.

Results of Pearson's r on the Constitutionalist scale show little or no relationship with any of the independent variables (Table 2). Only two variables, the number of professional staff in each court and the year each respondent was first employed in the juvenile justice system, reveal significant relationships to the model. The number of staff is found significant in relation to the socialized model, the year each respondent was first employed is significantly related to the Constitutionalist and Socialized models. All other variables indicated little to no relationship to ideological preference (Miller, 1983, p. 212).

Results

A series of relationships were examined. The results are as follows:

H¹:1 Tennessee's juvenile court personnel do not adhere solely to the philosophy reflected in Tennessee law.

The literature suggests the predominance of Socialized justice from the juvenile courts' birth in 1899 to 1966, when a second model of justice emerged. In 1967, the Constitutionalist model of justice became the principal philosophy

when the Supreme Court ruled in favor of changing the nature of courtroom procedure (Faust and Brantingham, 1974, p. 570). Tennessee law continues to be closely aligned with Socialized justice.

This relationship was supported by an examination of factor analysis. Only 19.3% of the court personnel adhere to Socialized justice ideology.

H¹:2 Respondents do not support a single ideological preference for juvenile justice in Tennessee.

The literature indicates a lack of overall consistency at the interstate level, suggesting little intrastate consistency (Krisberg, 1984). Two models of justice were examined during factor analysis, the Socialized and Constitutionalist models. These factors account for 42% of ideology variance, 58% variance was unexplained.

H¹:3 Older respondents adhere to the Socialized justice model, while younger respondents adhere to the Constitutionalist justice model.

With the emergence of the Constitutionalist justice model in 1976, the probability of court personnel working in the same justice system with differing ideological backgrounds is great. The ideology to Socialized justice was unchallenged until 1967, after which the two models struggled for dominance. This hypothesis was first examined by testing only the respondents age against the models. No significant difference occurred at the .05 level of significance, thus there was no support for the hypothesis. The second test relating age to

ideology was performed by examining the year each respondent was employed in the juvenile justice system (refer to page 35). Both the Socialized and Constitutionalist models of justice had slight significance, $r = .04$ and $.04$, respectively. Thus, the more recently respondents were employed, the more likely they are to adopt and uphold the Constitutionalist model.

H¹:4 Female respondents are more likely to adhere to the Socialized model of justice than are male respondents.

The literature suggests that women are more liberal and lenient than men in juvenile justice delivery (Bortner, 1988, p. 117; McGarrell and Flanagan, 1987, p. 107; Myers and Talarica, 1987, p. 30). Personal observations of juvenile court personnel that I made during an internship with a juvenile court suggested the same relationship. However, this hypothesis was not supported by the findings.

H¹:5 Juvenile court judges adhere to the Constitutionalist model of juvenile justice, while juvenile court probation officers adhere to the Socialized model of justice.

The literature indicates that ideological preference of court personnel will vary by their positions of employment. The majority of the literature assumes probation staff will adhere to the individualized treatment of juveniles. Judges are portrayed as viewing justice more legalistically (McGarrell and Flanagan, 1987; Mahoney, 1982; Ruben, 1985b). Having observed courtroom procedures while interning with juvenile court personnel, my personal perceptions supported

this position. However, the findings indicate that neither model of justice held a level of significance that was consequential in explaining ideological preference by respondents present position of employment.

H¹:6 Organizational and demographic variables are not as influential on justice ideology as personal characteristics.

The literature cites the lack of research conducted in this area of juvenile justice. More often than not, studies have focused on the individual offender (Bortner, 1982, p. 249). Studies that emphasize the role of court personnel focus on their personal characteristics and generally support this hypothesis (Myers and Talarico, 1987, 1986; McGarrell and Flanagan, 1987; Rubin, 1985; Sprowls, 1980; Tittle and Curran, 1988).

This study indicates the lack of personal characteristic influence on justice ideology with the exception of the year of each respondents' employment with the juvenile justice system. The level of significance was .04. Both organizational and demographic variables were found to be equally or more influential as the level of urbanization was equally significant at .04, while the number of staff was found to be more significant of justice ideology. This level of significance was .04. Thus, data did support the hypothesis.

CHAPTER VI

SUMMARY AND CONCLUSIONS

This study on ideological framework the juvenile justice system in Tennessee addressed two issues. Do juvenile court personnel adhere to the legally prescribed mandates of the Tennessee State Legislature (Socialized justice) What is the impact of sociologically relevant variables on ideology held by Tennessee's juvenile court officials?

The first research question was addressed by determining the ideology of Tennessee legislator and testing the ideology with those proposed by Faust and Brantingham (1974).

The underlying philosophy of Tennessee law on juvenile justice is consistent with the operational principles and fundamental assumptions of the Socialized model of justice (refer to pages 5-6 and 11-12). Findings indicate that in Tennessee's juvenile justice system, there is support for the Constitutionalist and Socialized models of justice delineated by Faust and Brantingham (1974). The findings emphasize that the "...Janus system of justice" set forth by Bortner (1988, p. 364) exists in Tennessee's juvenile justice system. Previous research indicates that several areas of justice delivery have been adversely affected by the inconsistencies resulting from two ideological frameworks within the same justice system (Bortner, 1982 and 1988; Krisberg et al, 1984; McGarrell and Flanagan,

1987; Tittle and Curran, 1988). These areas include the labeling of children coming in contact with the court, the amount of contact these children experience with the court system, and the type of case disposition. For example, the "delinquent" label of is used in Constitutionalist justice while Socialized justice considers the label "delinquent" to be stigmatizing to juveniles.

Constitutionalist justice uses the formal approach of courtroom procedure for justice delivery; Socialized justice opts for informal alternatives such as diversion programs and informal consent decrees (Siegel and Senna, 1981, p. 452). The Constitutionalist model of justice supports the legalistic component of case disposition. Each case is formally heard in the court to assure the rights of juveniles; case disposition is consistent with the offense. The Socialized model of justice examines each case independently emphasizing juvenile needs before courtroom procedure.

This study focused on adherence to legislative mandates. The results indicate that court personnel adhere more to the ideology of Constitutionalist justice than to Socialized justice. Thus, it cannot be concluded that court officials adhere to the legislative mandates of Socialized justice.

The second research question addressed in this study was the impact of specific sociological variables on ideology preference. The variables chosen for examination were categorized into three areas: personal characteristics, organizational variables, and demographic variables. Personal characteristics

examined were age, sex, and present position of employment (judge or probation officer). The organizational variable examined was court size. The demographic variable examined was county urbanization. Personal characteristics were not found to be significant in explaining ideology. This finding was supported by McGarrell and Flanagan (1987, p. 109). However, when age was analyzed with the length of employment in the workplace, a slight significance was shown. The more recent the date of employment in the juvenile justice system, the more likely the employee would be to adopt the Constitutionalist model.

The organizational variable of court size was found to be significantly related to ideology. Although much literature supports this finding (Bortner, 1982; Mahoney, 1987; Myers and Talarico, 1986), results of this study determined a differing relation. Previous literature ascertained that as court size increases, adherence to Constitutionalist justice also increases. However, this study found that as court size increases, adherence to Socialized justice increases. These data indicate that juvenile court officials are more likely to adhere to legislative mandates as court size increases.

Demographic influence on ideology was the last area of data analyzed. Earlier studies revealed a positive correlation between the level of urbanization and the ideological assumptions of Constitutional justices (Austin, 1981; Krisberg, 1988; Myers and Talarico 1987). The literature states that as the level of urbanization increases, court officials will place more emphasis on the procedural

components of juvenile. The findings of this study indicate a greater adherence to legislative mandates (Socialized justice) by juvenile court officials as level of county urbanization increases.

Contributions and Limitations

The preceding analysis of justice ideology demonstrates the complexity of juvenile justice delivery. In summarizing the results of this research, contributions and limitations can be identified.

Although the results of this research yielded only two of the three proposed models of justice, the results are important for examining justice ideologies. In the past, much research has occurred on juvenile justice, but few studies have emphasized ideology. This research established scales of ideological differences which are a step beyond the usual rhetoric of "models" presented in justice literature. This study extends the current area of knowledge on justice ideology in directions useful to both academics and juvenile justice personnel. The academic study of juvenile justice ideology has been extended through the development of ideology scales. These data point out intrastate differences could be useful in interstate comparisons.

Juvenile justice personnel also benefit from this research. There is an opportunity for court officials to more closely examine their role in promoting a unified ideological foundation for justice. Future research could focus on

characteristics of the justice system rather than characteristics of individuals who are involved in the justice system. The juvenile justice system can benefit from this research by addressing the inconsistency of justice ideology that the study illuminates.

It is readily apparent that methodological limitations on this study influenced the final results. Limitations of this study were the research design and the types of independent variables examined. The mailed survey research design was cost effective, gave respondents more privacy in responding, and afforded wide geographic contact but resulted in a low percentage of returns, lack of knowledge on how non-respondents compare with respondents and ambiguity in the wording of questionnaire items. These limitations could have been lessened by using a personal interview research design (Miller, 1983; p. 119). The response rates are higher with personal interview than with mailed surveys. Items could have been more clearly presented, reducing the ambiguity of questionnaire items.

For to the variables chosen to influence ideology, the use of more discriminating variables such as whether or not court personnel had contact with the juvenile court before employment and the types of justice philosophy studied in academic settings could provide more empirically sound findings on justice ideology.

Conclusion

This study of juvenile justice ideology illustrated the need for a more precise, clearly delineated model of juvenile justice ideology in Tennessee. Juvenile justice needs a more comprehensive model, one which encompasses a healthy integration of both procedural concerns of the court and the needs of the types of children experiencing contact with the court. The need for a synthesis of Constitutionalist and Socialized models of justice is necessary to yield an integrated philosophical foundation for Tennessee's juvenile justice system. By examining judicial and legislative components of juvenile justice, researchers can apply the knowledge gained to benefit future courtroom procedure and treatment of juveniles.

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APPENDIX

JUVENILE JUSTICE SURVEY

For some time now, several of us at the University of Tennessee in Knoxville have been concerned with various proposals being suggested for juvenile justice reforms. As important decision makers in the day-to-day activities related to the dispensing of justice for juveniles, you are bound to be guided by underlying rationales and philosophies which bring a certain meaning and coherence to the many types of decisions you make. Whether those rationales and philosophies are reflected in the legislative enactments which will direct juvenile justice policy in Tennessee in the foreseeable future depends on many factors. One important factor is some knowledge of the rationales and philosophies themselves. We are interested in learning more about the central themes which will shape juvenile justice in Tennessee as we approach the twenty-first century. That is the purpose of this survey.

The survey asks your views on several issues including the efficacy of several philosophical approaches to juvenile justice, the causes of delinquency, and the effectiveness of various programs.

It is designed to be completed and returned with a minimum of difficulty and time. Your responses are completely confidential. When you have finished, simply fold with the return address showing, seal with a staple, and mail. The survey has been pre-addressed and no postage is necessary.

This project is being conducted as one in a series under the auspices of the Comparative Legislative Sentencing Project in the Department of Sociology at the University of Tennessee, Knoxville.

Your participation in this important project is deeply appreciated. A summary copy of the results will be sent to you when the project is completed. Thank you!

*James A. Black, Professor
Kelly Broyles, Graduate Assistant
Department of Sociology
University of Tennessee
Knoxville*

Dear Judge:

We have enclosed two copies of our questionnaire; one copy for you to complete and return and one copy for your chief probation officer. We would greatly appreciate your assistance in delivering the second questionnaire to the person that best fits the position.

Sincerely,

*James A. Black, Professor
Kelly Broyles, Graduate Assistant
Department of Sociology
University of Tennessee, Knoxville*

QUESTIONNAIRE

1. *Before asking your views on a number of items of particular concern to juvenile justice officials, we would like your responses to some issues of general importance to the public about adolescents. Please indicate how you feel about each of the following issues as they relate to adolescents.*

*Critically
Unimportant*

*Critically
Important*

1 2 3 4 5

1 2 3 4 5 *Regardless of the issue, there needs to be very explicit procedures for dealing with the many problems youths are confronted with.*

1 2 3 4 5 *Children should be considered mature and responsible adults at a specific age, whether it's for driving, drinking, sex, drug or alcohol abuse counselling, military service, or anything else they do.*

1 2 3 4 5 *Childrens' interests need to be balanced against the interests of the larger society.*

1 2 3 4 5 *Children need to be able to make mistakes and learn from them without having those mistakes count against them when they become adults.*

2. *Many factors have been suggested as important in explaining juvenile delinquency. From the following list, rank the THREE factors you think are MOST IMPORTANT in explaining delinquency.*

— *An unjust and racially discriminatory society.*

— *Lack of parental supervision.*

— *Laws lack uniformity.*

— *Disrespect for laws.*

— *Lack of knowledge about legal system.*

— *Declining respect for authority.*

— *Decline in traditional family structure.*

— *Lack of economic opportunities for youth.*

— *Sense of alienation and hopelessness among youth.*

3. *People hold differing views about a number of punitive issues concerning the juvenile court. Please indicate whether you agree or disagree with each of the following statements.*

Strongly Disagree	1	2	3	4	5	Strongly Agree
1 2 3 4 5						
1 2 3 4 5						
1 2 3 4 5						
1 2 3 4 5						
1 2 3 4 5						
1 2 3 4 5						
1 2 3 4 5						
1 2 3 4 5						
1 2 3 4 5						

4. *People hold differing views about a number of legal issues concerning the juvenile court. Please indicate whether you agree or disagree with each of the following statements.*

Strongly Disagree	1	2	3	4	5	Strongly Agree
1 2 3 4 5						
1 2 3 4 5						
1 2 3 4 5						
1 2 3 4 5						
1 2 3 4 5						
1 2 3 4 5						
1 2 3 4 5						
1 2 3 4 5						

- | 5. <i>The various functions of the juvenile justice system are increasingly debated. How important do you think it is for the juvenile justice system to do the following?</i> | | 1 | 2 | 3 | 4 | 5 | | |
|--|--|---|---|---|---|---|-----------------------------|--|
| <i>Critically Unimportant</i> | | | | | | | <i>Critically Important</i> | |
| 1 2 3 4 5 | Limit the discretion exercised by judges in sentencing decisions. | | | | | | | |
| 1 2 3 4 5 | Establish separate secure detention facilities for all violent juvenile offenders. | | | | | | | |
| 1 2 3 4 5 | Remove status offenders from court jurisdiction. | | | | | | | |
| 1 2 3 4 5 | Retain juvenile court jurisdiction over status offenders. | | | | | | | |
| 1 2 3 4 5 | Retain juvenile court jurisdiction over neglected and abused children. | | | | | | | |
| 1 2 3 4 5 | Use detention facilities for rehabilitative purposes. | | | | | | | |
| 1 2 3 4 5 | Keep exclusive jurisdiction over juvenile cases. | | | | | | | |
| 1 2 3 4 5 | Have prosecutor participation in all decisions after initial apprehension | | | | | | | |
| 1 2 3 4 5 | Use legal guidelines in all decisions after apprehension. | | | | | | | |
| 1 2 3 4 5 | Require victim impact statements before sentencing. | | | | | | | |
| 1 2 3 4 5 | Use juvenile records in adult court sentencing proceedings. | | | | | | | |
| | | 1 2 3 4 5 Eliminate indeterminate sentences.
1 2 3 4 5 Use restitution to the victim as the sole sanction for minor property offenses.
1 2 3 4 5 Set mandatory minimum sentences for certain offenses. | | | | | | |
| 6. <i>A variety of recommendations have been offered for improving the juvenile justice system. With which of the following do you agree or disagree?</i> | | | | | | | | |
| | | Strongly Disagree | | | | | Strongly Agree | |
| | | 1 | 2 | 3 | 4 | 5 | | |
| 1 2 3 4 5 | The primary focus of the juvenile court for disposition of violent, chronic, and serious delinquents should be based on the act committed. | | | | | | | |
| 1 2 3 4 5 | Serious offenders should have decisions regarding security and treatment determined by their individual needs. | | | | | | | |
| 1 2 3 4 5 | Guidelines should be adopted to reduce dispositional disparity. | | | | | | | |
| 1 2 3 4 5 | The juvenile court should only intervene in serious cases where there is a clear threat to community safety. | | | | | | | |
| 1 2 3 4 5 | Dispositional hearings should be closed. | | | | | | | |
| 1 2 3 4 5 | Juvenile judges must act as advocates in the development and allocation of resources. | | | | | | | |

How would you rate the following organizations in your area in dealing with the delinquency problem?

<i>Very Poor</i>						<i>Very Good</i>
1	2	3	4	5		
2 3 4 5					Schools	
2 3 4 5					Legislature	
2 3 4 5					Police	
2 3 4 5					Juvenile Courts	
2 3 4 5					Youth Organizations	
2 3 4 5					Churches	
2 3 4 5					Social services	

Finally, we would like some personal information about you.

8. *What is your age? _____*
9. *Are you male _____ or female _____?*
10. *What is your race?*
Caucasian _____
Black/African-American _____
Other _____
11. *What is your marital status?*
Married _____
Single _____
Divorced _____
Widowed _____
12. *What is your educational level?*
High school _____
Some college _____
BA or BS _____
Masters _____
Ph.D _____
Other _____
13. *What is your present position?*

How long have you worked in your present position? _____
14. *In the juvenile justice system?*

15. *In what county is your court located?*

16. *How many professional staff members are employed in the court in which you are employed? _____*

AGAIN, THANK YOU FOR YOUR COOPERATION

VITA

Kelly Virginia Broyles was born in Greeneville, Tennessee, on June 19, 1965. She attended primary and secondary schools in that area and graduated from Chuckey-Doak High School in May 1983. The following August she entered Appalachian State University, and in May 1987 she received a Bachelor of Science degree in Sociology. In the fall of 1987 she accepted a teaching assistantship at The University of Tennessee, Knoxville, and began study toward a Master's degree. This degree was awarded in December 1989.

The author is a member of the American Sociological Association and the Tennessee Juvenile Justice Association.