

# What Drives Juvenile Probation Officers?

## Relating Organizational Contexts, Status Characteristics, and Personal Convictions to Treatment and Punishment Orientations

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Data from surveys of juvenile court probation officers in four states are analyzed to understand professional orientations toward two seemingly contrasting goals of contemporary juvenile justice systems: punishment and treatment. These self-reported juvenile probation officer orientations are considered in relation to three clusters of variables representing somewhat distinct hypothetical bases of professional orientation: court context, decision-maker status characteristics, and resonance with legal, victim's rights, and character issues. Although court context and status characteristics distinguish attitudes toward treatment and punishment, attitudinal resonance is an especially strong predictor of these orientations. Rather than mutually exclusive or static ideologies, treatment and punishment appear to be flexible, overlapping goals that appeal to officers according to their congruence with other personal convictions. Younger probation officers are also found to be more punitive, net of other influences, suggesting cohort replacement may accelerate the displacement of juvenile rehabilitative ideals. Implications for juvenile justice research and policy are considered.

**Keywords:** *juvenile court; probation officer; court context; attitudes*

Progressive era founders of the juvenile court envisioned an institution where the state would act as a “kind and just parent,” addressing cases on an individualized basis by prescribing unique responses tailored to each

juvenile before it (Rothman, 1980; Ryerson, 1978). This court model necessitated high levels of discretion and subjectivity among the juvenile court judges and probation officers entrusted with the task of determining and serving the needs of individual youths. Though much about youth crime and justice may have changed since the first juvenile court opened its doors in 1899 (Feld, 1999), reliance on court actors' discretion in formal decision making continues in contemporary juvenile court communities.

This article considers how contemporary juvenile court probation officers approach the cases of juvenile offenders and what factors underlie these tendencies. In particular, we analyze factors related to officers' self-reported orientations toward the goals of punishment and treatment, two seemingly contrasting objectives central to the modern mission of juvenile justice. Punishment and treatment provide two extremes of a continuum along which juvenile court decision makers constantly locate their decisions. The juvenile court movement was originally distinguished in fact by its effort to establish treatment or "rehabilitation" as the organizing principle of juvenile social control, a rhetorical if not actual shift countering then-prevailing practices of punishing young and adult offenders alike. As Thomas Bernard (1992) argues, the history of American juvenile justice reveals a cyclical oscillation between these competing views of appropriate responses to delinquency, with alternating periods of lenient and punitive juvenile court policy. In practice, the juvenile court model has always embraced goals of both treatment and punishment, and this is more explicitly the case today.

Today a majority of states' juvenile court purpose clauses specifically stress both punishment and rehabilitation, formally codifying these as distinct juvenile justice objectives (Elin-Blomquist & Forst, 1993). Treatment and punishment can be understood as somewhat distinct but coexisting goals of juvenile social control, which court actors and workgroups are continually challenged to reconcile (Feld, 1999; Kupchik, 2005; Morris & McIsaac, 1978). This reconciliation is complicated by the apparent tensions or inconsistencies within these dual objectives. As Morris and McIsaac (1978) explain:

A key factor in these internal contradictions is the *apparent* incompatibility between social control objectives and social welfare objectives. These orientations, as ideal types, call for different patterns of responses and different organizational structures. A social control orientation views the delinquent as a conscious lawbreaker who endangers the community. Social control is traditionally achieved within a criminal justice frame-

work: punishment appropriate to the seriousness of the offence so that decisions reflect fairness and equality. A social welfare orientation, on the other hand, views the delinquent as a victim of circumstances—social, psychological, biological, economic—which have led to the commission of the offence. The aim is to provide him [*sic*] with the resources to overcome these circumstances. (p. x, emphasis in original)

When juveniles are brought before the court because of an offense, rather than their needs, the court's crime control mission seems more salient than its social welfare mission. Juvenile courts may aim to pursue both objectives simultaneously, but in fact resort to punishing youth in the name of treatment (Feld, 1999; Matza, 1964; Morris & McIsaac, 1978; Parker, Casbarn, & Turnbull, 1981). Other scholars offer a more optimistic view of the survival of the juvenile court's treatment mission, suggesting its ability to coexist with more punitive dimensions of juvenile justice policy and practice (Cullen, Golden, & Cullen, 1983; Kupchik, 2005; Sanborn, 1994).

Probation officers perform an important role in determining how juvenile courts locate their decisions along this treatment–punishment continuum. They present evidence in cases, find suitable dispositions for youth, advise judges on dispositions, and manage adjudicated offenders (see Bridges & Steen, 1998; Emerson, 1969; Jacobs, 1990), making them a central cog of juvenile justice administration. Their orientations toward treatment and punishment are thus vital to appreciating how contemporary juvenile courts understand and work toward addressing juvenile crime. Tensions between punishment and treatment impulses are also likely to be especially pronounced for probation officers. The very idea of probation is to spare youth harsh punishment while supervising them, mentoring them, and helping them to develop in productive ways, thus attaching a social work function to probation work. Yet probation officers also perform surveillance and enforcement functions in juvenile justice administration (Jacobs, 1990). In contrast to other court actors, such as prosecutors, who might view punishment as clearly more important to their role than treatment (Heumann, 1978), or to private service providers, who might view treatment as clearly more important than punishment (Emerson, 1969), probation officers occupy a position that regularly requires reconciling the dual treatment and punishment purposes of the juvenile court.

Researchers have long been interested in how juvenile court officers make case processing decisions (e.g., Bazemore & Lynette, 1997; Bridges & Steen, 1998; Jacobs, 1990; Katz, 1982; Sarri & Hasenfeld, 1976). This research has focused far more on the outcomes of discretionary decision making than on

the individual decision-maker preferences and tendencies that presumably shape the use of discretion. Some find, for example, large discrepancies among outcomes for similar cases across court environments, defined by court size, formalization, and urban location (Aday, 1986; Feld, 1991; for similar results in criminal courts, see Johnson, 2005; Ulmer & Johnson, 2004; Weidner, Frase, & Schultz, 2005). This “justice by geography” research suggests the absence of routine standards for evaluating cases across local court communities and the need to consider contextual factors in analyses of decision-making behavior. Offender status characteristics have also been shown to predict disparities in the use of discretion. Bridges and Steen (1998) find that probation officers systematically attribute offenses of Black American youth to internal character flaws, an explanation that encourages and rationalizes their more severe and exclusionary sanctioning.<sup>1</sup> White youths’ misdeeds are more consistently explained as the consequence of external, environmental factors, an attribution encouraging and rationalizing their greater access to inclusionary, rehabilitative sanctions. More recent research has further revealed the significance of unconscious racial stereotypes to juvenile justice decision-makers’ attributions, and likely their eventual decisions (Graham & Lowery, 2004). Yet, we still know less about the specific factors underlying decision-makers’ orientations toward different juvenile case processing options (i.e., punishment and treatment), and what ultimately drives their sanctioning decisions, than about distributions of sanctioning outcomes.

Considering the dual and shifting purposes of American juvenile justice, the high levels of discretion in juvenile case processing, and limited insights from previous research regarding what actually influences decision-makers’ case-processing orientations, it is worth examining more closely how juvenile court actors relate to goals of “treatment” and “punishment,” and what drives these orientations. We analyze data from a survey of juvenile court workers in four states to determine what factors are related to probation officers’ preferences for treating and punishing juvenile offenders. Following previous research, to estimate probation officers’ orientations toward treatment and punishment, we examine the relative influence of independent variables representing three distinct theoretical frameworks: (a) court context, (b) individual status characteristics, and (c) relevant attitudinal resonances. Considering the relative significance of these frameworks provides insight into the extent and underlying dimensions of variation in contemporary juvenile court probation officers’ treatment and punishment orientations.

## Factors Shaping Juvenile Justice Orientations

Research consistently finds that orientations toward justice administration vary among the U.S. general public and justice workers alike. Prior research associates this variation with variables that can be grouped into three theoretical models: court context, individual status characteristics, and attitudinal resonances. Though each model can be shown to predict orientations to juvenile justice, there is little consensus regarding the significance and possible cumulative effect of these models. This section briefly reviews prior research on each of these areas to generate hypotheses regarding the underlying dimensions of juvenile probation officer orientations. In the analyses that follow, we test these hypotheses and thus the relative influence of these three theoretical models for explaining court actors' orientations.

### Court Context

The first theoretical framework we introduce concerns the contexts in which court actors work. Organizational research on courts emphasizes the need to consider how the contextual circumstances of court actors, including the social, political, and professional characteristics of local court organizations, condition local legal cultures and the attitudes and outlooks of court workers (Eisenstein, Flemming, & Nardulli, 1998; Johnson, 2005; Stapleton, Aday, & Ito, 1982; Ulmer, 1997; Ulmer & Johnson, 2004; Ulmer & Kramer, 1996, 1998; Weidner et al., 2005; Weidner, Frase, & Pardoe, 2004). Recent scholarship has used the term *court community* to convey this social organizational perspective (Eisenstein et al., 1998; Ulmer, 1995; Ulmer & Kramer, 1998). Conceiving courts as "social worlds, or communities of action and communication" (Ulmer, 1995, p. 589), this approach draws attention to the "localized, diverse processual orders in which case processing and sentencing practices develop" (Ulmer & Kramer, 1998, p. 251). Decisions about appropriate court responses develop through the negotiation of common understandings, a negotiation partially conditioned by organizational characteristics of court communities (Cicourel, 1968; Dixon, 1995; Emerson, 1969; Kramer & Ulmer, 2002; Sudnow, 1965; Ulmer & Johnson, 2004).

We draw on three specific findings from the research on court communities. One is the understanding that the processual orders of large, urban court communities are particularly distinct from those of smaller suburban or rural court communities (Aday, 1986; Feld, 1991; Johnson, 2005; Sanborn, 1996; Ulmer & Johnson, 2004; Ulmer & Kramer, 1998). The size

and population density of a court jurisdiction appears to shape how court actors collectively define their roles, the manner in which court actors interact with one another, and the manner in which court actors interact with defendants. In particular, some research finds that urban juvenile courts—especially those with large minority populations—are more formal and/or punitive than rural juvenile courts (Feld, 1991, 1999; Sampson & Laub, 1993).<sup>2</sup> In addition, the resources available to court actors are likely important in determining their actions; clearly, how one tries to solve a problem depends on what solutions one believes to be or finds available (Emerson, 1969; Stapleton et al., 1982). Finally, we expect that juvenile arrest rates in local jurisdictions may influence punishment and treatment orientations of juvenile court probation officers. As discussed further below, scholars have noted an increasingly punitive orientation in juvenile justice policy and court practice (Feld, 1999; Garland, 2001; Singer, 1996). The extent of this orientation may partially depend, however, on the local volume and characteristics of juvenile arrests. Court actors may be more willing to forego punitive concerns when faced with large caseloads caused by high juvenile crime rates, and pursue organizational efficiency by disposing of cases more leniently and quickly (Dixon, 1995; Ulmer & Johnson, 2004). Accordingly, our first set of hypotheses predicts the following relationships between juvenile court context and probation officers' orientations toward punishment and rehabilitation.

*Hypothesis 1a:* Probation officers in large urban courts are more punitive and less supportive of treatment than other probation officers, controlling for other factors.

*Hypothesis 1b:* Officers in courts within counties marked by high juvenile arrest rates are more rehabilitative in orientation and less punitive than other probation officers, controlling for other factors.

*Hypothesis 1c:* Officers in courts considered more sufficiently resourced are more rehabilitative in orientation and less punitive than their under-resourced counterparts, controlling for other factors.

## **Individual Status Characteristics**

The second theoretical framework we consider is an individual status model. This model follows from prior research finding that individual status characteristics, including age, education, race, religion, and occupation, may differentiate attitudes toward justice administration within the general public (Applegate & Davis, 2006; Cochran, Boots, & Heide, 2003; Cullen, Fisher, & Applegate, 2000; Grasmick, Davenport, Chamlin, &

Bursik, 1992; Grasmick & McGill, 1994; Mears, Hay, Gertz, & Mancini, 2007; Moon, Wright, Cullen, & Pealer, 2000; Schwartz, Guo, & Kerbs, 1993; Vogel & Vogel, 2003; Young, 1991), and among justice-system professionals (Davis, Severy, & Kraus, 1993; Miethe & Moore, 1988; Myers, 1988; Ward, 2006).

In terms of general public opinion, there is some evidence from prior research that men are more punitive than women (Cochran et al. 2003; Grasmick & McGill, 1994; Mears et al., 2007; Moon et al., 2000), that Whites are more punitive than Blacks (Applegate & Davis, 2006; Blumstein & Cohen, 1980; Bobo & Johnson, 2004), that religious conservatives are uniquely punitive (Grasmick & McGill, 1994), and that educational attainment and parenthood are inversely related to punitiveness (Moon et al., 2000; Schwartz et al., 1993). Prior research also suggests age differentiates public opinion on crime and justice; some studies find that age is positively related to public support for punitive juvenile justice policies (Mears et al., 2007; Schwartz et al., 1993), however, others find younger respondents more supportive of punitive policies (Applegate & Davis, 2006; Moon et al., 2000).

Status characteristics are intersecting categories of difference which clearly interact in shaping public opinion about crime and criminal justice. For example, Black parents are more likely than parents of other ethnoraical backgrounds to support punitive handling of juvenile offenders, possibly due to greater urban concentration and fear of criminal victimization (Schwartz et al., 1993, pp. 24-25). Similarly, Bobo and Johnson (2004) find that Black Americans are generally less supportive of punitive criminal justice policies than Whites, however, older Black Americans strongly support punitive drug laws, despite the racially disparate impact of these laws. The authors speculate this punitive exception partly reflects a resentment of young drug offenders, and fear born of greater vulnerability to victimization, unique to older Black Americans (p. 170).

Studies of criminal justice professionals have also regularly if somewhat inconsistently reported attitudinal differences related to status characteristics. Although a classic study of attitudes and decisions in the Canadian criminal justice system reports that "one can explain more about sentencing by knowing a few things about a judge than by knowing a great deal about the facts of the case" (Hogarth, 1971, p. 350), research in the United States generally finds decision-maker attributes of relatively limited significance to case outcomes, at least in adult courts (Steffensmeier & Britt, 2001). Much of the extant research finds that personal status characteristics of justice workers hold limited significance to attitudes and behaviors

compared to situational factors, occupational roles, political ideology, and professional goals (Crouch & Alpert, 1980; Jacobs & Kraft, 1978; Klofas, 1986; Mastrofski, Reisig, & McCluskey, 2002; Raganella & White, 2004; Uhlman, 1978). Yet, others find that justice workers demonstrate distinct attitudes and behaviors, including variable sensitivity to issues of fairness, identification with subjects of social control, and in some cases punitiveness, depending on their race or ethnicity (Bennett & Johnson, 2000; Cullen, Latessa, Burton, & Lombardo, 1993; Jurik, 1985; Scherer, 2004; Steffensmeier & Britt, 2001; Welch, Combs, & Gruhl, 1988), age (Davis et al., 1993; Myers, 1988), gender (Philliber, 1987; Spohn, 1990), and level of education (Walker & Barrow, 1985). One likely explanation for these mixed findings is the manner in which research has been designed. Myers (1988) finds, for example, that case characteristics are far more directly influential on adult court decisions than demographic and experiential characteristics of judges, but that status characteristics (such as age, religion, and prosecutorial experience) do condition judicial orientations toward the relevance and weighting of case information in the course of their decision making. Failure to measure these *intervening* attitudinal orientations, and focusing solely on general attitudes or final case outcomes, can mask the relevance of status characteristics to the orientations and behaviors of justice workforce (also see, Bridges & Steen, 1998, note. 11).

Given their unique objectives, organization, and ongoing transformation, juvenile courts make especially interesting contexts for the study of professional orientations among court workers. Operating in systems traditionally distinguished by substantial reliance on decision-maker discretion, juvenile court workers may be more inclined than adult court counterparts to develop and express varied professional sensibilities (Davis et al. 1993, p. 452). Although this informality was reduced by due process reforms in the 1960s, and again by later modifications of juvenile codes, substantial room remains for the exercise of discretion on the part of juvenile court professionals (Feld, 1999). Decision-maker status attributes may be stronger direct predictors of case outcomes in juvenile courts than in criminal courts, and unique in their prediction of orientations. Research suggests, for example, that older judges in the adult criminal court are more inclined than younger counterparts to incarcerate offenders (Myers, 1988). Yet research in juvenile court reports a *negative* relationship between age and support for punitive sanctions (Davis et al., 1993). This difference may reflect the waning influence of traditional rehabilitative ideals in juvenile justice. Considering that public sentiment and juvenile justice policy have shifted toward the escalation of juvenile accountability and punishment in recent

decades, treatment strategies might resonate more with older decision makers in juvenile justice than with either their adult system counterparts or younger cohorts of juvenile justice professionals, each of the latter being less inclined to prioritize rehabilitation. We return to this point in our discussion of findings and implications.

Court actors are socialized into perceptions of offenses, offenders, and case-processing objectives that correspond to perspectives they develop and are taught on assuming their specific professional roles (Heumann, 1978; Petronio, 1982). We might expect prosecutors, for example, to place a higher value on punishment than defense attorneys and to be relatively more focused on offenses than on offenders' personal circumstances or characteristics, based on the roles communicated to them and received in the course of professional socialization. This study does not consider the relevance of professional role (i.e., judge, attorney, and probation) differences to case-processing orientations, but it is possible that probation officers' attitudes are differentiated by the extent of their professional experience. Given that greater experience may increase association with official goals of the juvenile court, we expect job tenure will be positively related to probation officers' support of both treatment and punishment goals (see Jacobs, 1990).

Based on prior research, we hypothesize the following relationships between individual status characteristics and orientations toward punishment and rehabilitation:

*Hypothesis 2a:* Older probation officers and officers who are parents are more rehabilitative in orientation and less punitive, respectively, than those who are younger or without children, controlling for other relevant factors.

*Hypothesis 2b:* Non-White and women probation officers are more rehabilitative in orientation and less punitive, respectively, than White and male, officers, controlling for other relevant factors.

*Hypothesis 2c:* Probation officers with more extensive job experience are more rehabilitative in orientation and more punitive than officers relatively new to probation, controlling for other relevant factors.

## **Attitudinal Resonances**

The third theoretical framework we explore suggests that individual court workers' attitudinal resonances shape their orientations to case processing. Probation officers are of course likely to be driven by more than court context and their individual status characteristics. These individuals also bring particular worldviews to their roles as arbiters of juvenile justice,

background ideologies, or belief-sets that may be more or less independent of other personal characteristics, and which likely influence the prioritization of various response options. Researchers have developed the concept of “resonance” to theorize the ideological link between a decision-maker’s status characteristics, background ideologies, and orientations toward justice administration (Cochran et al., 2003; Davis et al., 1993; Grasmick & McGill, 1994; Homel & Lawrence, 1992). This concept potentially helps capture ideologically nuanced aspects of personal and professional identity, isolating those “underlying dimensions that integrate various types of variables such as attitudes, beliefs, and personality characteristics into coherent patterns” (Davis et al., 1993, p. 452). In theory, these convictions, in concert with court organizational factors bearing on decision makers, largely shape orientations toward justice administration.

Various clusters of attitudinal and personality characteristics are likely to influence orientations toward justice administration, but particularly those of an ethical, moral, or legal nature. For example, the resonance measure is most developed in studies of the relationship between religiosity and criminal justice orientations (Grasmick et al., 1992; Grasmick & McGill, 1994; Leiber, Woodrick, & Roudebush, 1995). These studies find that individuals make attributions for criminal behavior based partially on their religious beliefs, and that religiously based resonances therefore correspond with attitudes toward criminal social control. Others have considered how attitudes toward fairness, equality, and responsibility relate to criminal-justice orientations. Young (1991) finds that differences in the criteria Blacks (e.g., system fairness) and Whites (criminal responsibility) often reference in formulating attitudes toward criminal justice policy help account for the substantial racial divide in support for capital punishment. Similarly, Bobo and Johnson (2004) consider how fear of crime, perceptions of criminal-justice system bias, and anti-Black prejudice relate to observed differences in the criminal-justice policy preferences of Blacks and Whites. These authors find that background attitudes toward racial equality (e.g., anti-Black prejudice, racial resentment, and perceived system bias) substantially explain group differences in attitudes toward criminal-justice policy. By avoiding reliance on status characteristics as proxies for attitudinal disposition, and measuring actual convictions, the resonance concept helps determine what actually drives variation in orientations.

We expect juvenile court probation officers’ orientations toward punishment and treatment to be partially conditioned by the importance they assign to individual character issues, formal legal considerations, and the interests of crime victims. Robert Emerson’s (1969) classic study of juvenile court

decision making finds that the construction of individual offenders' "moral character" often shapes court actors' responses to juvenile crime, even more so than actual offenses. According to his study, juvenile court actors seek to determine whether they are dealing with a "normal" youth who commits aberrant crimes, a "hard-core" delinquent who should be incapacitated, or a "disturbed" youth requiring a therapeutic response. Mark Jacobs (1990) makes a similar argument about probation officers' "tragic narratives." These narratives are dramatic tales explaining juvenile behavior as the result of a combination of character and destiny, thus providing cues for how probation officers should act in particular cases.

Although some research suggests that concern with moral character is invasive and leads to harsh punishments of youth generally (Emerson, 1969), and youth from marginalized groups especially (Bridges & Steen, 1998; Feld, 1999), resonance with character issues may reflect a unique desire to reform youth and thus a positive disposition toward treatment (Jacobs, 1990). Given the juvenile court's traditional "child saving" mission, concern with individual youths' moral character has, historically, figured prominently in juvenile court decision making. Recent changes in juvenile justice policy have elevated the formal significance of offense characteristics in case-processing decisions, and perhaps diminished the significance of individual character considerations. Probation officers who remain particularly attuned to character assessment may be holdovers of a more ostensibly rehabilitative juvenile court model, and thus relatively more inclined to prioritize the treatment of juvenile offenders.

The punitive turn in juvenile justice policy and practice is likely associated with distinct clusters of conviction, including greater concern for formal legal factors and victims' rights. The increased focus on due process protections in juvenile courts, blending of juvenile and adult jurisdictions for certain offenders, and general increase in the criminal culpability of youth over the past few decades have clearly elevated attention to formal offense characteristics, particularly for the purpose of determining the severity of punishment (Butts & Mitchell, 2000; Krisberg, Schwartz, Litsky, & Austin, 1986). Furthermore, escalation of concern with victims' rights and restitution may have displaced traditional attention to youths' "best interests" with a focus on their accountability. Some argue that the growth of the victims' rights movements has helped fuel a culture of punitiveness in justice administration (Garland, 2001), to which juvenile court probation officers are not likely immune.

These three sets of concerns—moral character, formal offense characteristics, and victims' rights—likely resonate with individual probation

officers to varying degrees, and are potentially important factors distinguishing their goals in case processing. We hypothesize the following relationships between these personal convictions and probation officers' orientations toward punishment and rehabilitation:

*Hypothesis 3a:* Officers who resonate more strongly with issues of "moral character" are more rehabilitative in orientation and less punitive than officers who do not express these convictions.

*Hypothesis 3b:* Officers who resonate more strongly with formal offense characteristics are less rehabilitative in orientation and more punitive than officers who do not express these convictions.

*Hypothesis 3c:* Officers who resonate more strongly with victims' rights are less rehabilitative in orientation and more punitive than officers who do not express these convictions.

Existing research has yet to resolve the nature of variation in court decision makers' goal orientations. Although this study does not assess decision-making behavior, it offers insight into the inclinations of juvenile court personnel whose subjective dispositions may be particularly salient in actual processes of social control (see Homel & Lawrence, 1992). Moreover, there is evidence suggesting that juvenile justice decision makers' self-reported attitudes are closely related to their decisions (Katz, 1982). By assessing the relative importance of organizational context, status characteristic, and attitudinal resonance in predicting juvenile court workers' orientations to punishment and treatment objectives, this analysis helps clarify the degree and underlying dimensions of variation in the case-processing orientations of probation officers at work in the evolving institution of American juvenile justice. We do not take these models to be mutually exclusive, thus we are not testing *which* of the three matters. Rather, we seek to clarify how and to what extent each shapes orientations to treatment and punishment goals. Each theoretical framework has been considered in prior work, though no prior study considers all three; as a result, we know very little about the relative influence of each.

## Method

### Data

We utilize data from a self-administered survey of decision makers in 12 midwestern juvenile courts, conducted between June 1999 and June 2000.<sup>3</sup>

This questionnaire was distributed to probation officers, judges and referees, prosecutors, and defense attorneys in four states (three county-level courts within each) to survey orientations toward various factors in juvenile justice administration. Due to the low response rate among legal professionals (especially prosecutors, but also judges and defense attorneys), which possibly introduced a sample selection bias, we restrict our analysis to probation officers; this is the largest group of surveyed responses, and it reflects a high response rate (75%). Though the probation officers surveyed are involved in a range of juvenile cases—involving dependence, neglect, custody, and delinquency—the questionnaire asked respondents to focus exclusively on their orientations toward delinquency case processing.<sup>4</sup>

The survey sample was obtained through the assistance of court administrators, who identified the relevant population in each court and requested their participation in the survey. Respondents participated in the survey voluntarily and were assured of the confidentiality of their responses. Questionnaires were completed in the course of regular meetings or else via mail. The final data set includes responses from 494 probation officers, though our final analyses include only 399 cases, due to missing values. These missing values are the result of respondents refusing to answer individual questions, with race and/or ethnicity—a central variable in our analysis—the most commonly refused question. However, bivariate tests show that the missing cases differ from valid cases at a statistically significant level ( $p < .05$ ) only for our age variable; those who refused to answer any survey item we include are, on average, 3 years younger than those who answered all questions. Because the excluded cases are similar to the included cases on every other measure, we do not anticipate that our results are biased by missing data.

## **Analytic Strategy**

To test our hypotheses about juvenile court actors' views on punishment and treatment, we regress index scores measuring views on punishment and treatment on several independent variables. Table 1 includes summary statistics for all variables, including Cronbach's alpha scores for summary measures. The first dependent variable, a treatment index, is the average response to a series of six questions focusing on disposition decision making and general views on "what works" in delinquency case processing. Each question is answered along a 5-point likert scale ranging from 1 = *not at all important* to 5 = *very important*. The treatment questions are as follows:

- How important should *treating the offender* be in dispositional decision making?
- How important should *improving a juvenile's competence* be in dispositional decision making?
- How important should *improving a juvenile's pro-social attitudes* be in dispositional decision making?
- *Receiving counseling, therapy, or mental health services* is an important factor in turning juveniles away from further involvement in delinquency and crime.
- *Improving school performance* is an important factor in turning juveniles away from further involvement in delinquency and crime.
- *Having positive work or employment experiences* is an important factor in turning juveniles away from further involvement in delinquency and crime.

This index measures the priority respondents assign to treatment and rehabilitative concerns, both in preventing juvenile crime and in juvenile court dispositions (i.e., sentences).

Our second dependent variable, a punishment index, is the average response to a series of five questions considering the priority respondents place on punishment in juvenile justice administration. Here again, our punitiveness index is developed from questions focusing on disposition decision making and general views on “what works” in delinquency case processing. These questions also are answered along a 5-point likert scale, measuring either agreement with or perceived importance of the following factors:

- How important should *punishing the offender* be in dispositional decision making (*not important to extremely important*)?
- In my court, *more emphasis should be placed on punishment* in dispositional decision making (disagree or agree).
- In my court, *more delinquent youth should be transferred* to the adult system (disagree or agree).
- *Fearing more severe punishment* is an important factor in turning juveniles away from further involvement in delinquency and crime (*not important to extremely important*).
- *Losing freedom through restrictive supervision* is an important factor in turning juveniles away from further involvement in delinquency and crime (*not important to extremely important*).

These questions are designed to gauge how strongly respondents favor punishment in juvenile court, both as a specific deterrent and dispositional and/or sentencing objective.

**Table 1**  
**Summary and Descriptive Statistics of Probation Officer Survey Respondents**

	Frequency	Percentage	Mean	SD	Cronbach's alpha
Independent variables					
Court context					
Nonurban	118	23.9			
County juvenile arrest rate			97.5	28.2	
Program sufficiency			2.9	0.3	
Individual status characteristics					
Age			38.8	10.0	
Race and/or ethnicity					
Black American	109	22.1			
White	260	52.6			
Other ethnicity	51	10.3			
Missing	74	15.0			
Female	249	50.4			
Children	253	51.2			
Job tenure (months)			106.4	95.5	
Attitudinal resonances					
Moral character			4.1	0.6	0.772
Victims' rights			3.8	0.6	0.663
Offense severity			4.3	0.5	0.582
Dependent variables					
Treatment index			4.1	0.5	0.777
Punishment index			3.4	0.7	0.727
State fixed effects					
State 1	77	15.6			
State 2	121	24.5			
State 3	96	19.4			
State 4 (excluded as contrast)	200	40.5			

To examine our hypotheses regarding relationships of treatment and punishment orientations to court context, status characteristics, and resonances, we include independent measures for each of these effects. We include three measures of court community dynamics potentially related to decision-making orientation: county-level juvenile arrest rates, urbanicity (0 = *urban*, 1 = *nonurban*), and respondents' ratings of the sufficiency of available court resources. The resource sufficiency variable is an aggregated county-level measure of the average level of agreement among respondents to the statement "My county has sufficient programs, services and resources to deal effectively with juvenile delinquents."

Measures of individual status characteristics include respondent's age, and dummy variables indicating whether the respondent is Black American, identifies as a different non-White race or ethnicity, is female, and has children. We use dummy variables only for Black American and other race and/or ethnicities (other than those identifying as White and Black American) because of the underrepresentation of other non-White groups; of the 494 respondents, only 19 identify as Latino/a, 3 identify as American Indian or Alaskan Native, 1 identifies as Asian or Pacific Islander, and 28 identify as an "other" race or ethnicity. We also include an ordinal variable measuring each respondent's tenure in his or her position; this variable is recoded into approximate quintiles of the original measurement.

For our measures of respondents' attitudinal resonances, we include three indexes that capture themes central to juvenile court decision making: offense severity, moral character, and victims' rights. The offense severity index measures the weight respondents place on offense severity, prior offending history, and prior dispositional placements (e.g., prior incarceration) in making decisions about cases. The moral character index includes survey items that gauge respondents' orientations to juveniles' backgrounds (family stability), internal characteristics (attitude and demeanor), and behaviors (drug involvement, gang involvement, and school attendance), three characteristics that prior research finds relevant to how juvenile court actors evaluate moral character (see Emerson, 1969; Jacobs, 1990). The victims' rights index measures respondent concern with victim restitution, restitution to communities, and victims' involvement in court decision making. Each of these indexes is the average response along a 5-point Likert scale (see Table 1 for alpha scores and means; see the appendix for list of items in each index).<sup>5</sup>

We use ordinary least squares (OLS) regression to clarify how these independent variables relate to probation officers' rehabilitative and punitive

orientations.<sup>6</sup> We perform a series of nested regression equations for each goal orientation, introducing independent variables in three blocks that correspond to the three theoretical models we discuss above. Block 1 includes only county-level contextual features, Block 2 adds individual status characteristics, and Block 3 adds attitudinal resonances to include all independent variables.<sup>7</sup> We estimate this series of equations for each dependent variable: the treatment index followed by the punishment index. Using nested models allows us to consider the change in model fit with the addition of each set of independent variables, and thus allows us to evaluate the extent to which each of the three models increases the proportion of the variance in the dependent variable explained.

Though we are primarily interested in predicting attitudes among individual probation officers, our sample includes data along multiple levels of analysis. That is, probation officers are grouped within the 12 sampled counties, and the counties are from the 4 sampled states. With few groups and a relatively small sample, we risk having insufficient power for hierarchical linear modeling.<sup>8</sup> As a result, we use two strategies to account for the fact that individuals within the same counties or states may have similar responses. One, we include dummy variable fixed effects for each state. These fixed effects control for unmeasured variation at the state level (i.e., regional or state-level differences in juvenile justice policy, or other cultural, economic, or political factors), better isolating the effects of court context, individual status characteristics, and attitudinal resonances on decision makers' goals (Greene, 1997). Two, we use a robust cluster method, which adjusts the standard errors of our estimates to account for correlations among respondents from the same counties. This is particularly important because we include county-level contextual measures, which are identical for respondents of the same county. The robust clusters by county allow us to relax the assumption of independence of observations within counties (see StataCorp, 2005). We perform our analyses in STATA SE9.0.

These analyses expand on the prior research in two key ways. First, as we note above, prior research has not considered the relative influence of the three theoretical frameworks we include here. Second, by using recent data (1999-2000), we are considering attitudes toward juvenile justice at the height of the "get tough on crime" movement. Research from prior decades may no longer accurately describe case workers' approaches to juvenile court cases, as punishment has increasingly become formally recognized and encouraged as a goal of the juvenile court (Feld, 1999; Zimring, 1998, 2005).

## Results

Our analyses reveal substantial support among probation officers for both rehabilitation (index mean = 4.1) and punishment (index mean = 3.4), but that significant goal differences exist within this occupation group. Background attitudinal dispositions, or resonances, and to a lesser extent status characteristics and court context, prove important predictors of this variation in goal orientation.

### Treatment

Table 2 shows the results for each of our four nested models regressing orientations toward treatment on each block of independent variables. Model 1, which includes the first block of independent variables measuring court context, fails to support Hypotheses 1a, 1b, or 1c. None of our court context variables is a statistically significant predictor of treatment orientations. This result is somewhat surprising considering prior research findings that contextual characteristics, and particularly caseload pressures and location in urban environments (Feld, 1991; Ulmer & Johnson, 2004), are strong predictors of case outcomes. Although probation officers in varying court contexts may act differently, our measures of court context do not differentiate orientations toward treating juvenile offenders. Context factors appear to be more influential on the informal processual orders that emerge in court organizations than on court workers' professional objectives.

The second block of variables, in Model 2, includes court context as well as individual status variables. The change in *R*-squared with the addition of these variables is statistically significant, and two of the status variables are significant, supporting one of our related hypotheses. First, and contradicting Hypothesis 2a, we find that neither age nor parental status is related to treatment orientation. Second, we find that the coefficients for Black and female probation officers are both positive and significant, partially supporting Hypothesis 2b. Black and female probation officers in our sample favor treatment more than do White or male probation officers, respectively, net of other context and status factors. Finally, job tenure is not significantly related to orientations toward treatment. We expected probation officers with longer tenures to express stronger treatment orientations, based on the extent of their professional socialization (Hypothesis 2c). Ultimately, status characteristics prove more important than context in distinguishing probation officer treatment objectives, yet neither framework is a powerful predictor of professional orientation. Clearly, factors other than court context

**Table 2**  
**Ordinary Least Squares Regression of Treatment Scale on**  
**Court Context, Individual Status Characteristics,**  
**and Attitudinal Resonances**

	Model 1		Model 2		Model 3	
	<i>B</i>	<i>SE</i>	<i>B</i>	<i>SE</i>	<i>B</i>	<i>SE</i>
Court context						
Nonurban	0.08	0.08	0.29	0.06	0.16	0.06
County juvenile arrest rate	0.00	0.00	-0.01	0.00	0.00	0.00
Program sufficiency	-0.14	0.14	0.03	0.09	0.04	0.07
Individual status characteristics						
Age			0.00	0.00	0.00	0.00
Race and/or ethnicity (contrast = White)						
Black American			0.21	0.05**	0.09	0.04
Other race and/or ethnicity			0.05	0.09	-0.04	0.07
Sex (female)			0.20	0.05**	0.12	0.03**
Children			-0.01	0.06	0.06	0.04
Job tenure			-0.01	0.02	0.00	0.02
Attitudinal resonances						
Moral character					0.32	0.04***
Victims' rights					0.25	0.04***
Offense severity					0.09	0.05
Constant	4.67	0.37***	3.83	0.23***	1.24	0.18***
State fixed effects						
State 1	-0.09	0.08	-0.04	0.05	0.03	0.04
State 2	-0.24	0.08*	-0.13	0.05*	-0.09	0.04
State 3	-0.25	0.04***	-0.28	0.03***	-0.20	0.03***
<i>R</i> -square	0.04***		0.11***		0.43***	
Change in <i>R</i> -square			0.07***		0.32***	

\*  $p < .05$ . \*\* $p < .01$ . \*\*\* $p < .001$ .

and status group characteristics are driving juvenile court probation officer orientations toward the traditional goal of “treating” juvenile offenders.

Model 3 includes all independent variables in our model predicting treatment orientation, adding the third block of measures for attitudinal resonance. This model presents two interesting results. First, we see that the model fit (*R*-square) is substantially and significantly larger with the addition of these variables and that all three of our resonance scales—moral character, victims' rights, and offense severity—are positive predictors of treatment orientation. Two of these scales, moral character and victims'

rights, are statistically significant, whereas the offense severity score nearly meets a significance standard of  $p < .05$  ( $p = .083$ ). Thus, concern for moral character or victims' rights significantly predicts an inclination toward treating juvenile offenders. It is somewhat surprising that each of these rather distinct attitudinal clusters relates positively to treatment orientations. Juvenile probation officers' treatment orientations appear to be generally elevated rather than directionally conditioned by the presence of these concerns.

A second interesting result is that the coefficient for Black American probation officers is no longer statistically significant once attitudinal resonance controls are added. Though none of the variables in our model is sufficiently correlated to risk multicollinearity,<sup>9</sup> our race measure is related to two of our attitudinal resonance variables. Black American respondents have significantly higher average scores on both the moral character scale ( $t = 3.64, p < .001$ ) and the victims' rights scale ( $t = 2.30, p < .05$ ); these attitudes appear to mediate the race effect on treatment orientations. The other significant status characteristic predicting treatment orientation in our model (sex) remains significant with the addition of resonance measures.

Overall, then, Model 3 demonstrates support for Hypothesis 3a, but contradicts Hypotheses 3b and 3c. Rather than leading probation officers to place less importance on treatment, it seems that concern about character issues and victims' rights relates to support for treatment. As we will discuss further in the conclusion, our attitudinal resonance measures appear to capture a range of considerations probation officers find particularly important in determining treatment objectives, rather than concerns that condition the existence of these objectives. In any case, it appears clear that of the three explanatory frameworks we consider, probation officers' treatment objectives are driven most substantially by their background ideologies or belief-sets, "resonances" which in some cases moderate the relationship between status characteristics (i.e., race) and professional orientation.

## **Punishment**

Our analyses of punishment orientation are also developed through a series of three nested models, each shown in Table 3. Although none of the court context variables is a significant predictor of treatment orientation, they do predict punitiveness, as we find some support for Hypotheses 1a, 1b, and 1c. As predicted by Hypothesis 1a, nonurban court members are less supportive of punishment in each model. In addition, consistent with Hypothesis 1b, we find that the juvenile arrest rate is significantly and

negatively related to punitive orientation.<sup>10</sup> Finally, as predicted in Hypothesis 1c, the perceived sufficiency of programs for juvenile offenders is negatively related to punitiveness, suggesting that when probation officers believe they have access to resources that may help youth, they place less emphasis on punishment.

With the addition of individual status characteristics in Model 5, we again find significant effects. In contrast to our findings related to treatment orientations, we find that the age and parental status of a probation officer relates to his or her punitive orientations. In support of Hypotheses 2a, we find that older probation officers are less inclined toward punishment than their younger counterparts and that parents are less inclined toward punishment than nonparents. It is interesting that the negative relationship between age and punitiveness exists despite controlling for job tenure. Although we began by noting the strong support among probation officers for goals of treatment and punishment in juvenile social control, it seems clear that younger probation officers are key to the distinctly punitive turn in American juvenile justice. We also find that women are less supportive of punishment than men, which is consistent with Hypothesis 2b. Furthermore, our results show that probation officers who identify their race and/or ethnicity as other than White or Black are more supportive than others of punishment, though like our analysis of treatment goals, this result becomes nonsignificant when attitudinal resonances are added in Model 6.

Finally, our multivariate punishment model was also improved by including attitudinal resonance measures. Here, background ideologies or belief-sets again appear to be particularly powerful predictors of professional objectives. The change in *R*-square is again statistically significant, though unlike the treatment goal models, this change in *R*-square (.10) is slightly smaller than the change from adding individual status characteristics (.11). We find that concern with victims' rights and offense severity are both positively related to punitiveness. These findings confirm hypotheses 4b and 4c, suggesting that a focus on offenses and victims might indeed lead to greater punitiveness in juvenile court, as others have suggested (Feld, 1999; Garland, 2001; Sanborn, 2001). Contrary to Hypothesis 4a, resonance with issues of moral character is unrelated to punitive orientations among probation officers in this sample. Considering our prior observation that concerns for both moral character and victims' rights are positively and significantly related to treatment goals, these findings tend to confirm our conclusion that attitudinal resonances function less as a strict, directional control on professional orientation than a flexible framework for negotiating dual treatment and punishment objectives.

**Table 3**  
**Ordinary Least Squares Regression of Punishment Scale on**  
**Court Context, Individual Status Characteristics,**  
**and Attitudinal Resonances**

	Model 4		Model 5		Model 6	
	<i>B</i>	<i>SE</i>	<i>B</i>	<i>SE</i>	<i>B</i>	<i>SE</i>
Court context						
Nonurban	-0.15	0.03**	-0.14	0.05*	-0.18	0.04**
County juvenile arrest rate	0.00	0.00	-0.00	0.00***	-0.00	0.00***
Program sufficiency	-0.32	0.06**	-0.23	0.07**	-0.21	0.06**
Individual status characteristics						
Age			-0.02	0.01**	-0.02	0.01*
Race and/or ethnicity (contrast = White)						
Black American			0.08	0.07	0.02	0.06
Other Race and/or ethnicity			0.16	0.06*	0.12	0.06
Sex (female)			-0.12	0.04*	-0.17	0.05**
Children			-0.16	0.06*	-0.12	0.07
Job tenure			0.00	0.04	0.01	0.03
Attitudinal resonances						
Moral character					-0.04	0.09
Victims' rights					0.29	0.06**
Offense severity					0.22	0.08*
Constant	4.46	0.18***	5.34	0.18***	3.57	0.21***
State fixed effects						
State 1	-0.23	0.04***	-0.23	0.06**	-0.22	0.06**
State 2	-0.00	0.05	0.05	0.03	0.06	0.03
State 3	0.25	0.02***	0.18	0.04**	0.20	0.03***
<i>R</i> -square	0.04***		0.15***		0.25***	
Change in <i>R</i> -square			0.11***		0.10***	

\* $p < .05$ . \*\* $p < .01$ . \*\*\* $p < .001$ .

## Discussion and Conclusion

This research set out to learn more about the treatment and punishment orientations of contemporary juvenile court probation officers and to clarify the contribution made by each of three models to our understanding of the factors underlying these goal orientations. We attempted to disentangle the relative significance of organizational context, status characteristics, and personal conviction to probation officers' sentiment toward seemingly competing treatment and punishment objectives. Our analysis contribute to the literature on juvenile courts in a number of ways.

First, our findings suggest that treatment and punishment are flexible orientations taken on a case-by-case basis rather than firm ideologies shaped by static factors. Interestingly, only one of our predictors (sex) is significantly and inversely related to both treatment and punishment orientations. Rather, probation officers' orientations to juvenile court case processing are more complex; with only one exception (men), we cannot say that any particular context, status, or ideologically defined group is relatively more inclined to punish juveniles *and* less inclined to treat them. For example, Black American probation officers appear to support treatment more than Whites, but we do not find that they support punishment more or less than Whites. Younger probation officers show very strong support for punishment, but age is unrelated to support for treatment. In short, our models suggest unique relationships between context, status, and resonance characteristics and case-processing orientations. This seems to affirm that treatment and punishment should be understood as ideal typical, perhaps conflicting, but not quite opposing orientations. This result corresponds to recent research by Mears et al. (2007, p. 242), who find that, "child-saving orientations can exist alongside and independently of political ideology and punitive attitudes" (see also Kupchik, 2005).

Multivariate analysis helps further clarify how probation officers relate to these objectives in contemporary juvenile courts. Although various factors significantly predict probation officers' attitudes toward treatment and punishment, including individual status (age, sex, race, and parental status) and court context (county arrest rate and program sufficiency), we find that the most consistent predictors of probation officers' case-processing goals are other attitudinal dispositions. How respondents feel about the importance of considering moral character, offense severity, and the rights of victims in the course of delinquency case processing tells us a great deal about their attitudes regarding treatment and punishment. In addition, we see a difference in the relative contribution of attitudinal resonances across the two sets of models; attitudes are the best predictors of treatment orientations (as measured by individual coefficients as well as the change in *R*-square for Model 3), yet their contribution is similar to other coefficients in our models predicting punishment. Attitudinal resonances are consistent across both sets of models, but we see greater effects of court context and individual status characteristics in the punishment models than the treatment models. In the current (relatively punitive) juvenile justice discourse and policy milieu, punishment may be a relatively more normative or modal orientation among groups of individuals or in certain courts, making individual convictions more salient as views toward treatment are concerned. In

other words, it might be the case that it takes a greater dose of personal will to emphasize treatment rather than punishment in contemporary juvenile court communities, insofar as this orientation runs against the normative grain. Future research should consider this possibility further as a means of further understanding contemporary juvenile court organizational dynamics.

It is interesting that our resonance measures are positively related to treatment and punishment orientations alike. We had hypothesized that the offense severity and victims' rights indexes would serve as measures of an unambiguous ideology lending greater support to punishment and less support to treatment. This is not what we found. In short, punishment and rehabilitation do not appear to be regarded as two sides of the same coin, but rather, flexible and situational response options. Though not a statistically significant predictor of support for treatment at  $p < .05$ , our offense severity scale is positively related to the treatment scale (at  $p < .10$ ) and significantly related to support for punishment. Concern for victims' rights is positively related to both treatment and punishment goals. Moral character is associated with strong support for treatment while unrelated to support for punishment.

These results suggest that we should think of concern for moral character, offense severity, and particularly victims' rights as scripts that selectively motivate or legitimate a variety of goals in juvenile justice decision making. The presence and importance of case-processing scripts is highlighted by prior work, most notably by Emerson (1969) and Jacobs (1990). Both authors illustrate how probation officers construct (and, for Jacobs, dramatize) delinquents' characters in ways that lead them to act in any of a variety of ways. Our results are consistent with these arguments; based on our results, we speculate that the juvenile court respondents in our survey use scripts about moral character, offense severity, and victims' rights as rationales and justifications for a variety of juvenile court actions. When and how particular scripts are employed likely varies across court workers, categories of cases (defined by offender and victim characteristics, offense characteristics, etc.), and court contexts, ultimately framing informal and formal decisions.

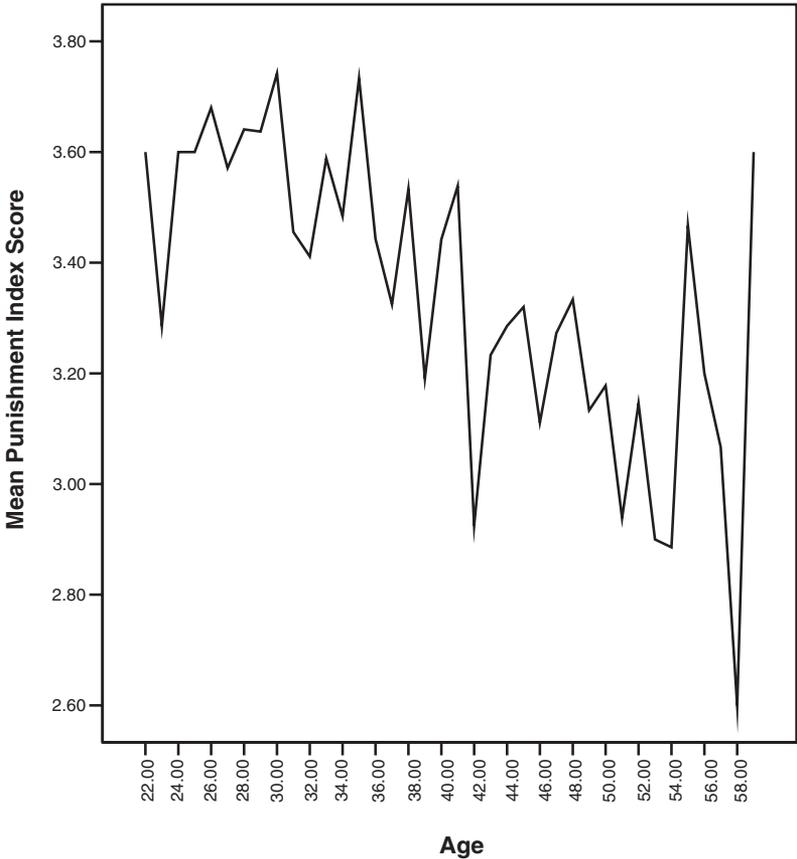
Another important finding related to the resonance predictor concerns its function as a mediator of the relationship between status characteristics and professional orientation. This is most evident in the relationship between race and probation officer orientations. Black American probation officers in our sample place greater importance on treatment than their White counterparts, but the race effect becomes statistically nonsignificant with the introduction of attitudinal resonance variables ( $B = 0.21$  in Model 2;

$B = 0.09$  in Model 3). Black American probation officers have significantly higher scores on both the moral character and victims' rights scales, suggesting that the relationship between race of decision maker and treatment orientation is mediated by these resonances. Black American probation officers in our sample are more sensitive to the scripts of moral character and victims' rights than their White counterparts, and these dispositions are associated with a higher regard for treatment responses to juvenile crime. This is not a surprising finding, as status characteristics often are employed as proxies of attitudinal dispositions, but it illustrates the importance of measuring attitudes along with status variables to understand more precisely the extent and underlying dimensions of apparent status group differences. Moreover, as Myers (1988) emphasizes, our findings illustrate the importance of intervening case-processing orientations in the relationship between social status and background characteristics to justice professionals' attitudes and behaviors.

Furthermore, our analyses clearly reveal that age is a particularly important independent predictor of punitive case-processing orientations, at least among probation officers, irrespective of several other status, contextual, and attitudinal controls. Based on our finding that younger decision makers hold more punitive orientations than their older counterparts, we examined the bivariate relationship between age and support for punishment further. As Figure 1 illustrates, decision makers over 40 years old are markedly less punitive than their younger counterparts.<sup>11</sup> This trend is not only evident in the higher average punishment scores of younger workers, but in the relative concentration of younger workers' scores. Older decision makers are clearly not opposed to punishment as a rule, but trend toward lower punishment scores and are far more varied in orientation. We also determined that attitudinal resonance scores do not vary significantly with age,<sup>12</sup> suggesting that other factors explain these contrasting orientations. Recalling that tenure is not significantly related to goal orientations, professional socialization is not in this formal sense, at least, a viable explanation either.

There is a possible explanation for the age-effect on punitiveness that does relate, informally, to professional socialization. Younger probation officers' relative punitiveness may reflect their coming of age, and entry into the profession, at a historic juncture where the "cycle of juvenile justice" (Bernard, 1992) had swung rather dramatically in the direction of punishing juvenile crime, a turn marked by greater fear of juvenile crime and that explicitly involved discrediting juvenile rehabilitative ideals (Singer, 1996). This shift was accompanied by substantial mass media coverage of the juvenile crime issue and harsh rhetoric regarding the need to "get tough" on

**Figure 1**  
**Mean Punishment Index Score by Age**



juvenile crime. Younger and older probation officers are equally likely to have observed this rise of “law and order” politics in the United States (Feld, 1999; Garland, 2001), and the associated wave of rhetoric and policy advocating “accountability-based” juvenile justice (Guarino-Ghezzi & Loughran, 2004), but young workers are less likely to have experienced this as a philosophical shift in juvenile social control and redefinition of professional obligations. Somewhat irrespective of how long they have been

employed as such, older probation officers may be more generally familiar with the traditional rehabilitative ideal (i.e., this might have initiated interest in the field), more sensitive to the paradigmatic shift in juvenile justice, and thus more likely to experience role conflict in pursuing the dual treatment and punishment objectives of modern juvenile justice systems. Although we are unable to test this hypothesis empirically, this difference in role conflict is suggested by the greater variance in punishment scores among older probation officers, and relative uniformity of purpose among younger cohorts of workers.

This study has a few implications for ongoing research and policy debate. First, our results suggest the importance of including background attitudinal dispositions in the long-standing debate about the relative influence of contextual factors and status characteristics on court professionals' orientations. Though context and status relate to orientations in this probation officer sample, they are rather less influential than individuals' other attitudinal dispositions, and, specifically, their "resonance" with factors believed relevant to the purposes or justifications of social control. In seeking to further clarify the internal workings of the so-called "black box" of court decision making (Hogarth, 1971), future research on justice professionals' orientations should gather data on a number of potentially relevant background attitudes or convictions, including several measured here, and those others have shown to influence criminal justice orientations, such as religiosity (Grasmick & McGill, 1994), racial resentment (Bobo & Johnson, 2004), and concerns about justice system fairness (Young, 1991).

In addition, our research suggests age is an especially important status characteristic to consider in studies of justice professional orientations. Although this can only be confirmed through longitudinal research following professionals over their careers, and by examining decision-making behavior, our cross-sectional analyses suggest that a "new breed" of probation officer may be coming to work in the juvenile court (Zimring, 1998). Younger workers are distinctly and rather uniformly inclined to punish rather than treat juvenile offenders, compared to older counterparts, irrespective of their tenure in the position. It is possible that these officers would eventually become more balanced in their orientation over the course of their career. Through the influence of older peers, their own maturation as adults, the recognition of the limits of punitive sanctioning, or yet another shift in the pendulum of juvenile justice priorities, once punitive young probation officers may develop a firmer embrace of the dual purposes of juvenile justice. Nevertheless, considering the dramatic increase in the number and diversity of workers employed in various aspects of justice

administration over the past several decades,<sup>13</sup> it is important for research and public policy to consider “what’s driving” this new generation of workers in law enforcement and legal fields. Longitudinal research is especially needed to assess the existence, persistence, and substantive significance of potential justice worker cohort distinctions for justice administration in the United States.

There are several limitations to this study that future research can also hopefully address. First, our analyses are limited to probation officers’ orientations, and it is unlikely these findings can be generalized to other categories of court workers. As we know from prior research in juvenile and adult contexts, court community members develop understandings of offenses, offenders, and appropriate objectives in case processing that are somewhat specific to their professional role (see Eisenstein et al., 1998; Emerson, 1969; Sudnow, 1965). It is quite plausible that research comparing categories of workers would find different and more varied relationships between status, context, and attitudinal characteristics and professional orientations.

Our study is also likely limited by the geographic concentration of the courts sampled. Though our data come from court workers in four different states, which would seem to increase their representativeness of probation officers nationwide, the concentration of these courts in the Midwest may limit the amount of contextual variation actually observed. Quite different results might be obtained from a study comparing courts across regions of the United States. Perhaps more important, including a greater number of jurisdictions would allow researchers to use hierarchical linear modeling to perform more sophisticated contextual comparisons.

This study is also limited by its consideration of juvenile court probation officers’ self-reported case-processing orientations, without complementary and corroborating measures of their actual behaviors. Goals and behaviors are clearly not equivalent, and the latter may not derive from the former, but they are certainly both important to consider. Future research might not only examine how well the factors we consider predict other justice workers’ orientations, but juvenile court workers’ actual decisions (i.e., through analysis of presentence reports and sentencing recommendations) and how self-reported goal orientations actually relate to these behaviors.

Though our study mainly provides theoretical perspective on court workers’ orientations, it has possible implications for policy regarding the nature and consistency of juvenile court case processing. Insofar as workers’ considerations of moral character, victims’ rights, and offense severity frame orientations toward treatment and punishment, jurisdictions seeking

to improve consistency and fairness in processing might attempt to better define the appropriate parameters or ways of understanding and addressing these concerns. It is not sufficient to state that a jurisdiction believes in protecting victims' rights, punishing offenses, and fitting dispositions to individual youth's needs. Guidance about how these agendas can legitimately be addressed might help improve consistency and counter apparent arbitrariness in the juvenile court, without eliminating discretion.

Finally, our study finds no consensus among probation officers about the appropriate goals of juvenile social control. Although policy makers and other stakeholders may take this as a welcome sign of the balance of treatment and punishment objectives in modern juvenile justice systems, these scales may be gradually shifting in a less visible way toward a singularly punitive agenda. When probation officers are disaggregated by age, the balance of punishment and treatment objectives becomes precarious. To the extent there is interest in preserving the rehabilitative ideal, or balancing treatment and punishment, our study suggests there may be value in age diversity among court workers and need to sensitize younger probation officers to the treatment objectives of the juvenile court. This perspective on the court's mission is not something young workers would likely know from general socialization, and it does not appear to factor substantially in their orientations. Without efforts to sensitize new workers to the importance of these dual objectives, it is possible that workforce turnover will in time reduce the rehabilitative ideal to an artifact of an earlier age.

## Appendix

### Independent Variable Index Items

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The **Moral Character** index measures the importance each respondent places on issues of moral character while making decisions about cases. The index is the average response about the importance respondents place on five characteristics, each of which is answered along a 5-point Likert scale ranging from 1 = *not at all important* to 5 = *very important*. The characteristics are as follows:

- youth's attitude and demeanor,
  - youth's drug involvement,
  - youth's attendance and/or behavior in school,
  - youth's gang association, and
  - stability of youth's family.
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*(continued)*

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## Appendix (continued)

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The **Victims' Rights** index measures the importance each respondent places on issues of victims' rights, or the level of agreement with statements corresponding to an emphasis on justice for victims. The index is the average response about importance of or agreement with five statements, each of which is measured along a 5-point Likert scale ranging from 1 = *not at all important* to 5 = *very important* or from 1 = *strongly disagree* to 5 = *strongly agree*. The statements are as follows:

- repaying the victim or community (how important it should be in making decisions),
- ensuring the involvement of victims (how important it should be in making decisions),
- more emphasis should be placed on the extent of harm or loss to victims (agreement that this should occur in juvenile court),
- understanding that offenses harm other people (importance for preventing future crime), and
- being required to pay back victims (importance for preventing future crime).

The **Offense Severity** index measures the importance each respondent places on the severity of adolescents' offenses. The index is the average response about the importance of the following factors for each respondent in recommending a disposition for an adjudicated delinquent, each measured along a 5-point Likert scale ranging from 1 = *not at all important* to 5 = *very important*:

- the youth's present offense,
- the youth's prior offense record, and
- the youth's placement history.

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## Notes

1. Throughout the article, we use the term *Black American* to refer to people in the United States with at least the ascribed racial status "Black."

2. Other studies on criminal courts find that court community size is negatively related to sentencing severity (Eisenstein, Flemming, & Nardulli, 1998; Johnson, 2005; Ulmer & Johnson, 2004). These studies diverge from the current research by considering criminal rather than juvenile courts, and community size rather than urban versus nonurban settings. We

derive our hypotheses from the most similar prior studies, those that consider urban versus nonurban juvenile courts (see Feld, 1991, 1999).

3. The data were originally obtained by a project funded by the National Institute of Justice (98-JB-VX-0112) to examine "The Use of Structured Decision Making to Achieve Accountability-Based Sanctions."

4. To gauge their views as generally as possible, respondents were not cued at the beginning of the survey to consider a particular aspect or stage of delinquency case processing. Rather, individual questions referred to particular stages of case processing. Because we focus in this article on dispositional goals (treatment and punishment), our dependent variables inquire particularly about views on sentencing juveniles and on how the court should best respond to delinquency generally.

5. Though the Cronbach's alpha scores for these items are relatively low, this is possibly due to the small number of items in each scale. The offense severity scale, for example, which has the lowest alpha score ( $\alpha = .582$ ), includes only three items. Given that the other two scales are near or above .70 despite having few items, and that the included items are conceptually consistent with one another, we are confident that these scales appropriately identify the underlying constructs.

6. It is important to note that ordinary least square (OLS) is less than ideal for the data, because the dependent variables are limited to a fixed range rather than continuous. In response, we computed ordinal logistic regressions, using as dependent variables the sum of respondents' answers to the punishment and treatment scale questions, rather than the mean scores for these questions. The results of these analyses were very similar, leading us to conclude that OLS regression is suitable here.

7. Initially, we added a fourth block that included interaction terms of Black American by each other independent variable. This block failed to increase the model fit for either dependent variable, and none of the individual interactions terms was significant.

8. Power in multilevel models is particularly sensitive to the number of clusters in the data (Snijders, 2005). Thus, with only 12 counties and 4 states, our data are not well suited for such an analysis.

9. Across both sets of models, no Variance Inflation Factor is greater than 2.3 and most were below 2.0.

10. The coefficient appears as 0 in Models 5 and 6 due to the measurement scale of the independent variable. The actual regression coefficient in Model 5 is  $-.003$ , with a standard error of  $.0005$ ; in Model 6  $B = -.003$  and the standard error is  $.0005$ .

11. We also reestimated our regression models, replacing the continuous age variable with dummy variables for the following age cohorts: 20 to 29 years old, 30 to 39, 40 to 49, and over 50. The cohorts are not significant in the treatment model, however, in the punishment model, both groups more than 40 years old are significantly less likely to favor punishment than the two youngest cohorts, which are virtually indistinguishable in terms of punitiveness. The average age of probation officers in this sample is 39 years.

12. Again, we use age cohorts of 20 to 29, 30 to 39, 40 to 49, and 50 years or older to consider this bivariate relationship.

13. In 1980, there were approximately 151,000 prison guards, 415,000 police officers, 501,000 lawyers, and 27,000 judges in the U.S. labor force. By 2000, these figures increased, respectively, to 380,000, 598,000, 871,000, and, 58,000 (U.S. Dept. of Commerce, Bureau of the Census, 1980, 2000). On the growing diversity of the U.S. justice workforce see Ward, 2006.

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