

**JUDGES' FAMILIARITY WITH LEARNING AND BEHAVIORAL  
DISABILITIES AND DISPOSITIONS IMPOSED**

by

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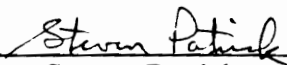
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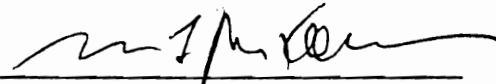
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Administration and Supervision of Special Education

(ABSTRACT)

The escalating youth crime in the United States has included a disproportionate number of incarcerated youthful offenders with learning and behavioral disabilities. The differential disposition hypothesis maintains that youthful offenders with disabilities may receive more restrictive dispositions than their nondisabled counterparts for similar offenses. The purpose of this study was to examine the relationship between judges' familiarity with learning and behavioral disabilities and the dispositions they imposed.

Qualitative and quantitative analyses were employed to examine the differential disposition hypothesis. A sample of juvenile judges presiding within the Commonwealth of Virginia was surveyed. The population of offenders consisted of 1,570 incarcerated youths at the Virginia Department of Youth and Family Services Center. The records of 36 nondisabled male youthful offenders and 36 male youthful offenders with disabilities were analyzed. Demographic and dispositional data were coded to determine evidence of disparity.

Although the statistical analysis did not support the differential disposition hypothesis, the qualitative findings and demographic information may be of interest to school systems, the juvenile justice system, and persons interested in appropriate habilitation and rehabilitation of youthful offenders with disabilities.

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I waited patiently for the Lord,. . . and He heard my cry. Psalms 40: 1.

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\*\*\*\*\*

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## CHAPTER I

### INTRODUCTION

The juvenile court system in the United States was established to address goals considered important by social workers: (a) youth's needs, (b) treatment, (c) protection, (d) guidance, and (e) supervision (Greenwood, 1991). Despite the ever-increasing crime rate among juveniles, addressing these goals is still paramount in the juvenile justice system.

Today these worthy goals are being challenged by changing societal views regarding how the justice system should address juvenile delinquency, particularly when the juvenile has been identified as having a learning or behavioral disability. The large representation of these youths in juvenile correctional facilities is of much concern. According to the research of Brier (1989), an estimated 30% to 50% of juveniles incarcerated have a learning or behavioral disability. In 1989 Nelson and Rutherford reported that up to 77% of incarcerated youthful offenders enrolled in special education classes were identified as having a behavioral disability.

Because of their learning and behavioral characteristics, youthful offenders with disabilities may be given more restrictive dispositions than their nondisabled counterparts. The possibility of differential treatment is dependent on court personnel, particularly a judge's professional opinion of the most suitable placement for a youth, who is present before the court.

Although rehabilitation is thought to be a strong defense against the escalating juvenile crime rate, a thorough understanding of youthful offenders with learning and behavioral disabilities should be a vital component when determining dispositions. Judges who work in the juvenile justice system must draw upon their personal knowledge of disabilities to assure that the imposed disposition is just and that it provides the most effective rehabilitation.

### **Theories Proposed for Overrepresentation**

To ensure that youthful offenders with learning and behavioral disabilities in the Commonwealth of Virginia receive FAPE in the LRE, it would be productive to focus on factors that might contribute to the disproportionate number of such youth involved in the juvenile justice system.

Several theories have been proposed to explain the disproportionate representation of youthful offenders with learning and behavioral disabilities within the juvenile justice system, including: (a) the school failure theory, (b) the susceptibility theory, (c) the response bias theory, (d) the sociodemographic characteristic theory, (e) the metacognitive deficits hypothesis, and (f) the differential treatment theory. The differential treatment theory consist of three sub-hypothesis: (a) the differential arrest hypothesis, (b) the differential adjudication hypothesis, and (c) the differential disposition hypothesis. Theories (a) through (e) implicate the home or school environment or base the cause for disproportionate correctional



representation primarily on the disabilities of the youth. The study focused on the sixth theory, which considers the consequences a youth with disabilities may experience at various levels of the judicial process and the differential treatment which may be imposed. The differential disposition hypothesis holds that a youthful offender with learning and behavioral disabilities may receive a more restrictive disposition than his or her nondisabled counterpart for similar offenses (Sieverdes, 1973; Terry, 1967; Thomas & Cage, 1977; Zimmerman, Rich, Keilitz, & Broder, 1981). Empirical research has rendered support to the differential treatment theory (Buser, 1985; Buser, Leone, & Bannon, 1987; Walter, 1988), but most of these studies have primarily dealt with demographic characteristics of ethnicity and socioeconomic status (Sieverdes, 1973; Terry, 1967; Thomas & Cage, 1977).

### **Overcrowded Conditions**

Examination of the differential disposition hypothesis is especially relevant in light of widespread reports of youth crime in schools and communities. Juvenile courts are overwhelmed and probation officers are overloaded with juvenile delinquency cases. Juvenile correctional facilities are overcrowded, affecting all aspects of confinement. In 1987, 36% of the nation's confined juveniles were in facilities whose populations exceeded design capacity (U.S. Department of Justice, 1993). By 1991, the proportion of youthful offenders living in overtaxed facilities had increased to 47% (U.S. Department of Justice, 1993).

There is continual effort to plan and build more correctional facilities. According to New York City's Family Court head judge, Judith Scheindlin, ". . . the New York juvenile justice system doesn't fail for lack of resources. . . We could educate a kid at Harvard for four years for the \$80,000 we spend on him in one year at the Division for Youth" (Edmonds. 1994, p. 11-A). At present, more money is appropriated toward incarceration than to higher education.

### **Increase in Juvenile Crime Nationally**

As reported by Juvenile Court Statistics (1994) in 1990-91 there was a 5% national increase in delinquency cases over the 1989-90 caseload and a 16% increase in the 4-year period from 1987 to 1991 (see Table 1).

As indicated in Table 1, the United States juvenile courts processed 16% more delinquency cases in 1991 than in 1987. In addition, empirical research has shown that at all levels of the juvenile justice system youthful offenders with disabilities are disproportionately represented (Nelson, Rutherford & Wolford, 1987) In Virginia, for example, in FY 1994, of the 1,570 incarcerated youthful offenders at the Department of Youth and Family Services (DYFS) correctional facilities located in Bon Air, approximately 42% were eligible for and received special education services. That percentage is close to the reported national rates for incarcerated youthful offenders with learning and behavioral disabilities which, according to Brier (1989), fell within the 30% to 50% range.

Table 1

Delinquency Cases by Offense, 1991

Offense	Number of Cases	Percent Change	
		1990-91	1987-91
Total Delinquency	1,338,100	5	16
Person	260,300	9	40
Criminal homicide	2,700	8	86
Forcible rape	4,700	7	11
Robbery	30,000	7	35
Aggravated assault	66,100	11	69
Simple assault	130,600	7	31
Other violent sex offenses	8,600	19	37
Other person offenses	17,600	12	46
Property	793,900	8	16
Burglary	148,700	6	14
Larceny-theft	351,000	9	12
Motor vehicle theft	69,500	1	47
Arson	7,300	5	21
Vandalism	103,000	11	24
Trespassing	56,200	15	7
Stolen property	27,100	-5	-6
Other property crimes	31,000	8	41
Drug law violations	59,300	-13	-19
Public order			
Obstruction of justice	78,900	-6	1
Disorderly conduct	59,500	7	24
Weapons offenses	31,600	7	61
Liquor law violations	13,400	-25	-32
Nonviolent sex offenses	10,400	-16	-12
Other public order	30,900	3	-11
Violent crime index*	103,600	9	54
Property crime index**	576,500	7	16

\*Violent Crime Index includes criminal homicide, forcible rape, robbery, and aggravated assault.

\*\*Property Crime Index includes burglary, larceny-theft, motor vehicle theft and arson.

Note. Detail may not add to totals because of rounding. Percentage change calculations are based on unrounded numbers. From OJJDP: Juvenile Court Statistics 1991 (p. 5), by National Center for Juvenile Justice, May 1994, Pittsburgh, PA: National Center for Juvenile Justice.

## **Individuals With Disabilities Education Act**

Under the Individuals With Disabilities Education Act (IDEA) Public Law 101-476 and its state analogues, an incarcerated youth with a disability is entitled to a free appropriate public education (FAPE) in the least restrictive environment (LRE) (34 C.F.R. Sec. 300.550-556). Youths with behavioral and learning disabilities often enter the juvenile justice system with a history of school disciplinary infractions, suspensions, expulsions, and previous involvement with social service agencies. During the dispositional hearing for such a youth, the phrase least restrictive environment takes on additional meaning. Although it must be guided by the philosophy set forth in (VA ANN STAT. tit 16.1-227 (Michie 1988)) (" . . . the welfare of the child and the family is the paramount concern of the Commonwealth"), the juvenile court must seek to impose a disposition that provides an effective rehabilitative program that would not threaten the safety, security, and welfare of the community.

Hence, for the rehabilitation of a youthful offender with learning or behavioral disabilities, the court must determine the most appropriate criminal punishment while providing the youth an appropriate education in the LRE.

## **Juvenile Cases In Virginia**

In the Commonwealth of Virginia, crimes committed by youth increased 5% in 1 year, from 212,702 cases in 1992 to 223,328 cases in 1993 (The Supreme

Court of Virginia, 1993, p. A-63). Juvenile cases comprised the majority of the Juvenile and Domestic Relations (J&DR) cases, accounting for 56% of the total caseload (see Table 2).

Most of the J&DR District Court cases involved custody and visitation rights. Delinquency cases accounted for almost one-third of the cases in 1993 (The Supreme Court of Virginia, 1993).

The J&DR court averaged 2,683 juvenile cases per judge in 1993, which was a decrease from 1992's average of 2,718, (The Supreme Court of Virginia, 1993). Rural districts averaged 2,541 cases per judge while urban districts averaged 2,815 (The Supreme Court of Virginia, 1993). The overall increase of juvenile crime in the Commonwealth of Virginia is consistent with national crime data.

Given the legal requirements for individuals with disabilities and the rising crime rates, the judges' familiarity with the characteristics of learning and behavioral disabilities needs to be examined. Since the juvenile judge most often has the ultimate responsibility of imposing a just and appropriate disposition, the decision made at this stage is crucial to the success or failure of the juvenile court system. The prognosis for successful rehabilitation may be dependent upon the dispositional judge's knowledge of characteristics associated with a particular disability, including implications of how these characteristics may be manifested by the youth who appears before the court.

Table 2

Juvenile and Domestic Relations District Courts 1993 Distribution  
of New Juvenile Cases

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Category	Number	Percentage
Juvenile	223,328	56
Domestic relations	178,889	44
Total	402,217	100

---

### **Statement of the Problem**

The most disruptive, impulsive, disadvantaged, emotional and learning disabled students often find school frustrating and many become the responsibility of the juvenile justice system. However, many of them do not always belong there for a number of reasons according to McMahon (1986, pp. 6-8):

1. Services were not made available to them prior to delinquent involvement in delinquent behavior;
2. They could have been referred to other agencies and interventions at the onset of delinquent involvement (e.g., providing family assistance or advocacy and information related to their case);
3. They could have been offered pretrial services;
4. Incarceration was the only placement available.

In most cases the juvenile court judge has input to the decision-making process which determines the most appropriate placement for the youthful offender. Judges' discretion in determining a disposition is usually based upon their attitudes and practices, which results in a disparity of dispositions (Nelson, et al., 1987).

The high percentages of youth with disabilities represented in all levels of the justice system have generated much concern from both the judicial and school systems. In the empirical research of Keilitz and Dunivant (1986), youthful offenders with disabilities were more than twice as likely to be adjudicated than nondisabled offenders. Because the adjudication percentage rates are significantly higher for the youthful offender with disabilities than for the nondisabled youth, it is

likely that dispositions are more restrictive for youth with disabilities (Leone, Rutherford, & Nelson, 1991). Dispositions imposed on youthful offenders with disabilities should be designed after consideration of how to effectively address their unique needs.

There is a need to compare the dispositions of disabled and nondisabled offenders. Can support be found for the differential disposition hypothesis in relation to the disposition of disabled and nondisabled youthful offenders within the Commonwealth of Virginia? What are judges' levels of familiarity with characteristics of learning and behavioral disabilities?

### **Purpose and Research Questions**

In 1993, 498,751 male children in the United States under the age of 18 were arrested for property and violent crimes, whereas a total of 146,044 female children under the age of 18 were arrested for property and violent crimes (U.S. Department of Justice, December, 1994). Thus male children predominate representation in the judicial system. The purpose of this study was to examine three pertinent research questions regarding male youthful offenders.

Both qualitative and quantitative data were considered to answer the following research questions:

1. What are judges' levels of familiarity with characteristics of learning and behavioral disabilities?



2. What factors do judges consider when imposing dispositions on youthful offenders with learning and behavioral disabilities?

3. Is a disposition more restrictive for youthful offenders with disabilities than for their nondisabled counterparts when the offenses are similar?

Several variables were considered: (a) characteristics associated with learning and behavioral disabilities, (b) judges' levels of familiarity with characteristics of learning and behavioral disabilities, (c) school status, (d) age, (e) ethnicity, and (f) judicial dispositions.

### **Research Assumptions**

Three assumptions germane to this study were necessary to establish a prudent starting point.

1. The records held at the DYFS Reception and Diagnostic Center show all of the court activity up to the date on which the youthful offender was committed.

2. A disproportionate number of male youthful offenders with disabilities are incarcerated at DYFS.

3. The diagnostic assessments completed on the proposed samples of youth are valid and reliable.

### **Delimitations**

This study encompassed those male youthful offenders who were committed to DYFS. The study sought to examine variables related to dispositions of youthful

offenders with disabilities as compared to dispositions imposed on nondisabled youthful offenders.

### **Importance of the Study**

This study is important for the following reasons:

1. The study provides data to accept or support the differential disposition hypothesis.
2. The study provides information that can be useful in developing more effective rehabilitation programs for youths with disabilities.
3. The study provides information that will help future juvenile court judges, other court personnel, and educators to meet the needs of youths with disabilities.

The potential benefits of this study to the school system, the juvenile court system, and attorneys include the following:

1. As part of the education reform movement, curricula may be modified to address ecological needs in addition to the academic needs of at-risk youths.
2. Juvenile court personnel might design more effective dispositions that would adequately address the unique rehabilitative needs of the youth and thereby lower recidivism rates.
3. Attorneys representing youths may become stronger advocates for their clients' special needs.

William Cruickshank (1981), pioneer in the field of special education, particularly in the area of learning disabilities, stated that the schools, community agencies, and the courts must learn the nature of learning disabilities and reach out to one another on behalf of a total community program that benefits not only the community, but also those who are learning disabled. This study sought to address that challenge.

### **Definition of Terms**

This study employed the use of a several constructs and terms that require definition. The constructs are defined and provided in the section below. The definitions are based on cited literature or are operational in nature:

Adjudicated--The formal giving or pronouncing a judgment or decree in a court proceeding; also the judgment or decision given (OJJDP: Juvenile Justice Court Statistics, 1991).

Black--Synonymous with African American.

CHINS--"Child In Need of Services." A juvenile who has committed certain actions which, if committed by adults, would not be considered criminal offenses--such as truancy or habitually running away from home (Supreme Court of Virginia, 1994).

Disposition--Definite action taken or treatment plan decided on or initiated regarding a particular case.

Educable Mentally Retarded--Defined by IDEA, 34 C.F.R Sec. [300.7 (b)(5)].

Intake Decision--The decision made by juvenile court that results in either the case being handled informally at the intake level or being petitioned and scheduled for an adjudicatory or transfer hearing (OJJDP: Juvenile Court Statistics, 1991).

Overrepresentation--Synonymous with: disproportionate.

Probation--Sentence imposed for commission of crime whereby a convicted criminal offender is released into the community under the supervision of a probation officer in lieu of incarceration (OJJDP: Juvenile Court Statistics, 1991).

Serious Emotionally Disturbance--Defined by IDEA, 34 C.F.R. Sec.[300.7(b)(9)(i)(A)(B)(C)(D)(E)(ii)].

Specific Learning Disability--Defined by IDEA, 34 C.F.R. Sec. [300.7(b)(10)].

Status Offenses--Behavior that is considered an offense only when committed by a juvenile (OJJDP: Juvenile Court Statistics, 1991).

Youthful Offender with Disabilities--Operationally defined as a juvenile delinquent with: serious emotional disturbance, a specific learning disability, or educable mental retardation. Also referred to as disabled youthful offender, or youthful offender with learning or behavioral disabilities.

## **Chapter Organization**

Chapter I provided the introduction, background for, and relevance of the study. Research questions for the study are proposed. The assumptions and limitations of the study are provided, and key definitions are advanced.

Chapter II presents a review of literature which the research questions are based. It provides a historical overview of juvenile corrections and an in-depth look at how the juvenile judicial system has addressed this nation's youth, particularly the youthful offender with learning and behavioral disabilities, and the educational implications of that approach. Chapter III encompasses the conceptual methodology that is used in the study. The Chapter describes the populations, samples, and data collection procedures used to conduct the study. Chapter IV presents the analysis of data collected, and Chapter V summarizes the findings, discusses implications of the results, and offers recommendations for further research.

## **Chapter II**

### **REVIEW OF LITERATURE**

#### **Introduction**

To develop the conceptual framework for studying dispositions imposed on youth with disabilities, the researcher reviewed numerous texts, articles, and manuscripts; conducted site visitations; interviewed experts in the judicial field; and examined various documentaries and reports. This literature review includes a discussion of: (a) A Historical Overview of the Juvenile Justice System, (b) The Link Between Learning Disabilities and Juvenile Delinquency, (c) Reported Research, (d) The Issue of Differential Treatment, (e) The Court System Utilized for This Study, (f) Special Programs Provided for Youthful Offenders with Disabilities, and (g) Summary.

The review provides a foundation on which future researchers may advance their understanding of the issue of overrepresentation of youth with disabilities in the United States juvenile justice system. In addition, the review provides a discussion of the differential disposition hypothesis, which suggests that youthful offenders with disabilities are given more restrictive and inappropriate dispositions than comparable nondisabled youthful offenders. This review also provides a comprehensive description of the juvenile justice system.

## **A Historical Overview of the Juvenile Justice System**

### **The Juvenile Court**

The juvenile court, a concept used in the United States, was inspired by the early American colonists and medieval English doctrine (Greenwood, 1991; Platt, 1969). According to English laws of 1660, juveniles who were 7 years of age or older were subject to criminal statutes and sanctions, but these were not as severe as adult sanctions. Punishable offenses included: (a) lying, (b) not observing the sabbath, (c) fornication, (d) contracted marriages, and (e) gambling. Poor Laws condemned idleness, begging, and vagrancy and used criminal penalties to enforce obedience (Hawes, 1971). Although the penalties for youths were not as severe as they were for adults, the reformatories emphasized penalty as being more important than rehabilitation.

By 1857, there were 17 juvenile reformatories in the United States, housing about 20,000 children who were admitted under policies and statutes that included virtually every childhood misfortune (Rothman, 1971). The number of children incarcerated today is at least 20 times greater than the 1857 count.

Social issues obviously had an impact on the evolving policies and growth of the juvenile court system. Special asylums and free common schools served to divert some youths from reformatories (Rothman, 1971). This was perhaps one of the first efforts to make distinctions between varying needs of the child and to appropriately address those needs in designated facilities.

The first juvenile court was established by an Act of the Illinois legislature on April 21, 1899, and it became operative on July 1 of that year (Empey, 1978; Rothman, 1971). In less than 100 years, the juvenile court system has grown significantly. The courts were established to serve as treatment-oriented agencies rather than punishment-oriented facilities (Nelson et al., 1987). Therefore, in its initial era, the juvenile court was clearly viewed as a rehabilitator of youth. The intent was to separate youth from adult criminals. The concept of rehabilitation was based on a medical model, which, according to reformers, would assist youth in avoiding incarceration in institutions which were then viewed as little more than schools of crime (Mack, 1909). The "schools of crime" referred to the idea that a youth may exit a correctional facility more 'streetwise' than when he entered remains. This idea remains a disturbing issue even today.

### **The Act of 1899**

In Illinois, the Act of 1899 served a two fold purpose:

1. It was the first in the United States (and the first in the world) to regulate the treatment and control of dependent, neglected, and delinquent children (Carney, 1980; Greenwood, 1991). Neglected and delinquent children were perhaps the focus of the new court due to their environmental conditions.



2. The Act defined the term delinquent child as any child less than 16 years of age who had violated any law of the state or any city or village ordinance (Empey, 1978).

The term delinquency was invented to circumvent possible consequences of juveniles who commit a crime (Kramer, 1981). The emphasis was to provide rehabilitation through the new court, not to place guilt and provide punishment. Almost any behavior not reflected in the utopian models of childhood could be labeled as delinquent (Greenwood, 1991).

The issues of blame and guilt were used sparingly as the new court developed. Court reformers insisted that children were never to stand accused of any particular crimes, no matter what acts had brought them into court in the first place (Rothman, 1980). The two primary considerations were that children were not totally responsible for their behavior and that the state had some duty to help "socialize" its children (Nelson et al., 1987). Moreover, the juvenile court adopted the role of substitute parent, or parens patriae, by making decisions regarding what was in the best interest of the juvenile (Greenwood, 1991). According to Platt (1969), the concept of parens patriae became the driving force behind the establishment of the juvenile court. Much emphasis continued to be placed on that principle as the juvenile court justified its new duty to socialize children.

Within the first decade of its inception, similar concepts of a juvenile court were established in 22 states, and within 25 years, almost every state had initiated a

system that addressed delinquent, abused, and neglected children (Greenwood, 1991; Kramer, 1981). Reformers urged states to define youths' needs in broad terms in order that they might qualify for court services.

### **Civil Justice**

The new court, serving as guardian, rehabilitator, and parens patriae, provided a justification for involvement in the youth's education. Court involvement covered several different aspects of the youth's education, including attendance, peer, and teacher relationships. Consistent with the parens patriae idea, the new court placed more importance on civil justice than criminal justice for the youth.

According to Greenwood (1991, p.1), civil justice rested on three basic premises:

1. Childhood is a period of dependency and risk in which supervision is essential for survival.
2. The family is of primary importance in the supervision and training of children, but the state should play a primary role in the education of children whenever the family setting fails to provide adequate care, moral training, or supervision.
3. When a child is at risk, a public official is the appropriate authority to decide what action is in the child's best interest.

The idea of civil justice has dominated the 20th century for the juvenile court. Juvenile constitutional guarantees in the new court were traded for rehabilitation, education, and salvation (Paulsen, 1967). Hence, the emphasis of the new court was behavioral change, not criminal conviction.

## **Revolutionization of the Juvenile Court**

By the 1960s, reformers recognized that their expectations of the juvenile court had not been met, and there was a significant discrepancy between juvenile court theory and actual practice. The issues of civil justice and institutionalization were being seriously questioned. The literature suggests that asylums, reformatories and other forms of correctional facilities were not properly maintained. This certainly added to the discrepancy between theory and practice.

## **Legislation and Litigation**

A series of legislative and litigious acts brought about sweeping changes to the adjudicatory hearing process. Reformers expected that the impact of such acts would cause the juvenile court to modify the process of the dispositional hearing (Guernsey, 1986). This however was not the case. Dispositional hearings retained the same informality and the same goal of individualized justice as always (Guernsey, 1986).

Several cases undoubtedly represented an emerging sense of consciousness to the public and to the justice system of the importance of individualized justice when conducting the dispositional hearing. Kent v. United States (1966) recognized a discrepancy between juvenile court theory and practice. More emphasis was placed on a juvenile's constitutional rights of due process and fair treatment as set forth in the Bill of Rights and the Fourteenth Amendment's Due Process Clause (Kent v.

United States, 1966). The case also noted that the juvenile court judge's exercise of state power as parens patriae was not unlimited. Fair treatment was combined with the concept of individualized justice, at least in theory, when a disposition had to be imposed. During the dispositional hearing, parents' participation and supervision was to be included to the greatest extent possible (Kent v. United States, 1966). The courts apparently recognized that the strength and support of family was perhaps the most assured means of an effective and permanent rehabilitative process for troubled youths.

The landmark case of Miranda v. Arizona (1966) was also very influential in the revision of the juvenile court. The issue of self-incrimination during interrogation was addressed in this case. The U.S. Supreme Court ruled Miranda v. Arizona, 1966, p. 436 that persons in custody must be told the following:

1. They have the right to remain silent.
2. If they decide to give up the right, the information can and will be used against them.
3. They have the right to have an attorney present at the time of the interrogation, or they will have an opportunity to consult with an attorney.
4. If they cannot afford an attorney, one will be appointed by the state.

Particularly since the passage of Public Law 94-142 (now Public Law 101-476), advocates for youths with disabilities have argued that many youths with language or auditory reception deficits may not understand what is being read to them. Advocates suggest that during the arrest and adjudicatory hearing stages,

youths should be questioned regarding their understanding of their Miranda rights and allowed to express in their own words what they have just heard or read.

Securing the right to counsel was an important milestone for youthful offenders with disabilities. It provided them with someone who had the authority to develop an alternative disposition based on his or her observation of the offenders.

Gault, 1967 was a landmark case concerning juvenile court proceedings in the 1960s. On May 14, 1967, the U.S. Supreme Court decided the case that imposed constitutional guarantees upon the juvenile justice process. On appeal, the Supreme Court reversed a lower court's decision. The Court held that the Fourteenth Amendment guarantees juveniles in delinquency proceedings (a) the right to notice of the charges filed against them, (b) the right to counsel, (c) the right to confront and cross-examine witnesses, and (d) the privilege against self-incrimination (Gault, 1967). This case made the juvenile court process strikingly similar to an adult criminal trial. The judge no longer had immediate contact with the youth; communication was intercepted by an attorney (Guernsey, 1986).

The case tested the very framework and philosophy of the juvenile court and its effects on the troubled youth and the families it served. The Supreme Court demonstrated its intent to restructure the system and to more appropriately rehabilitate the youth. The disposition hearing was now to be a separate hearing. Before Gault, the disposition and the adjudicatory hearing were combined. Gault, along with Kent, reformed the U.S. juvenile court system.

In 1967, the President's Commission on Law Enforcement and Administration of Justice (1967) issued a report that included conclusions regarding the deficiencies of the juvenile court system. The report maintained that individual acts of delinquency are simply one component of a pattern of behavior produced by a host of pervasive societal influences that extend beyond the reach of action by any judge, probation officer, correctional counselor, or psychiatrist (Paulsen, 1967). Prior to the introduction of this perspective, courts considered only the rehabilitative needs of the individual juvenile delinquent. The report concluded that courts should be given first responsibility in determining appropriate treatment for the delinquent youth.

The Kent, Miranda, and Gault cases, together with the President's Commission Report, placed new emphasis on alternative strategies, programs, and due process that would serve to rehabilitate the juvenile offender.

### **Link Between Learning Disabilities and Juvenile Delinquency**

Although juvenile justice systems throughout the United States have assured a strong correlation between learning disabilities and juvenile delinquency, no direct causal link has been attributed (Leone, Rutherford, & Nelson, 1991). One of the first research studies conducted to examine the possible link between learning disabilities and juvenile delinquency was a project initiated by the National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP) in 1976. Charles Murray,

was commissioned by NIJJDP, to examine the empirical data germane to the premise that learning disabilities increase the risk of becoming delinquent. He concluded his study by noting that additional research should to be conducted to examine the causes of the link (Murray, 1976).

The American Bar Association passed a resolution in 1983 recognizing the relationship between learning disabilities and juvenile delinquency. The Association then appealed to attorneys, judges, and local bar associations to improve their handling of cases involving youths with learning disabilities (American Bar Association, 1983). In addition, the U.S. Office of Juvenile Justice and Delinquency Prevention and the National Council of Juvenile and Family Court Judges also formally recognized the link (Herrick, 1988). Although these studies have not proven a causative link between learning disabilities and juvenile delinquency, many researchers find the empirical studies significant in recognizing a linkage between the two.

For example, in his research for the National Council for Juvenile Court Judges, Jacobson (1976, p. 5) stated that ". . . an overwhelming number of juvenile offenders are handicapped, most of them learning disabled. . ." The possible correlation between learning disabilities and juvenile delinquency remains an issue of growing concern. This concern is reflected quite vividly in the disproportionate number of incarcerated youths with learning disabilities. Learning disabilities are considerably more prevalent in correctional institutions than in the general school,

age population (Fink, 1990; Keilitz & Dunivant, 1987; Murphy, 1986). The most recent report from the Office of Technical Assessment indicated that approximately 700,000 youths are confined in public and private juvenile justice facilities in the United States each year (OJJDP: Conditions of Confinement, 1993). This number is apparently increasing.

### **Theories Proposed for Overrepresentation**

As stated in the preceding chapter, a number of theories have been proposed to explain the disproportionate number of youths with disabilities among all offenders in the juvenile justice system. The following theories have been proposed to account for over-representation:

1. The school failure theory, which maintains that learning and behavioral disabilities produce academic failure resulting in delinquent acts (Keilitz & Dunivant, 1986; Murphy, 1986; Post, 1981).

2. The susceptibility theory, which suggests that youths with learning and behavioral disabilities possess certain cognitive and personality characteristics which cause them to become more susceptible to opportunities for involvement in delinquent activities (Dunivant, 1982; Keilitz & Dunivant, 1987; Leone et al., 1991; Murphy, 1986; Murray, 1976; Post, 1981).

3. The differential treatment theory, which consists of three sub-hypotheses-- differential arrest hypothesis (Piliavin & Briar, 1964); differential adjudication



hypothesis; and differential disposition hypothesis---which holds that at each of these levels of the judicial process, the youthful offender with disabilities is treated more harshly and is given a more restrictive placement than his nondisabled counterpart involved in similar delinquent acts (Buser,1985; Dunivant, 1984a; Murphy, 1986; Zimmerman, Rich, Keilitz, & Broder, 1981).

4. The Response Bias Theory, which suggests that there are no differences in the number of delinquent acts committed by youthful offenders with or without disabilities, but that those with disabilities tend to lack the skills to conceal information or do not present themselves in a socially desirable manner, causing a higher rate of arrest and conviction (Dunivant, 1984a; Keilitz & Dunivant, 1986; Murphy, 1986).

5. The Sociodemographic characteristics theory, which maintains that cognitive and social characteristics associated with disabilities are not what links the youth to delinquency, but rather it is the influence of ethnicity and environmental factors such as the educational level of the parents that are significant (Dunivant, 1984a; Keilitz & Dunivant, 1986; Murphy, 1986; Murray, 1976; Post, 1981; Weis, 1981; Wolfgang, Figlio, & Sellin, 1972).

6. The metacognitive deficits hypothesis, which maintains that for youths with disabilities, social skills associated with problem-solving task may be less well developed than those of socially competent high school students (Larson, 1988; Leone et al., 1991).

Empirical research has supported the differential treatment theory (Buser, 1985; Buser, Leone, & Bannon, 1987; Walter, 1988), but few studies focused directly on the differential disposition hypothesis that was addressed by the present study.

### **Reported Research**

In the research conducted by Eysenck (1977), youthful offenders with disabilities may experience shortened attention spans. Therefore, the associations of behavior and sanctions may be effected negatively (Eysenck, 1977). The inability to delay gratification or relate to long-term goals may be easily confused as a form of intentional deviant behavior by an authoritative figure who must make a judicial decision.

Dunivant's (1984a) research on the causal analysis of disabilities and juvenile delinquency suggests that youth with disabilities may be treated differently by judicial personnel for two reasons. First, youthful offenders with disabilities exhibit such behaviors as social abrasiveness, irritability, and lack of self-control. These behaviors may warrant a different form of treatment by the intake officer or other judicial personnel (Bachara & Zaba, 1978; Dunivant, 1982). Second, youthful offenders with disabilities may be at greater risk of adjudication than their nondisabled counterparts because they lack certain cognitive and social skills (Dunivant, 1984a; Keilitz, Zembra, & Broder, 1981). Perhaps this is to suggest that

a youth with disabilities could unknowingly incriminate himself simply by his normal response behaviors.

Moreover, the youthful offender with disabilities may not be able to verbally express himself well enough or to dissimulate or play what has been called the "strategy game" of juvenile justice proceedings (Golinvaux & Janeksela, 1979). In other words, the youthful offender with disabilities may not have the ability to talk in a persuasive or convincing manner.

After reviewing the research on discretionary decision-making within the juvenile court system, Barton (1976) concluded that as a youth progresses through the juvenile court system, variables other than type of offense assume increasing importance. Social and legal variables, such as prior record, school background, and family, age and race, assume increasing consideration (Barton, 1976). Consideration of such variables may be detrimental to the youthful offender with disabilities because of characteristics associated with low-level academic functioning.

The identification of a learning or a behavioral disability may affect a person's criminal behavior. Those youths with disabilities who experience difficulty in expressive language could be more vulnerable than their nondisabled counterparts to formal processing by justice system officials, simply because of weaknesses in presenting their recollection of events (e.g., Johnson & Myklebust, 1967; Lewis,

Schwartz & Ianacone, 1988). This is further supported by the research of Kearns and O'Connor (1988), who recognized that poor social skills are a principal source of difficulties among offenders with disabilities.

### **The Issue of Differential Treatment**

Although case law discussed previously served to provide further clarity regarding structure and operation of the juvenile justice system, the idea of differential treatment remains an issue that must be considered, especially for youths with learning and behavior problems. Because each offense is different, the individual who commits the crime is also unique and different from the next offender. Therefore, the unique academic and social needs of the individual must be taken into consideration (Carney, 1980). A certain amount of discretion must naturally come into play when determining what disposition is most appropriate for each youthful offender. The ideas of equality and justice for the youthful offender with disabilities and those who are nondisabled may not mean treating both groups in an identical manner (Carney, 1980). Perhaps the greatest emphasis should be placed on the rehabilitative needs (physical, social, psychological, and academic) of the youth. This, however, requires that court personnel, involved in making the decisions, also have knowledge of the youth which is before the court.

Dworkin (1977) defined differential treatment in two ways: "treatment as an equal," and "equal treatment" (p. 31). Treatment as an equal according to Dworkin

(1977, p. 31) ". . . is the right, not to receive the same distribution of some burden or benefit, but to be treated with the same respect and concern as anybody else." The idea of respect and concern are perhaps the areas where the differential disposition hypothesis focuses on individual justice. Moreover, since the needs of one youthful offender may not be appropriate for another, the treatment required must be different in order to be just.

The behavioral histories and academic records often reflect the youthful offenders with disabilities lack of cognitive abilities (Dunivant, 1982; Lane, 1980). This type of background information may send negative signals to the dispositional judge. He may respond to the negative behavior by imposing a disposition that focuses primarily on intervention rather than the identification of the cause of the behavior (Dunivant, 1982; Keilitz et al., 1982; Lane, 1980; Nelson et. al., 1987). The intervention very often results in a harsher or more restrictive treatment than nondisabled offenders receive; thus, an invalid disposition is imposed.

According to Warren (1969) in order for dispositions to provide appropriate rehabilitation:

. . . treatments, to be effective for some, need not be effective for all. .  
. effective treatment may best be identified by asking which type of  
treatment method is most effective with which type of offender, and  
under what conditions or in what type of setting. (pp. 48-49)

The advice of Warren suggests that equal justice may not necessarily be the same for each individual.

The judge and other court personnel have an obligation to look beyond the immediate behavior and determine the specifics for the misbehavior. This area must be addressed in the dispositions of both disabled and the nondisabled offenders.

### **Incarceration**

In his book Prisoners in America, Cressey (1973) outlined the goals and intentions of court personnel and correctional facilities:

First of all, retribution is considered desirable and just . . . Secondly, protection from the criminal is desired and demanded . . . Thirdly, a low crime rate is a desirable social objective . . . Finally, we want criminals changed, so they will commit no more crime. (pp. 125-126)

These are undoubtedly the goals of court personnel and of society, but reality is different, complex, and diversified, particularly when youthful offenders are involved.

The Juvenile Court Statistics of 1950-52 estimated that 350,000 children (or about 2% of all youth in the United States aged 10-17) were dealt with by juvenile courts in delinquency cases, (U.S. Department of Health, Education and Welfare, 1954). This estimate does not include dependency and neglect cases or youths handled unofficially within different localities. Today, in the United States, approximately 450,000 delinquent youths receive dispositions that place them in juvenile detention centers and state training schools, and another 300,000 spend some time in adult jails (Margolis, 1988). Additionally, the juvenile court statistics report that more than 600,000 youths reside in juvenile detention facilities (Snyder,

Finnegam, Nimick, Sickmond, & Sullivan, 1987). Considering these very high figures, it is fair to conclude that juvenile courts have witnessed many young lives in turmoil. The disposition is a possible avenue to rehabilitate such youth into productive citizens, provided court personnel are aware of individual youths' learning and behavioral characteristics.

Judge Michael Corriero, of the New York City Department of Youth Services, stated that "even in cases of the most serious crimes, the courts cannot put the youth away forever" (Edmonds, 1994, p. 11-A). In addition, Corriero remarked that "after years in prison with virtually no rehabilitation, what comes back to us is frightening . . . some youth leave the courtrooms chastened and commit no more crimes, but such pure victories are the exception in New York and nationwide" (Edmonds, 1994 p. 11-A). Seventy percent or more of juveniles leave the courts to rob, assault, or kill again (Edmonds, 1994). A significant percentage of those who do return to the judicial system are youths with disabilities.

The implications of studies regarding disabilities and juvenile offenders are broad. The literature indicates that youthful offenders with disabilities comprise a substantial percentage of those who have been officially adjudicated. Several theories proposed to explain the high percentages were discussed above. This research has focused on one of those explanations: the differential disposition hypothesis.

### **Disabilities and IDEA**

According to the 17th Annual Report to Congress, (U.S. Department of Education, 1995), approximately 1,298,523 youths (ages 12 to 17) with specific learning disabilities were served under IDEA, Part B funds in the 50 States, District of Columbia, and Puerto Rico during the 1993-94 school year. Approximately 32,573 youths with a specific learning disability were served in the Commonwealth of Virginia (U.S. Department of Education, 1995). An estimated 268,273 youths ages 12 to 17 with all categories of mental retardation served under IDEA Part B in the 1993-94 school year, and 6,398 of them were served in Virginia during the 1993-94 school year (U.S. Department of Education, 1995). Approximately 250,389 youths ages 12 to 17 with serious emotional disturbance were served in the 50 states, District of Columbia, and Puerto Rico during the 1993-94 academic year (U.S. Department of Education, 1995). The aforementioned figures also include those incarcerated.

### **Prevalence of Disabilities**

Specific learning disabilities, mental retardation, and emotional or behavioral disorders are among the most prevalent disabling conditions identified within the juvenile correctional facilities (Leone et al., 1991). The variations in the reported prevalence rates of youthful offenders with disabilities in correctional facilities are believed to be due primarily to the different methodologies and the different definitions of disabilities that have evolved through the years.



Surveys have produced varied prevalence figures. Casey and Keilitz (1989) revealed an overall estimate of 35.6% for youthful offenders with learning disabilities in juvenile correctional facilities. However, Morgan (1979) described the prevalence of youth with disabilities commitment and in prison as two to three times the incidence among the general population.

The National Center for Education Statistics (1994) reported that 36% of prisoners (compared with 26% of the household population) have one or more disabilities. The self-reported disabilities for this report by the National Center for Education Statistics included: (a) visual, (b) hearing, (c) learning, (d) mental or emotional, (e) physical, or (f) long-term disabilities. Brier (1989) summarized these disparities by noting that the most frequent reported prevalence rates fell within the 30% to 50% range for incarcerated offenders with disabilities.

According to Nelson et al., (1987), few studies have sought to determine the prevalence of children who are seriously emotionally disturbed in juvenile correctional institutions. They criticized surveys conducted on a national basis for inaccuracies that made the results suspect. (Nelson et al., 1987). However, one national survey (Morgan, 1979) found that in the 50 states and five U.S. territories, emotional disturbance was the most represented of disability categories among incarcerated youthful offenders. Other national studies include one by Eggleston (1984), who identified 35% of incarcerated youthful offenders as emotionally disturbed and one by Grosenick and Huntze (1980), who reported that an estimated

10% to 50% of incarcerated youthful offenders were categorized as emotionally disturbed. Youthful offenders with mild to moderate mental retardation also have a high prevalence in juvenile correctional facilities. Casey and Keilitz (1989) found an estimated 12.6% overall weighted prevalence of incarcerated youthful offenders with mental retardation. Moreover Leone et al., (1991), found that up to 26% of incarcerated youths were mentally retarded. The percentage variation in reported prevalence of mental retardation among youthful offenders suggests that different guidelines and criteria were used to define the disability.

### **Possible Factors Contributing to Differential Dispositions**

A few studies have focused solely on the differential disposition hypothesis as it applies to youthful offenders with disabilities. That research is discussed below.

The generic differential treatment theory maintains that youthful offenders with learning disabilities are treated more harshly by the justice system than nondisabled youthful offenders even when the two groups engage in the same types and degrees of delinquent behavior (Buser, 1985; Buser et. al., 1987; Dunivant, 1982; Keilitz et al., 1981; Walter, 1988). The differential treatment theory is comprised of three different hypotheses that encompass differential arrest, differential adjudication and differential disposition of the youthful offender with disabilities (Dunivant, 1982; Keilitz et al., 1982).

The third hypothesis: differential disposition holds that youthful offenders with disabilities have a greater risk of being committed to a training school or other correctional facility than nondisabled youthful offenders adjudicated on similar charges (Dunivant, 1982). The disabled youthful offender is likely to receive more discipline infractions than the nondisabled youthful offender (Buser, 1985; Buser et al., 1987; Walter, 1988; Leone et al., 1991). Hence, it appears that differential treatment is applied to certain individuals regardless as to whether the treatment is justified.

Golinvaux and Janeksela (1979) offered a depiction of the juvenile justice system that adheres to the premise that youths with disabilities are especially susceptible to different treatment. A number of authors characterize the system as a kind of strategy game where the youth and court personnel, including the youth's lawyer, attempt to negotiate a case disposition from which each party minimizes the risk of "status degradation" (Broder, Dunivant, Smith, & Sutton, 1981). According to Golinvaux and Janeksela (1979, pp. 49-50), the negotiation process demands a kind of adeptness on the part of the youth, who must present

. . . a self that conforms with the official profile of defendants who belong in the least punitive disposition category which is at his (the official's) disposal. Defendants who are dismissed at initial stages of the juvenile justice process have presented a self which accomplishes this least punitive fit.

Golinvaux and Janeksela (1979) suggested that a youthful offender with disabilities who experiences difficulty communicating is at greater risk of a more restricted disposition, a more punitive disposition than his nondisabled counterpart.

It is unlikely that juveniles with serious disorders will receive the least punitive dispositions because: (1) they have experienced education deprivation; (2) their affliction interferes with learning how to play strategic games, not legal and illegal; and (3) they suffer from medical problems which impair sight, speech, or hearing. Therefore, these children are less likely to achieve favorable dispositions. (pp. 51-52)

Although research has not empirically demonstrated the reasons for differential treatment of youthful offenders with disabilities in the justice system, analyses of the dynamics of the system and characteristics of the youthful offender with disabilities, have resulted in the explanation that educationally related deficits may impact on a more punitive treatment of this population in the justice system.

Black and Reiss (1970) and Emerson (1969) advanced that the association between demeanor and dispositional severity is curvilinear: extreme disrespect or extreme respect will result in harsher dispositions. The demeanor of youth with learning and behavioral problems may often be misinterpreted.

According to Thomas and Cage (1977), few studies have focused on such potentially meaningful variables as the youthful offender's demeanor in court, and the characteristics of the judge before whom the case was heard. In their research to determine which variables are associated with what type of disposition, Thomas and Cage examined a sample of 1,522 juvenile cases for whom relatively complete social

background information was available. Data collected from the records included: (a) offense, (b) prior record, (c) socioeconomic status, (d) ethnicity, (e) home situation, (f) school enrollment, (g) source of complaint, (h) the judge who heard the case, and (i) judicial disposition. The findings of the multivariate analysis suggest that the concept of individualized justice is questionable. Thomas and Cage (1977) found that harsher sanctions were applied to Blacks who (a) had dropped out of school, (b) had lived in single parent or broken homes, (c) had come from lower socioeconomic backgrounds, (d) had a complaint filed against them by a parent or a policeman, and (e) were male.

Stapleton and Teitlebaum (1973) compared dispositional consequences of juveniles in high and low-compliance cities. Cases of juveniles who were represented by counsel in the high-compliance city resulted in slightly higher dismissal rates. The findings further indicated similarities in commitment rates in the low-compliance city for both represented and unrepresented juveniles. However, those represented by counsel had higher commitment rates regardless of the nature and severity of the offense.

In a study of juvenile justice in Minnesota, Feld (1991) observed that the more formal urban courts placed more than twice as many youths in detention and imposed more restrictive dispositions than similarly charged offenders in suburban or rural courts. Feld also observed that urban courts tend to operate in a milieu that provides fewer mechanisms for informal social control than do rural ones. This

suggests that the type of dispositions a juvenile offender receives depends not only on the crime committed but on the geographic area of the court.

Sieverdes (1973) identified four major contributing social factors used by court personnel when imposing dispositions: (a) socioeconomic status, (b) family stability, (c) demeanor, and (d) attitude. He noted that all factors had a significant impact on the severity of punishment and restrictiveness of the disposition.

The following theoretical constructs were developed and measured: (a) gravity and frequency of deviance, (b) degree of social adjustment, (c) categoric risk of participation in deviant behavior, and (d) unfavorability or abnormality of social and personal characteristics compared with offense type (Sieverdes, 1973). A zero order correlation ( $\gamma$ ) matrix was used to make the comparisons between the frequencies and levels of dispositions and offense types. Marginal relationships were used to determine which factors had the greatest impact on the juvenile disposition process. Sieverdes found that a very homogeneous group of youthful offenders received differential treatment. Moreover, Sieverdes found that youths with academic and disciplinary problems and school noncontinuers experienced the severest sanctions in the justice system (Sieverdes, 1973). Additionally, Sieverdes found that in a total sample of 279 males and 121 females, males were consistently given more restrictive dispositions than the females.

In another aspect of his study, Sieverdes found that Blacks tend to receive harsher dispositions than White juveniles. The factors of education, gender, and ethnicity appears to have influenced the court's decisions.

Research to test the differential disposition hypothesis on learning disabled and nondisabled youthful offenders rendered inconclusive results (Dunivant, 1982; Zimmerman et al., 1981).

Zimmerman et al., (1981) conducted a series of tests on a sample of 1,005 public school and 687 adjudicated juvenile delinquent youths (ages 12 to 17). The purpose of the study was to test the hypothesis that learning disabilities are related to juvenile delinquency. The results of the study indicated that proportionately more adjudicated delinquent youths than public school youths are learning disabled. The study proposed that the larger proportion of learning disabled youths among adjudicated juvenile delinquents may be accounted for by differential treatment within the justice system rather than differences in their delinquent behaviors (Zimmerman et al., 1981). Moreover, the learning disabled sample had no more of a proclivity to commit juvenile offenses but were recognized more frequently by the juvenile justice system because of their attitude and demeanor.

### **Educational Studies Delinquency Reduction**

Under the sponsorship of the NIJJDP, the Association for Children with Learning Disabilities (ACLD) developed and conducted a remedial instructional

program from 1977 to 1979 for youthful offenders with learning disabilities. The major goal was two fold: to improve academic achievement and to prevent or control future delinquency. The remediation program was based on an academic treatment model that provided direct, individualized instruction for the youths' greatest areas of learning deficiency. A specialist in learning disabilities worked to improve the delinquents' academics as well as their demeanor. Members of the study were involved in the remediation program for periods ranging from a few weeks to 2 years. The sample consisted of 110 learning disabled members in the control group and 120 learning disabled members in the remediation group.

The statistical methods included: (a) logistic regression, (b) multivariate analysis of covariance, and (c) causal models. The analyses were used to address three major questions concerning the effects of remedial instruction:

1. Did remedial instruction improve the academic achievement of the youthful offenders?
2. Was self-reported and official delinquency reduced by the remediation?
3. Did increases in academic skills lead to decreases in delinquency?

The remediation group showed greater relative gain than the control group on every test of educational achievement. However, the differences in the achievement of the two groups were not statistically significant. Improved achievement was measured using the Key Math Diagnostic Arithmetic Test and the Woodcock Reading Mastery Test. In addition, some participants were administered a story-



writing test to measure written language expression. The results did indicate, however, that significant reductions in self-reported delinquency occurred, depending the amount of remediation received. The specialists in learning disabilities worked a minimum of 40 to 50 hours with the participants before a decrease of delinquency and recidivism were observed (Dunivant, 1982).

### **Summary of Reported Research**

Results of the aforementioned research studies on differential treatment theory and the differential disposition hypothesis challenge the idea of individual justice. The various stages in the judicial system may invite a sense of trauma within the disabled youth because the system demands abilities in memory recall, verbalization, and language processing skills, including expressive skills. This may in turn cause even greater manifestation of the behavior characteristics associated with disabilities.

Court personnel unfamiliar with characteristics of children with disabilities could easily mistake a youth's behavior as a reason to apply more restrictive placement than what is actually warranted. Educational programs that would assist in the rehabilitation of youthful offenders with disabilities are needed.

### **The Court System Utilized for This Study**

The Commonwealth of Virginia has 32 Juvenile & Domestic Relations (J&DR) District Courts with jurisdiction over cases involving violations in which a

juvenile is either a victim or a defendant (Virginia Department of Criminal Justice Services, 1994).

The 15th rural district had the highest number of new juvenile cases. The 15th district includes: (a) Caroline, (b) Essex, (c) Fredricksburg City, (d) Hanover County, (e) King George County, (f) Lancaster, (g) Norththumberland, (h) Richmond City, (i) Spotsylvania County, (j) Stafford, (k) Staunton, and (l) Westmoreland. The 19th urban district, which includes the localities of Fairfax County and Fairfax City, had the highest number of new juvenile cases (The Supreme Court of Virginia, 1993). The aforementioned data suggest that crimes committed in rural Virginia are on the increase, and apparently catching up with levels of urban crime.

Like other juvenile court systems, Virginia's juvenile court system, was affected by U.S. Supreme Court decisions of Kent (1966), Miranda (1966), and Gault (1967). Breaking from traditional practices, Virginia revolutionized its juvenile proceedings in 1977. The revised statutory policy states that the child's welfare and that of the family is of paramount concern of the state, VA STAT. ANN. tit. 16.1 § 227 (Michie, 1988). The emphasis on child and parent suggests that the source of delinquency has to be addressed as well as treatment provided.

### **Juvenile Court Statute**

In the state of Virginia, a juvenile is defined as any person under age 18 (Supreme Court of Virginia 1991), and a delinquent is a juvenile who has committed

an act that would be a crime if committed by an adult (Supreme Court of Virginia, 1991). The terms youthful offender and juvenile delinquent are therefore used synonymously in this study.

The Virginia General Assembly STAT. ANN. § 16.1-227 (Michie 1988). formulated four specific purposes that should serve as guidelines to explaining the juvenile court statutes:

1. To divert from the juvenile justice system, to the greatest extent possible, consistent with the protection of the public safety, those children who can be cared for or treated through alternative programs.

2. To provide judicial procedures through which the provisions of this law are executed and enforced and in which the parties are assured a fair hearing and their constitutional and other rights are recognized and enforced.

3. To separate a child from such child's parents, guardian, legal custodian or other person standing in loco parentis only when the child's welfare is endangered or it is in the interest of public safety.

4. To protect the community against those acts of its citizens which are harmful to others and to reduce the incidence of delinquent behavior.

To achieve these goals, the legislature has provided that "the judge shall possess all necessary and incidental powers and authority, whether legal or equitable in their nature" VA STAT. ANN. § 16.1-227 (Michie, 1988). The four outlined purposes encourage rehabilitation and family involvement before the formal trial.

This suggests that the rehabilitation of the child should begin by first empowering the family, because many of the youths committed to correctional institutions come from dysfunctional families and have severe educational deficits (Feld, 1990; Grissom, 1991).

### **Categories of Cases Handled By Courts**

Virginia categorizes juvenile cases into several statutory classifications, including: status offenses, misdemeanors, and felonies.

The J&DR District Court in Virginia is distinguished from other courts in its duty to protect the confidentiality of the juvenile and in the commitment to rehabilitate, rather than punish, those who come before the court (The Supreme Court of Virginia, 1991). The emphasis is on treatment rather than punishment.

The courts handle cases involving: (a) delinquents; (b) juveniles accused of traffic violations; (c) children in need of services; (d) children who have been subjected to abuse or neglect; (e) spousal abuse; (f) adults accused of child abuse or neglect, offenses against members of their own family (juvenile or adult); (g) adults involved in disputes concerning the visitation, support, or custody of a child; (h) abandonment of children; (i) foster care and entrustment agreements; (j) court-ordered rehabilitation services; and (k) court consent for certain medical treatments (Supreme Court of Virginia, 1991). However, only those areas that are directly related to delinquency are the focus of the present study.

## **Processing Juvenile Delinquents In Virginia**

Juvenile delinquency is comprised of a series of stages in the Commonwealth of Virginia. The following system flowchart provides the sequence of steps (see Figure 1). The goal of intake is to divert the youth from formal court proceedings. An alleged offense is reported to state authorities. The intake officer then (a) processes the complaint, (b) determines whether a petition should be filed with the court, (c) establishes whether to release or detain the youth, and (d) provides services for the youth and families, including diversion and referral to other community resources (Virginia Department of Criminal Justice Services, 1994). The intake officer's job is both extensive and critical, because they must often serve in a capacity similar to a judge.

Since one of the goals of intake services is to divert juveniles from formal court action if possible, the Court Service Unit (CSU), through which the intake officer processes the initial services, offers a number of diversions. Depending on the size of the CSU, diversions may include: (a) law-related education, (b) substance abuse classes, (c) mediation, (d) family or individual counseling, (e) working agreements with local social service agencies, or (f) diagnostic screening and educational services (Virginia Department of Criminal Justice Services, 1994). The alternatives vary in accordance with the size and tax base of the jurisdiction.

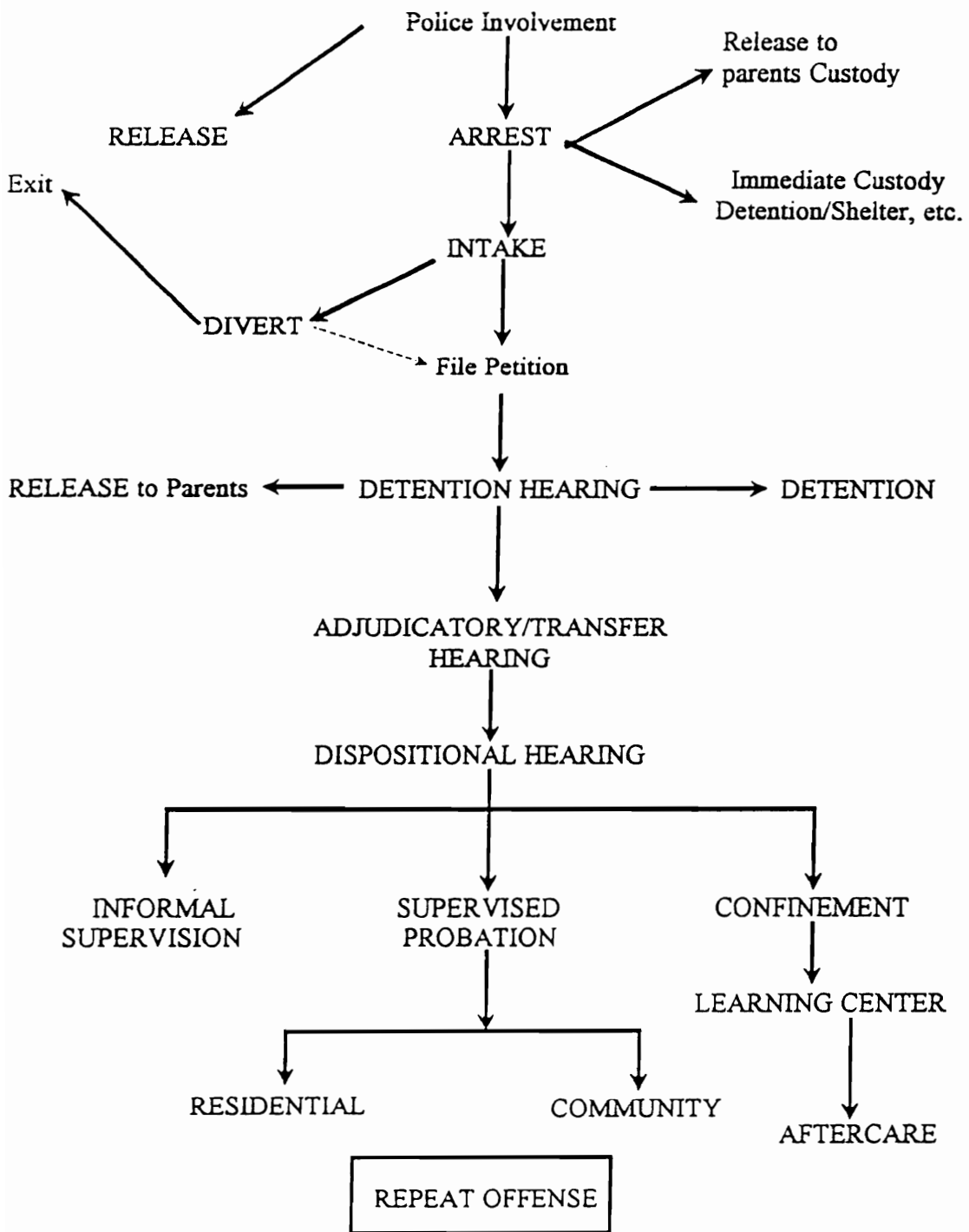


FIGURE 1. SYSTEM FLOWCHART

### **Pre-dispositions**

If a petition is take out against the youth, the intake officer determines the most appropriate place to detain the youth until the hearing detention hearing (Virginia Department for Children, 1987). Placement options authorized by the intake officer depend on several factors including: (a) the youth's age, (b) number of previous offenses, (c) probation status, (d) parents' willingness to assume supervision, (e) youth's potential to harm himself, (f) the danger the child presents to the community, and (g) the availability of alternative services in the community, (Virginia Department Criminal Justice Services, 1994). With consideration of the aforementioned factors, the intake officer determines pre-disposition on a range from the least restrictive environment to the most restrictive environment.

Table 3 presents a description of predispositional alternatives listed from the least restrictive to the most restrictive available in most Virginia jurisdictions. When a youth is released and returns home with parents or surrogate, daily routines are assumed with restrictions that are imposed at the intake hearing. Parents assume responsibility for the youth appearing in court for his detention hearing (Virginia Department of Criminal Justice Services, 1994).

As noted in Table 3, outreach detention allows the youth to return home in parental custody. However, at least four face-to-face contacts each week are made by a counselor (Virginia Department of Criminal Justice Services, 1994).

Table 3

Pre-Dispositional Alternatives

Disposition	Description
Released	Youth goes home with parents or surrogate parent.
Outreach detention	Youth returns home to custody of parents; at least four contacts per week made by counselor.
Less secure detention	High level of supervision at detention home. Holdover program: 24 hour direct sight, emergency supervision. Family shelter or Crisis center.
Secure detention	High level of supervision, community based, physically restricting, serve pre and post dispositions, and jail.

Note. From The Virginia Department of Criminal Justice, 1994.



The less secure detention allows the youth to be placed in a facility or with another family, if the present environment poses a threat (Virginia Department of Criminal Justice, 1994). The daily routine of the youth is not significantly disrupted. Assessment, counseling, recreational and other support services may be available (Virginia Department of Criminal Justice, 1994).

The secure detention facility offers remedial education, medical services, recreation, counseling, and provisions for parent or guardian visitations (Virginia Department of Criminal Justice Services, 1994).

The intake officer must determine the most appropriate placement for the youth. The decision is based on the following factors: (a) the youth's age, (b) behavior during the intake process, (c) number and nature of prior offense(s), (d) probation status, (e) parents' willingness to assume supervision, (f) potential to harm himself and the danger the youth presents to the community, and (g) the availability of alternative services in the community (Virginia Department of Criminal Justice Services, 1994). The factor of availability of alternative services in the community may impact significantly on discrepancies of dispositions imposed in Virginia since there are disparities in local funding.

It is very possible that a youthful offender's demeanor could play a large part in the intake officer's decision as to proceed formally by filing a petition or to make

practical adjustments at the predisposition stage. Attaching weight to behavior of a youthful offender with disabilities may imply presupposition of his involvement in the crime.

As youths with disabilities may have a breakdown in the usual sensory-thought processes that enable nondisabled youths to understand societal punishment-reward systems attached to behavior, the general effectiveness of sanctions on behavior is lessened (Morrison, 1978; Murray, 1976; Satterfield, 1978). Moreover, youthful offenders with disabilities may not associate the severity of the charge with its consequences.

### **Detention and Adjudicatory Hearings**

During the detention hearing the judge explains the procedures of the juvenile court to the youth and his parents. After hearing the limited testimony pertaining to the charge, the judge must determine whether there is probable cause to believe that the youth committed the offense (VA ANN STAT. § tit. 16.1, 250-272; Michie, 1988). If the judge rules that there is no probable cause, the charge is dismissed, and the youth is free to leave (VA ANN. STAT. § 16.1.250 D; Michie, 1988). However, if the judge rules that there is probable cause, the detention hearing continues to determine where and who should detain the youth until the adjudicatory hearing. The adjudicatory hearing is similar to an adult trial.

### **Post-disposition Hearings**

Post-disposition is the final stage of the juvenile court delinquency proceedings, which follows the adjudicatory hearing. The disposition should be tailored to address the unique needs of the individual youthful offender. In the Commonwealth, the juvenile court judge has a variety of alternatives in determining the appropriate disposition for a particular youthful offender.

Perhaps one of the most reviewed components for the disposition report is the social history. The report may include impressionistic statements by teachers, administrators, psychologists, parents, and the offenders. The report also provides recommendations to the judge in formulating a disposition.

Prior to imposing a disposition, the judge must consider the resources that are available. If the needed rehabilitative resources are not available or are inadequate, the judge is faced with a dilemma (Guernsey, 1986). The judge is left with one of three basic options: (a) ignore the problem, (b) improvise, or (c) crusade for better resources (Guernsey, 1986). Since a youthful offender with disabilities has a right to a free appropriate education, appropriateness of that education should be reflected in the disposition.

Post-dispositions vary from one youthful offender to the next. There are, however, basic frameworks for developing dispositions used in the Virginia J&DR District Courts (see Appendix A). The alternatives are presented from the least restrictive to the most restrictive.

Regardless of the charges brought against the youth, alternative dispositions were formulated to serve a two fold purpose: to rehabilitate the youth while maintaining public safety.

### **Juvenile Court Judge**

Two basic questions must be addressed when youths are charged with an offense. The first is whether they committed the alleged act. If they are found guilty, the second question is, what action should the court take to correct, punish, and rehabilitate them?

In the Commonwealth of Virginia the juvenile court judge must weigh the relative facts in the case and then impose a disposition. The judge has the responsibility of determining which rehabilitation program would most likely benefit the youthful offender. It would appear to be advantageous for the judge to be aware of the youth's strengths and weaknesses.

As an agent of the state, the judge is charged with the duty of acting as a firm but caring and sympathetic parent, who seeks to do what is necessary and just to promote the youth's growth into adulthood and a law-abiding citizenship (McCullough, Zaremba, & Rich, 1980). The disposition may be determined by a judge who is not familiar with the characteristics of learning and behavioral

disabilities. Hence, if the judge has no familiarity with the characteristics of disabilities, could the imposed disposition be fair and just for the disabled youthful offender?

Although judges are free to make placement decisions in the best interest of the youthful offender, their dominant role in the placement process demands a strong element of accountability (Grissom, 1991). Once it has been determined that a youth needs services, the juvenile court judge may order any state, county, municipal officer or employee, governmental agency or institution to provide any information, assistance, services, or cooperation which they are otherwise authorized to provide under VA ANN. STAT. tit. 16.1 § 278.4 (Michie, 1988). One such program in the Commonwealth is Child in Need of Services (CHINS) which involves the services and representatives of several community agencies.

### **DYFS: Reception and Diagnostic Center**

The DYFS is located in Bon Air, Virginia. When judges determine that youths need more restricted placement than a community can offer, they may commit the youths to the DYFS.

On transfer to DYFS, youths report to the Reception and Diagnostic Center for screening, testing, and diagnosis, which leads to a placement decision (Virginia Department of Criminal Justice Services, 1994). The youths are placed in one of six correctional facilities. A variety of services are available to them including: (a)

academic and vocational education, (b) remedial tutoring, (c) psychological and psychiatric treatment, (d) substance abuse treatment, (e) recreation, (f) life skills training, (g) programs for independent living, and (h) religious services, (Virginia Department of Criminal Justice Services, 1994). One correctional facility serves developmentally disabled youth and three have programs for adolescent sex offenders. The majority of the facilities operate at maximum capacity.

In 1993, the DYFS implemented a length of stay system, which takes into account the youth's committing offenses, prior history, and aggravating or mitigating circumstances (Virginia Department of Criminal Justice Services, 1994). This system increases the length of time some youths spend in a learning center and decreases the length of stay for others.

Concerns that require continuing attention at the learning centers include: (a) services for mentally ill (severely emotionally disturbed youth), (b) serious juvenile offender commitments, (c) facility security, (d) levels of staffing, and (e) overcrowding (Virginia Department of Criminal Justice Services, 1994). The prevalence of youthful offenders with disabilities contribute significantly to the overcrowding. As of December 14, 1994, 42% of DYFS' inmate population had been identified as needing special education services according to the criteria set forth in IDEA (Waite, 1994).

## **Special Programs Provided for Youthful Offenders with Disabilities**

### **Programs Through the Courts**

Judge Thomas McGee of Gretna, Louisiana, was one of the first juvenile court judges to establish a court school for the learning disabled. He is the father of a child with learning disabilities and thus, he has a personal interest in his court school program. The school provides 60 hours of remediation for learning disabled at-risk youths (Gallet & Gilligan, 1987). After completion of the court school requirements, the majority of these youths do not commit another crime (Gallet & Gilligan, 1987).

In Baltimore, Maryland a program developed to reach out to learning disabled youth called Partnership for Learning was designed to screen first-time juvenile offenders appearing before juvenile court in Baltimore City (Black, 1994). The purpose of the program is to identify and assist offenders diagnosed as learning disabled by matching the youth with a tutor or mentor trained in a special reading and spelling program. The program reports that approximately 80% of the youth who have successfully completed, or currently involved in the program, have not reoffended, (Black, 1994). The program's high reported success percentages suggests that youthful offenders with disabilities can be positively redirected.

In Reno, Nevada, Leonard Pugh directs a program called "Yes I Can," which targets middle-school-aged youth between the ages of 12 and 14 years (V. Black, 1994). Probation officers are provided a checklist to assist them in identifying youthful offenders who may be learning disabled. If a suspected offender is diagnosed as having a learning disability, a mentor or tutor is assigned (Black 1994). Individualized skill exercises and lesson plans are developed on the basis of psychological testing. Parents are also taught how to be "helpers" in building the self-confidence of their child (Black, 1994). The idea of building confidence and changing negative attitudes may do much to address the causes of youth crime in the United States today.

Judge Joseph F. Gilliland, a juvenile court judge in Russellville, Alabama, established a 45-day court school. He has also established a tutoring program and a grandparent program in the court (Gallet & Gilligan, 1987).

In the Commonwealth, efforts are under way to achieve similar sentences for similar crimes. Sentencing patterns for all Virginia courts are collected and disseminated to provide judges with a vital tool for reducing unnecessary sentencing disparity (The Supreme Court of Virginia, 1994). Although not clearly stated, this information may be directed to the adult courts as the word sentence is referenced instead of disposition. Nonetheless, the efforts of the adult court to address sentencing disparities within the state provides evidence of the apparent problem of differential dispositions in the justice system.



## **Education Programs For Offenders With Disabilities**

The Juvenile Corrections Interagency Transition Model of Webb, Maddox, and Edgar (1985) was designed to reduce recidivism by assisting local agencies to coordinate their services for delinquent youth. The model was designed specifically to assist local school districts to integrate youths back into public schools after release from correctional facilities.

The Individuals With Disabilities Education Act of 1990 makes clear the responsibilities of local educational agencies to educate disabled persons. Educating disabled children who are in frequent trouble with the judicial system is often challenging. It is evident that the traditional styles of teaching may not appropriately address the unique learning styles and academic needs of the youthful offender. Education must be tailored to meet the needs of the targeted population. Individual learning styles must be addressed. Early identification and proper remediation are the best answers to many of the problems in adolescence (Poremba, 1981). Clawson (1985) proposed that failure begets failure; early detection and education of youths with disabilities could lead to preventing these youths from becoming statistics in the juvenile justice system.

The public school must realize that alternative education environments must be made available to help all students meet their needs. It is the obligation of modern school, particularly with those students who are non college bound, to assist

in the school to work transition (Cruickshank, 1977). Cruickshank suggested that it is not only the responsibility of the school-to-teach academic subjects, but that vocational training should also be a major part of the curriculum as well.

Students with disabilities appear to be less social and less well-liked than their classmates (e.g., Bruininks, 1978; Bryan, 1974; Perlmutter, Crocker, Cordray, & Garstecki, 1983). Therefore, they are more likely to engage in activities that might win attention and affection from others, even if the activity violates the law.

The curriculum must therefore address social skill issues. A functional educational curriculum should focus on social, daily living, and vocational skills (Leone et al., 1991). By making the school curriculum more functional in terms of providing students with skills they value and can use in their immediate environments, both the holding power and effectiveness of school may be improved (Leone et al., 1991). The curriculum can perhaps be strengthened if greater collaboration and networking were done between the judicial system and the educational system.

### **Summary**

The literature may be summarized as follows:

There is a group of children in the United States who require the special attention and resources of a plethora of government agencies. Not only do these children depend heavily upon our system of public education, but they are also more likely than most young people to come to the attention of child welfare, social services, mental health . . . services, law enforcement and corrections agencies, and the courts.

We are speaking of course, of children with learning disabilities . . . Although we cannot with any degree of certainty specify exactly how many such children there are in the United States, . . . it is evident that such children are overly represented in our juvenile correctional facilities and among children who are neglected or abused. (Keilitz 1984, p. 1)

Hence, there must be a collaborative effort among many agencies if the United States is to bring about a deterrence in youth crime, and particularly to affect a decrease in the number of youthful offenders with disabilities in correctional facilities.

This chapter has provided a review of the literature that is pertinent to the issues addressed by the present study. This review has shown that there is a disproportionate incidence of youths with disabilities among delinquent juveniles. Some studies support the differential disposition hypothesis as a reason for the disproportionate number of disabled youth among juvenile offenders. The surveyed literature suggests that court personnel are still somewhat unfamiliar with the characteristics of learning and behavioral disabilities and, therefore may be unaware that they are applying unnecessary differential treatment.

## **CHAPTER III**

### **METHOD**

This chapter provides a description of the methods used in this study, which was focused on disabled youthful offenders from two perspectives: (1) judges' views about and knowledge of this population, and (2) a comparison of dispositions between them and non-disabled. Encompassed in this chapter are discussions of: (a) the procedures used to obtain information through questionnaires to the judges, (b) the extraction of data from records of juvenile offenders, and (c) statistical analysis. Data gathered from juvenile court judges and youthful offenders are discussed separately.

#### **Survey of Judges**

The survey of Juvenile and Domestic Relations (J&DR) District Court judges presiding in the Commonwealth of Virginia, was accomplished in two ways: (a) by phone interview, and (b) by mailed questionnaire.

#### **Sample Design and Selection**

In 1994 the Commonwealth had approximately 89 J&DR District Court judges who served 31 districts for a 6 year term. A random sample of 45 judges was drawn for the phone interview. Twenty additional judges were drawn from the population because (a) several of the 45 judges had retired, (b) some judges elected

not to participate in the survey, and (c) some were not accessible during the period in which the survey was conducted.

**Phone Questionnaire.** The researcher developed a scripted 18-question telephone questionnaire (see Appendix B) to determine judges' familiarity with characteristics of youthful offenders with behavioral and learning disabilities.

**Mailed Questionnaire.** The telephone questionnaire was modified by the researcher so that it could be mailed to those judges who so requested, those who were not available for the phone interview because of their schedules, and those who simply did not respond by phone (see Appendix B). A postage-paid return envelope was included with each mailing.

**Response Items.** The response items were developed using a combination of Likert scale and rating scale formats. The questions were designed to obtain the following information from the sample of judges: (a) their experience in dealing with persons, particularly youth, who have learning or behavioral disabilities; (b) the number of cases handled that involved youths with learning or behavioral disabilities; (c) the resources drawn upon if they suspect a youth who appears before the court has a learning or behavioral disability; (d) the frequency with which they have observed behaviors that are characteristic of learning and behavioral disabilities; (e) the importance they place on various factors when considering a disposition; (f) sources they consider credible when attempting to verify a claim that a youth before the court has a learning or behavioral disability; and (g) the number

of inservices, seminars, or workshops attended in the past year which relate to youths with learning or behavioral disabilities (see Appendix B).

The questions were constructed in an attempt to define a judge's familiarity with characteristics of learning and behavioral disabilities and the application of that familiarity when imposing dispositions.

**Pilot Study.** A pilot study of the survey instrument was conducted on a sample of Commonwealth Circuit Court judges, as well as the chief justice of the Commonwealth of Virginia Supreme Court (see Appendix C). The questionnaire was revised in accordance with advice and suggestions given by the justices participating in the pilot study.

**Telephone Survey Procedures.** Ten days prior to initiating the phone survey, a letter was mailed to each of the sample judges (see Appendix C). The letter informed the judges of the survey's purpose, provided identifying information about the researcher, and assured confidentiality of responses. A self-addressed stamped postcard was included in the initial mailing for acknowledgment of participation in the study. An ink pen was also included in the mailing as a token of appreciation for consideration in the matter.

**Mailed Questionnaire Procedures.** Questions 5, 6, 7, and 9 from the phone questionnaire were rearranged and restated in the mailed questionnaire. These changes were made in an effort to reduce misinterpretations that could not be readily clarified as was possible when conducting the phone questionnaire.

A chi-square analysis and unpaired  $t$  tests were conducted to determine differences between the response variables of the phone and mailed questionnaires. See Appendix B for item wording changes between the two instruments.

### **Data From the Records of Youthful Offenders**

#### **Setting and Population Demographics Available for Records Review.**

The population for this study consisted of male youthful offenders incarcerated at one of the six correctional facilities regulated by the Department of Youth and Family Services (DYFS). A random sample of 72 youthful offenders' files (36 nondisabled and 36 disabled) was drawn from a correctional population of 1,570 inmates. The sample was derived from male youths who entered the correctional facilities between July 1, 1993 and June 30, 1994. Permission was obtained to review the records at the DYFS's Reception and Diagnostic Center from Mr. John B. Schisa, senior planner, Research & Planning Unit (see Appendix C).

#### **Distribution of Population of Incarcerated Youthful Offenders**

**at DYFS.** Table 4.1 indicates the number of inmates in the population at DYFS with each type of disability. Approximately 19% of the offenders with disabilities in the correctional population had specific learning disabilities (SLD). Approximately 52% of the youthful offenders were seriously emotionally disturbed (SED), which made

up the largest percentage in the disabled population. The educable mentally retarded (EMR) offenders (approximately 7%) made up the smallest group in the population at DYFS.

Table 4.2 provides the distribution of the nondisabled and disabled populations during Fiscal Year 1994. According to Table 4.2, 659 (42%) of the department's 1,570 correctional population were eligible and received special education services. The 911 nondisabled offenders made up 58% of the correctional population.

The numbers and percentages of incarcerated youth with disabilities noted in the DYFS' correctional population are fairly representative of the percentages noted in the literature review.

### **Selection Procedure**

The sample of youth for this research was selected by use of a random numbers table (Wiersma, 1991). The Reception and Diagnostic Center (RDC) assigns a sequential number to each offender upon entrance into the correctional system. The assigned number was used for the randomization by matching the last digit in that five digit number with the last digit of a set of numbers in the random table.



Table 4.1  
Distribution of Correctional Disabled Population at DYFS

Disability	<u>Population</u>	
	<u>N</u>	<u>%</u>
Specific learning disabled	126	19.11
Serious emotionally disturbed	341	51.74
Educable mentally retarded	43	6.50
Other	149	22.65
Total	659	100.0

Table 4.2  
Distribution of Correctional Nondisabled and Disabled Populations at DYFS

Category	<u>Population</u>	
	<u>N</u>	<u>%</u>
Disabled	659	41.97
Nondisabled	911	58.03
Total	1,570	100.00

Note. DYFS - Department of Youth and Family Services.

### **Selection of Records**

Each offender included in the samples met the following criteria: (a) at least one prior offense; (b) admission to the DYFS between July 1, 1993 and June 30, 1994; (c) age between 15 to 17 years; (d) ethnicity either Black or White; and (f) offenses that fell in one or more of the following categories: violent crimes, property crimes, and drug related crimes. Violation of probation or parole was also incorporated as a variable in each of the above crime categories.

Records that did not satisfy the aforementioned criteria were eliminated from the samples until there were a total of 36 nondisabled and 36 disabled male offenders' records selected.

### **Selected Variables**

Records provided a source for certain variables used in this study. A review of the cases provided the following data: (a) special education status; (b) first identification of youth for special education; (c) ethnicity; (d) age at the time of first commit to DYFS; (e) specific crime; (f) number of times youth had been committed to DYFS; (g) number of times the youth had violated probation; (h) number of crimes committed for the DYFS commitment; (i) number of prior crimes; (j) first offense; (k) first disposition (from least to the most restricted); (l) most recent full scale intelligence quotient score (as measured by either the Weschler Intelligence Scale for Children, Revised (WISC-R), or the Weschler Intelligence Scale for

Children, Third Edition (WISC III)); (m) number of grades repeated in school; (n) evidence of substance abuse of the youth, parent(s), or both; (o) documented physical or sexual abuse of the youth, parent(s), or both; (p) school status (suspensions / expulsions, truancy, or a combination; (q) crime category (violent crimes, property crimes, or drug related crimes); and (r) age at first crime (see Appendix D).

### **Statistical Analysis and Procedure of Research Questions**

Statistical analysis was accomplished to address each of the three research questions noted in Chapter 1. The following discussion explains how each question was examined.

**Research Question One:** What are judges' levels of familiarity with characteristics of learning and behavioral disabilities?

Summary statistics were calculated for survey questions that addressed: (a) the professional and personal experiences judges have with people with learning or behavioral disabilities, and (b) judges' courtroom observations of typical behaviors characteristics of children with learning or behavioral disabilities (see Appendix B). Means, standard deviations, and minimum and maximum scores were computed for each of the factors. Similar statistical analyses were applied to the second research question.

**Research Question Two:** What factors do judges consider when imposing dispositions on youthful offenders with learning and behavioral disabilities?

This question was addressed by the computation of means, standard deviations, minimum and maximum range scores, and the responses to one open-ended question.

**Research Question Three:** Is a disposition more restrictive for youthful offenders with disabilities than for their nondisabled counterparts when the offenses are similar?

The variable data regarding First Crime and First Disposition were placed in categorical data sets. First Crime was categorized as follows: Moderately Severe = 1, Severe = 2, and Very Severe = 3 (see Appendix D). First Disposition was categorized as follows: Highly Unrestricted = 1, Unrestricted = 2, Partially Unrestricted = 3, Moderately Restricted = 4, Restricted = 5, and Highly Restricted = 6 (see Appendix B). The third research question was addressed by completing chi-square analyses on the two sets of categorical data.

### **Chapter Summary**

A survey of 65 Commonwealth of Virginia Juvenile and Domestic Relations Judges was conducted through use of a questionnaire. The purpose of the survey was to determine judges' levels of familiarity of youthful offenders with learning and behavioral disabilities and the factors they consider when imposing dispositions.

Data were gathered from the records housed at the Department of Youth and Family Service Center's Reception and Diagnostic Center in order to describe the demographics of incarcerated youths. A pilot study was conducted on the survey instrument using a sample of Circuit Court Judges and the Chief Justice of the Supreme Court. Statistical procedures used to analyze the data that addressed each of the three research questions established for this study were described.

## CHAPTER IV

### RESULTS

This chapter presents the findings derived from the data analyses. The statistical procedures were performed using the Number Cruncher Statistical System (Hintze, 1990). The purposes of this study were: (a) to identify Commonwealth of Virginia Juvenile and Domestic Relations (J&DR) District Court Judges' levels of familiarity with characteristics of youth who have learning or behavioral disabilities, and (b) to test the differential disposition hypothesis regarding the disproportionate number of incarcerated male youthful offenders with learning and behavioral disabilities. Each purpose was met with a different data collection procedure and will be addressed separately in this chapter.

#### **Survey of Judges**

As described in the previous chapter, a questionnaire was used to determine judges' familiarity with learning and behavioral disabilities and the factors judges considered when imposing dispositions. As noted there, it was necessary to complete some questionnaires by phone interview and others through the mail. Following is a comparison of those two methods of data gathering.

Table 5 offers the numerical breakdown of responses to the phone questionnaire. In the first random sample, 45 J&DR District Court judges were contacted. A letter was mailed to each of them 10 days prior to conducting the

Table 5

Judges' Participation Levels to Phone Questionnaire

Judges' Responses Participants	<u>n</u>	% of Judges Called
Participants ( <u>n</u> =14)		
Responded immediately	8	17.8
Responded after follow-up letter	2	4.4
Requested questionnaire to be mailed	4*	8.9
Total participants	(14)	(31.1)
Non-Participants ( <u>n</u> = 31)		
Failed to respond	9	20.0
Retired from the bench	3	6.7
Elected not to participate because of conflict of interest	6	13.3
Elected not to participate because of demanding schedules	8	17.8
Unavailable for phone interview	5	11.1
Total non participants	(31)	(68.9)

Note: These judges participated in the mailed questionnaire.

phone questionnaire (see Appendix C). The letter sought to clarify the purpose of the study and to determine the judge's willingness to participate.

**Responses to Phone Questionnaire.** Of the 45 judges contacted, 14 participated in the phone questionnaire. Of those 14 judges, 8 responded immediately, and 6 responded after they received follow-up letters. Of the remaining 31 judges: 9 did not respond, 3 had retired from the bench, 6 elected not to participate because of a conflict of interest in the subject matter, 8 elected not to participate due to their demanding schedules, and 5 were unavailable for the phone interview.

**Responses to Mailed Questionnaire.** Table 6 presents the judges' responses to the mailed questionnaire. A random sample of 20 additional J&DR District Court judges was drawn from the population. Cover letters and questionnaires were mailed to that sample to increase the number of survey participants. Follow-up letters were also sent (see Appendix C).

Of the 20 judges contacted, more than half responded immediately, and 4 responded after they received follow-up letters. There were no responses from the remaining 5 judges.

**Comparison of Phone and Mailed Questionnaire.** Thirty-one percent responded from the phone sample and 75% responded from the mail sample. Chi-square and  $\chi^2$  test analyses were computed for each of the appropriate independent



Table 6

Judges' Participation Levels to Mailed Questionnaire (n = 20)

Response	<u>n</u>	%
Responded immediately	11	55
Responded after follow-up	4	20
Nonparticipants	5	25
Total number of judges by mail	20	100

Note. An additional 4 judges who were initially contacted by phone responded only when sent a followup questionnaire (see Table 5)

and dependent variables to determine whether a response bias existed between the phone and mailed questionnaires.

Chi-square analyses were calculated for the following factors: (a) judges' experiences with youthful offenders with learning or behavioral disabilities in the courtroom; (b) judges' experiences with friends and relatives who have learning or behavioral disabilities; and (c) the judges' observations of impulsive behavior, language difficulties (either in using or understanding language), lapses in memory, poor social skills, and difficulty understanding cause and effect relationships. When considering a disposition, the importance of the youth's demeanor, disability, and personal statement noted in the social history report, were also calculated using the chi-square analyses (see Appendix D).

Chi-square and  $t$  tests results are presented in Table 7. As noted in the table, results indicated that there were no significant differences between responses from the phone and mailed questionnaires at the .05 level on the following: (a) the amount of courtroom experience with youth having learning or behavioral disabilities in the courtroom ( $p = .19$ ); (b) amount of experience with learning and behavioral disabilities through friends and relatives ( $p = .64$ ); and observations of (c) impulsive behavior ( $p = .70$ ); (d) language difficulties ( $p = .17$ ); (e) poor social skills  $p = .33$ ); and (f) difficulty understanding cause and effect relationship ( $p = .31$ ). Likewise, there were no significant differences between the phone and mailed questionnaire responses on the importance of considering a disposition, on the basis

Table 7

Chi-Square and t-test Analyses of Phone and Mailed Questionnaires

Variable	df	Chi-Sq	p-value
<b>Judges' Experiences with Disabilities</b>			
Courtroom	3	4.75	.19
Friends and relatives	3	1.70	.64
<b>Behavioral Observations</b>			
Impulsive behavior	4	2.17	.70
Language difficulties	4	6.37	.17
Poor social skills	3	3.46	.33
Difficulty understanding cause and effect relationships	3	3.60	.31
Lapses in memory	3	10.70	.013*
<b>Important Factors for Youth's Dispositions</b>			
Demeanor	4	4.72	.32
Disability	3	5.43	.14
Personal statement noted in social history	3	1.36	.71
Variable	df	t-value	p-value
C2	27	-1.75	.09
C5	26	1.19	.25
C6	22	-.82	.42
C7	22	.47	.64
C16	27	.42	.68

Note. Means with (\*) asterisks were significantly different at  $p < .05$ .

C2 = number of years served on bench.

C5 = percentage of cases that involve youths with learning and behavioral disabilities.

C6 = percentage of cases identified for the first time by the court system as having a learning or behavioral disability.

C7 = percentage of cases involving youths who have been misidentified by the school system.

C16 = number of inservice programs attended which focused on youth with learning and behavioral disabilities.

of: (a) the youth's demeanor ( $p = .32$ ) when applicable; (b) the youth's disability ( $p = .14$ ); and (c) the youth's personal statement noted in the social history report ( $p = .71$ ).

There were significant differences for Question 10, which addressed judge's observations in lapses in memory exhibited by youths before the court ( $p = .013$ ). It is likely that the differences here were due to chance, because no significant differences were found between the phone and mail questionnaire responses on any of the other independent or dependent variables measured.

Unpaired  $t$  tests were calculated for the following selected response variables: (a) number of years served on bench, ( $p = .09$ ); (b) percentage of cases that involve youths with learning and behavioral disabilities ( $p = .25$ ); (c) percentage of cases identified for the first time by the court system as having a learning or behavioral disability ( $p = .42$ ); (d) percentage of cases involving youths who have been misidentified by the school system ( $p = .64$ ); and (e) the number of inservice programs attended which focused on learning or behavioral disabilities ( $p = .68$ ). In all of the aforementioned cases, there were no significant differences in the responses from the phone interviews and mailed questionnaires.

### **Judges' Background and Views**

**Demographic Information.** Table 8 offers means, standard deviations, and ranges of values regarding experience and perspectives of the sample judges. Each

Table 8

Demographic Information About Judges and Their Courtrooms

Variable	<u>M</u>	<u>SD</u>	Minimum	Maximum
Percentage of youths requiring special education	47.5	20.9	10	80
Percentage of disabled youths misidentified by the school system	24.1	18.6	0	50
Percentage of courts special education identification	16.5	12.7	5	50
Years served	6.9	6.3	1	27
Number of seminars	0.4	0.6	0	2

of the 29 Virginia Commonwealth J&DR District Court judges who participated in the study was currently serving on the J&DR District Court bench in one of the 31 districts. The sample of judges included 26 men (90%) and 3 women (10%).

The judges sampled had served slightly less than 7 years (SD= 6.3). The judges had participated in very few seminars, inservice programs, or workshops that focused on learning and behavioral disabilities.

Approximately 48% of the judges' caseloads involved youths with learning or behavioral disabilities. Youths who were not currently receiving special education services, but who were suspected by the judge to need special education, made up approximately 17% of their caseload. As stated earlier in this chapter, 42% of the youthful offenders who were incarcerated at the DYFS' correctional facilities in FY 1994 received special education, and the 48% representation of youthful offenders with disabilities on the judge's caseloads suggests that a significant proportion of youth with disabilities are involved in the judicial system.

According to the judges, approximately 24% of the court cases involve youthful offenders with disabilities who have been misidentified by the school system.

### **Judges' Perspectives**

The judges were asked a series of questions to ascertain their exposure to and familiarity with youths having learning and behavioral disabilities. In addition, they were asked a series of questions that dealt with behaviors characteristic of and

frequently exhibited by youths with learning or behavioral disabilities. Judges were asked their opinions regarding important factors when considering a disposition. Table 9 provides numbers and percentages of these factors.

**Judges' Experiences With Disabilities.** As noted in Table 9, judges had more experience with learning and behavioral disabilities in their courtrooms with youthful offenders than with friends and relatives having learning or behavioral disabilities. The responses indicated that as many as 66% of the judges had little to no experience outside of the courtroom with people having learning and or behavioral disabilities. Only 7% had little experience with disabilities in their courtroom.

**Observations of Specific Behaviors Within the Courtroom.** The majority of judges (52%) frequently observed youths exhibiting impulsive behavior. Approximately 38% of the judges often observed language difficulties exhibited by youths before the court, however most percentages for language difficulty clustered around the mid to lower limits of the range. As many as 79% of the sample almost always observed poor social skills exhibited by the youth before the court. Difficulty in understanding cause-and-effect relationships were typically observed by more than half of the judges.

**Factors Involved When Considering Dispositions.** According to the judges in this sample, one very important factor when considering a disposition was the youth's disability. Consideration of the youths' disabilities yielded a mean of 4.3,

Table 9

Judges Experiences With and Perspectives on Youthful Offenders With Disabilities

Variable	<u>M</u>	<u>SD</u>	<u>Response Percentage</u>				
			1	2	3	4	5
Experience of Judges (a)							
In the courtroom	3.9	0.9	0	7	28	34	31
Friends relatives	2.4	1.0	14	52	14	20	0
Frequency of Behavior in Courtroom (b)							
Poor social skills	4.1	0.8	0	3	17	45	34
Difficulty understand- ing cause and effect relations	3.6	0.9	0	14	28	41	17
Impulsive behavior	3.4	1.0	3	14	31	38	14
Language difficulties	3.1	1.1	3	31	28	24	14
Lapses in memory	2.0	1.0	38	35	17	10	0
Importance of Selected Factors in Dispositions (c)							
Youth's disability	4.3	0.9	0	7	7	36	50
Youth's personal statement	3.4	0.7	0	11	39	46	4
Youth's demeanor	3.2	1.0	3	21	38	31	7

Note. (a) Responses range from none (1) to a lot (5); (b) Responses range from never (1) to almost always (5); (c) Responses range from not important (1) to very important (5).



and 50% of the responses were clustered at the highest level of the range. The youth's demeanor was perceived by judges as being important but not extremely important. Most response percentages fell midway of the range. The youth's personal statement was not rated as very important when considering a disposition, as only 4% of the judges considered it as being very important. Most percentages for the Youths Personal Statement clustered midway to the lower range of the scale. However, no judge perceived the personal statement as being not important.

### **Open-Ended Questions**

The responses to the four open-ended questions included in the questionnaires were compiled in order from the most frequent to least frequent. Most judges provided several responses to a single question. Responses to the open-ended questions are in Tables 10-12.

**Undiagnosed / Unidentified Disability.** Table 10 presents the responses that indicate how judges address situations in which they suspect a youth appearing before the court has an undiagnosed or an unidentified learning or behavioral disability.

The most frequently related response to addressing a situation where a youth is suspected of having a learning or behavioral disability which appears to affect his functioning (see Table 10) is to order a social history, counseling, and refer the youth to the appropriate agency for an evaluation. The greatest number of efforts

Table 10

Addressing a Suspected Disability

<u>Responses</u>	<u>Frequency</u>
Conduct social history and counseling	15
Order appropriate local school / community resources to conduct tests (child development center) or mental health agency	13
Order a psychological examination	10
Order an evaluation before the disposition which relates to the nature of the case	5
Direct school to conduct a child study	4
Refer to school and information found in student's file	4
Refer to Family Assessment and Planning Team	4
Refer to court services unit for investigation	4
Refer to information found in pre-sentencing investigation / evaluation of records	2
If youth is found guilty, a full evaluation should be conducted by the appropriate agency and approved by the court service unit	1
Conduct testing, if funds are available	1
Order medical evaluation	1
The law requires reservation of the family, protection of the public, and provisions for effective rehabilitation for the youth	1
Request parents to have school develop an Individualized Educational Program	1

Note: Data taken from responses to Question 5 & 6: "How would you address a situation in which you suspect a youth has an undiagnosed / unidentified learning or behavioral disability which appears to affect his functioning?"

noted by the judges focused on action which should take place before the disposition is considered. At least four judges recognized the function of the local school's Child Study Committee, and would rely on the expertise of the Committee as part of their response to addressing a youth with a suspected learning or behavioral disability. Many of the responses were related to the resources that are available and provided by local community schools. According to the responses noted in Table 10, J&DR District Court judges seemingly recognize the importance for additional information gathering from various sources in cases of suspected disabilities.

**Other Factors When Considering a Disposition.** Question 16 asked: "Are there other important factors when considering a disposition?" Table 11 provides the judges' responses to this question. The responses are listed in descending order of frequency of the combined phone and mailed questionnaires.

As presented in Table 11, parental involvement, interest, support, and cooperation are apparently held in high regard by the J&DR District Court System. This factor received the highest frequency of responses from both the phone and mailed questionnaires. The prior record and response to prior court dispositions was the second most frequently mentioned factor on both the phone and mailed questionnaires. Other factors, such as nature and seriousness of offense, availability and appropriateness of rehabilitation programs, and change of attitude were noted by judges in moderate degrees of frequency. Educational alternatives and school

Table 11

Important Factors When Considering a Disposition

Response	<u>Frequency</u>		
	Phone	Mailed	Total
Parental involvement, interest, support, and cooperation	8	8	16
Prior record and response to probation, dispositions, and other programs	6	6	12
Nature and seriousness of the offense and facts of the case	2	5	7
Availability and appropriateness of rehabilitation programs	2	5	7
Change of attitude, behavior/remorse	4	2	6
Acceptance of responsibility youth's motivation	1	3	4
Positive role models	3	0	3
Recidivism	1	2	3
School behavior, disciplinary record and attendance	0	3	3
School grades (considering ability)	1	1	2
Consideration as to how close the youth is to age 18	1	1	2
Family and community resources	1	1	2
Parents ability to control the youth	1	1	2
Willingness to participate in: Children in Need of Assistance	1	0	1
Educational alternatives	0	1	1

Note. Data taken from responses to Question 16: "What are Other Important Factors When Considering a Disposition?"

behavior were not given as important factors, especially for those judges interviewed by phone. Only one judge from each of the two types of questionnaires indicated that school grades were an important factor to consider. By contrast, the idea of youths having positive role models was noted by only those judges who responded by phone.

**Verification of Disabilities.** Table 12 provides the responses to Question 17 which states: If a defense counsel were to claim that their client had a learning or behavioral disability, what major pieces of evidence would you be willing to accept as verification? The phone and letter responses are presented in the table.

The most frequently made responses for evidence of verification included; written or oral reports by qualified evaluators, psychological / psychiatric records, testing, school records and test results. Testimonies of friends, family and teachers, court service classes, and school evaluation, were not considered as major pieces of evidence by most of the judges. Only two judges noted special education recognition as evidence of verification. It is clear that judges prefer written verification from both authoritative and qualified sources.

**Inservice Workshops.** The responses for Question 18 which states: In the past year, approximately how many inservice programs, workshops, or seminars concerning special education, which focused on youth with learning or behavioral disabilities have you attended? A total of 13 inservices were attended by 11 of the

Table 12

Question 17: Verification of Disabilities in Court by Defense Counsel

Response	<u>Frequency</u>		
	Phone	Mailed	Total
Written and or oral report by qualified evaluators	4	7	11
Psychological record/and testing psychiatric testing	4	6	10
Test results	3	5	8
School records	2	6	8
Anything is valid	1	2	3
Testimonies of friends, family, teachers	3	0	3
Conduct interviews regarding relationships with peers and teachers at school	3	0	3
School evaluation	2	0	3
Special education recognition	1	1	2
Court service classes	2	0	2
Social history report	0	1	1
Guilt & innocence: two legal concepts-- competence & sanity	1	0	1
Mitigation: Mental health	1	0	1

Note. Data taken from responses to Question 17: "If a defense counsel were to claim that their client had a learning or behavioral disability, what major pieces of evidence would you be willing to accept as verification?"

29 judges. However, most of the judges indicated that they had not attended inservices relating to youth with learning or behavioral disabilities in the past year.

### **Summary of Questionnaire and Analysis**

Twenty-nine Commonwealth of Virginia J&DR District Court judges participated in a questionnaire survey. A phone questionnaire was conducted first. However, due to the low participation rate and requests to have the questionnaire mailed, an additional random drawing of 20 judges was made.

To determine if a response bias existed between the phone and letter survey questionnaires, unpaired  $t$  test and chi-square analyses were calculated for each of the response variables.

There were no significant differences between the response variables received from the phone and mailed questionnaires, with the exception of one item: lapses of memory. This result was probably due to chance as this was an isolated occurrence.

**Judges' Levels of Familiarity.** Results signified that the court system was the primary means by which at least 65% of J&DR District Court judges gained their familiarity and experience with characteristics of learning and or behavioral disabilities.

Although very few of the J&DR District Court judges had experiences with learning or behavioral disabilities outside of the courtroom, in many cases at least 47% of their caseloads were composed of youths with learning and or behavioral disabilities. The results of this aspect of the study answers the first research

question: **What are judges' levels of familiarity with characteristics of learning and behavioral disabilities?**

The judges' observations of specific behaviors exhibited by youths before the court are their most common method of developing familiarity with characteristics of learning and behavioral disabilities. Most often they perceive poor social skills as typical of offenders' as well as difficulty in understanding cause-and-effect relationships, and impulsive behavior. These three behaviors are characteristic of youths with learning and or behavioral disabilities. The majority of youths' special education needs were first identified by the school system.

**Factors Considered When Imposing Dispositions.** Regarding the selected factors which are important when imposing dispositions, approximately 86% of the judges indicated that the youth's disability was very important. At least one half of the judges indicated that the youth's personal statement was an important factor when considering a disposition. Other important factors when considering a disposition included: parental involvement, support, and cooperation, prior record, and response to prior probation, dispositions, and other programs. The nature of the offense and facts of the case, as well as availability and appropriateness of rehabilitation programs, were also noted. The approach most frequented by judges in addressing the issue which they suspect a youth has a learning or behavioral disability, is to have the youth referred to the appropriate sources for an evaluation and or counseling. These responses to the aforementioned questions provided the



answer to the second research question, which states: **What factors do judges consider when imposing dispositions on youthful offenders with learning and behavioral disabilities?**

### **Survey of Youthful Offenders' Records**

#### **Demographics of Disabled Youthful Offenders in Sample**

Table 13 indicates the place where the disability of the sample youthful offenders was first identified and special education services were implemented. Schools and communities identified most of the youthful offenders with specific learning disabilities and those with mental retardation. However, most of the seriously emotionally disturbed youthful offenders were first identified by the court system.

**Educational Background of Youthful Offenders in Sample.** School attendance and school adjustments for the sample of disabled youthful offenders appeared to have been relatively low. The incidence of truancy noted in the sample of youthful offenders, was indicative of much of the correctional population in FY 1994. The percentages for truancy in the sample were higher for the SLD and the SED categories than they were for the EMR category.

Tables 14 and 15 present information relating to the youthful offender's educational background.

The nondisabled experienced more suspension and expulsions than did the disabled group, as noted in Table 14. As noted in Table 15, More than 60% of the

Table 13

Place of Special Education Identification of Youthful Offenders in Sample

Place of Identification	<u>SLD</u>		<u>SED</u>		<u>MR</u>	
	<u>n</u>	<u>%</u>	<u>n</u>	<u>%</u>	<u>n</u>	<u>%</u>
School Community	8	66.7	8	42.1	3	60.0
Court System	4	33.3	11	57.9	2	40.0
Total	12	100.0	19	100.0	5	100.0

Note. SLD-Specific learning disabled, SED-Seriously emotionally disturbed, MR-mentally retarded.

Table 14

Educational Background of Nondisabled and Disabled Youthful Offenders in Sample

Variable	Nondisabled		Disabled	
	<u>N</u>	%	<u>N</u>	%
<b>School Infractions</b>				
No school infractions	4	11.1	1	2.8
Suspensions/expulsions	12	33.3	9	25.0
Truancy	4	11.1	4	11.1
Both	16	44.4	22	61.1
Totals	36	100.0	36	100.0
<b>Number grades repeated</b>				
No grades repeated	12	33.3	3	8.3
One grade	6	16.7	10	27.8
Two grades	14	38.9	17	47.2
Three grades	4	11.1	6	16.7
Total	36	100.0	36	100.0

Note. (\*) total does not equal 100% due to rounding.

Table 15

Educational Background of the SLD, SED, and MR Youthful Offenders in Sample

Variable	<u>SLD</u>		<u>SED</u>		<u>MR</u>	
	<u>n</u>	<u>%</u>	<u>n</u>	<u>%</u>	<u>n</u>	<u>%</u>
None reported	2	16.7	1	5.33	0	0
Suspension/Expulsions	0	0	5	26.3	2	40
Truancy	2	16.7	1	5.3	1	20
Suspension, Expulsion and Truancy	8	66.7	12	63.2	2	40
Total	12	100.0	19	100.0	5	100
Number of Grades Repeated						
None	0	0	3	15.8	0	0
One	7	58.3	3	15.8	1	20
Two	5	41.7	11	57.9	0	0
Three	0	0	2	10.5	0	0
Four	0	0	0	0	4	80
Totals	12	100	19	100	5	100

Note. SLD-specific learning disabled, SED-seriously emotionally disturbed, MR-mentally retarded. (\*) total does not equal 100% due to rounding.

SLD and the SED groups were involved in suspensions, expulsions, and truancy while attending school. Most of the MR youth were suspended or expelled or were reported as truant. Approximately 17% of the SLD group had no reported school infractions.

Table 14 indicates that approximately 8% of the disabled youthful offenders had never repeated a grade in school. Approximately one-third of the nondisabled had not repeated a grade. As noted in Table 15, the MR group repeated the most number of grades. Whereas 58% of the SLD youth repeated at least one grade, almost 16% of the SED youth had not repeated any grades.

**Ethnicity and Age of Youthful Offenders in Sample.** Table 16 presents demographic information regarding the ethnicity and age of the nondisabled, and disabled youthful offenders.

Approximately 61 percent of the youthful offenders included in this study were Black. Almost two-thirds of the nondisabled youthful offenders and more than half of the disabled youthful offenders were Black.

Age 16 was the mode for nondisabled youthful offenders. Age 15 was the mode for the disabled category, with age 16 making up the smallest percentage.

Table 17 presents the expanded demographic profile of ethnicity and age. Blacks made up the greatest percentages of the SLD and the SED categories. Whites predominated in the mentally retarded category.

Table 16

Characteristics of Nondisabled and Disabled Youthful Offenders in Sample

Variable	<u>Nondisabled</u>		<u>Disabled</u>	
	N	%	N	%
<b>Race</b>				
Black	23	63.9	21	58.3
White	13	36.1	15	41.7
Total	36	100.0	36	100.0
<b>Age</b>				
15	11	30.6	15	41.7
16	17	47.2	9	25.0
17	8	22.2	12	33.3
Total	36	100.0	36	100.0

Table 17

Demographic Characteristics of Disabled Youthful Offenders in Sample (N = 36)

Category	<u>SLD</u>		<u>SED</u>		<u>MR</u>	
	<u>n</u>	%	<u>n</u>	%	<u>n</u>	%
<b>Race</b>						
Black	9	75.0	12	63.2	0	.0
White	3	25.0	7	36.8	5	100.0
Total	12	100.0	19	100.0	5	100.0
<b>Age</b>						
15	3	25.0	8	42.1	4	80.0
16	2	16.7	6	31.6	1	20.0
17	7	58.3	5	26.3	0	.0

Note. SLD-specific learning disabled, SED-seriously emotionally disturbed, MR-mentally retarded.

Most youthful offenders with specific learning disabilities were 17 years of age at the time of commitment. However, youthful offenders identified as either SED or MR were approximately 2 years younger in age at the time of commitment than youths with SLD.

### **Classification of Offenses**

The Virginia DYFS (1991) booklet entitled: The Virginia Department of Youth & Family Services Most Frequently Used Offense Codes: For Use On All DYFS Data Reporting Forms (1991) was used to classify the offenses committed by youths included in this study. The lower the class number of a felony or misdemeanor, the more severe the offense (see Appendix D).

Similar to the method used by DYFS, the 1994 Virginia Code classifies felonies and misdemeanors. In Virginia felonies are categorized into six classes for the purposes of punishment and sentencing. The lower the number the more severe the punishment and sentencing. Misdemeanors are classified into four classes in the 1994 Virginia Code for purposes of punishment and sentencing. The lower the number of the misdemeanor, the more severe the punishment and sentencing (see Appendix D).

**Criminal Background Information.** Table 18 offers criminal background information regarding nondisabled and disabled youthful offenders. The following variables were utilized in this aspect of the study: number of current offenses,



Table 18

Criminal Background of the Nondisabled and Disabled Youthful Offenders

Variable	<u>Non-Disabled</u>				<u>Disabled</u>				t	p value
	<u>M</u>	<u>SD</u>	<u>Min.</u>	<u>Max.</u>	<u>M</u>	<u>SD</u>	<u>Min.</u>	<u>Max.</u>		
No. of current offenses	3.69	2.88	1	11	3.25	2.47	1	9	.07	.48
No. of prior crimes	3.11	3.32	0	13	3.83	3.79	0	15	.48	.44
No. of DYFS commitments	1.11	.40	1	3	1.36	.80	1	4	-1.68	.098
Age at first crime	12.69	2.27	8	17	13.27	2.23	9	17	-1.10	.28
No. of probation parole violations	.722	1.11	0	4	.72	.85	0	3	.00	---

Note. Min. = Minimum; Max. = Maximum; DYFS = Department of Youth and Family Services.

number of DYFS commitments, number of probations / parole violations, number of prior crimes, and age at first crime. A description of the variables appear in Appendix A. Unpaired  $t$  tests were calculated which indicated that there were no significant differences in the variables between the nondisabled and the disabled youthful offenders at the .05 level of significance.

Prior to entry into the DYFS' juvenile correctional facilities, the J&DR District Court judge presiding in a youth's respected domicile has ruled on one or more recent offenses committed by the youth. Each offense is considered when determining whether the youth should be committed. The mean number of committing offenses for the nondisabled youthful offenders in this sample was 3.69 ( $SD = 2.88$ ), with a range from 1 to 11. The disabled group averaged slightly fewer committing offenses, when considered for commitment (3.25 offenses,  $SD = 2.47$ ), however  $t$  test analysis indicated no significant difference between the means, ( $t = .07$ ), and ( $p = .48$ ).

**Number of Prior Crimes.** Youthful offenders with disabilities committed slightly more previous crimes than did their nondisabled counterpart. The means of 3.11 ( $SD = 3.32$ ) for the nondisabled and 3.83 ( $SD = 3.79$ ) for the disabled were not significant at the .05, ( $t = .48$ ), ( $p = .44$ ).

**Number of DYFS Commitments.** The nondisabled and the disabled groups each averaged slightly more than one commitment to DYFS each. The mean number of commitments for the youth with disabilities was 1.36 ( $SD = .80$ ), whereas

the nondisabled group averaged 1.11 (SD = 0.40). There were no significant difference between the means at the .05 level of significance, ( $t = -1.68$ ) and ( $p = .098$ ).

**Age At First Crime.** The nondisabled youths committed their first crime earlier than their disabled counterparts: 12.69 years (SD = 2.27) compared with 13.27 years (SD = 2.23). There was no difference between the means of nondisabled and the disabled ages at first crime at the .05 level of significance, ( $t = -1.10$ ) and ( $p = .28$ ).

**Probation and Parole.** The average number of probation and parole violations was similar for the two groups; however, the nondisabled group violated probation and parole more frequently than did their disabled counterparts.

**Restrictiveness of Dispositions.** The third research questions states: **Is a disposition more restrictive for youthful offenders with disabilities than for their nondisabled counterparts when the offenses are similar?**

**First Crime Category.** Based on the  $\chi^2$  tests analyses, there was no significant difference at the .05 level of significance in the severity of first crimes of the nondisabled and disabled youthful offenders, (chi-square = 0.53) ( $p = 0.77$ ), (see Table 19). This may however be somewhat misleading because there were only four youths in the "very severe" crime category. The nondisabled group was evenly divided between the other two categories. The majority of the disabled group was in the "moderately severe" category, which contained the lightest categories of crime.

Table 19

Severity of Crime

Crime Category	<u>Nondisabled</u>		<u>Disabled</u>	
	<u>N</u>	%	<u>N</u>	%
Moderately severe	17	47.2	20	55.6
Severe	17	47.2	14	38.9
Very severe	2	5.6	2	5.6
Total	36	100.0	36	100.1

Note. (Chi-Square = 0.53) and (p value = 0.77).

As presented in Table 19, a further review of the contingency table indicated that approximately 47% of the nondisabled youthful offenders committed moderately severe first crimes, in comparison to 56% of disabled youthful offenders. Forty-seven percent of the nondisabled youthful offenders committed severe first crimes, in contrast to 39% of the youthful offenders with disabilities.

**First Disposition.** A chi-square analysis was conducted on the type of first disposition at the .05 level of significance. The results indicated that there were no significant differences in dispositions of nondisabled and disabled youthful offenders, (chi square = 8.33) ( $p = .14$ ). The differential disposition hypothesis is not supported by the results of this study. There were no significant differences in the restrictiveness of dispositions between the nondisabled and the disabled youthful offenders.

Table 20 provides the data for the nondisabled and disabled first dispositions. Fourteen percent of the nondisabled youthful offenders received highly unrestricted dispositions, as compared to 8% of the youthful offenders with disabilities who received highly unrestricted disposition. Partially unrestricted dispositions were imposed on 14% of the nondisabled youthful offenders, and 6% of youthful offenders with disabilities. Slightly more youthful offenders with disabilities received highly restricted first dispositions than did the nondisabled youthful offenders.

Table 20

Restrictiveness of Dispositions for Nondisabled and Disabled Youthful Offenders

Crime Category	<u>Nondisabled</u>		<u>Disabled</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Highly Unrestricted	5	13.9	3	8.3
Unrestricted	6	16.7	9	25.0
Partially Unrestricted	5	13.9	2	5.6
Moderately Restricted	11	30.6	7	19.4
Restricted	0	0	5	13.9
Highly Restricted	9	25.0	10	27.8
Total	36	100.0*	36	100.0

Chi-square = 8.33 and p value = 0.14).

Note. Dispositions are categorized from the least to the most restrictive categories.

Note. (\*) total does not equal 100% due to rounding.

Since youthful offenders with disabilities possess certain characteristics of learning and behavior, it may well be advantageous from a rehabilitation perspective that the justice system focus on purposeful differential dispositions. Purposeful differential dispositions may provide greater rehabilitation results, as the disposition would be developed not only based on the crime committed, but also those educational, social and psychological needs of the youth.

### **Summary of Findings**

Results of the study revealed that J&DR District Court judges acquire most of their familiarity with learning and behavioral disabilities from their courtroom experiences with youthful offenders. Approximately 47% of the juvenile judge's caseloads involve youthful offenders with learning or behavioral disabilities.

When considering a disposition, the judge's indicated that the youths' disability, when applicable, was very important, as was the youth's personal statement. When asked to state other factors that they used, 16 of the 29 judges noted that parental involvement, interest and support were key factors. Twelve of the 29 judges noted that prior record and response to prior probation, dispositions and other programs were important.

Judges seek family support, school resources, counseling and when applicable considerations of the past efforts of the courts in rehabilitating the youth. Eleven of

the 29 judges surveyed attended seminars and or inservices related to children with learning or behavioral disabilities in the past year.

There were no significant differences between the type of first crime committed or the first dispositions of the nondisabled and that of the disabled youthful offender. The results, therefore do not support the differential disposition hypothesis and the findings of Sieverdes (1973), Thomas and Cage (1977), Thronberry (1979), Golinvaux and Janekela (1979), Zimmerman, Rich, Keilitz & Broder (1981), Dunivant (1982), or Buser (1985).



## CHAPTER V

### SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

The high rates of juvenile delinquency among youths with learning and behavioral disabilities have been recognized for a number of years. However, no direct casual links have yet been attributed (Leone 1990). Nonetheless, both juvenile and adult correctional facilities incarcerate a disproportionate number of offenders with learning and behavioral disabilities. Several theories and hypotheses have been proposed to explain these disproportionate numbers.

The differential disposition hypothesis, which is supported in a number of studies discussed in this research, asserts that youths with learning and behavioral disabilities tend to exhibit certain characteristics which cause them to receive more restricted dispositions than their nondisabled counterparts. This occurs even when crimes are of similar nature. The dispositions for disabled offenders are believed to be more restrictive because the judges and other court personnel are not familiar with the characteristics of disabilities exhibited by such youths; therefore harsher unwarranted punishments are imposed.

The two primary purposes of this study were (a) to determine the level of familiarity that Commonwealth of Virginia Juvenile District Court judges had regarding youths with learning and behavioral disabilities, and (b) to test the differential disposition hypothesis on a sample of nondisabled and disabled youthful offender's. Following is a summary of those results.

Information regarding judges familiarity with learning and behavioral disabilities was obtained through two means: phone interview or mailed questionnaires.

Judges participating in this study had presided an average of 6.9 years. Their juvenile bench experiences ranged from one year to 27 years. Ninety percent of the sample of judges were males, and 10% were females. Approximately 47% of the judges' caseloads involved youths with learning or behavioral disabilities. One judge's caseload involved 80% of youth's with learning and behavioral disabilities. Less than 25% of the youths with learning or behavioral disabilities who had appeared before the judges' had been misidentified by the school system; 17% of youths had been identified as needing special education for the first time by the courts. Most of the judges stated that they would order an evaluation, counseling, or refer the youth to the school if they suspected the youth had a learning or behavioral disability.

The judges indicated that they acquired approximately 65% of their familiarity with learning and behavioral disabilities while in the courtroom. Moreover, approximately 20% of their familiarity was acquired from friends and relatives. The most frequently observed behaviors exhibited by youthful offenders included impulsive behavior (approximately 52% of the time), poor social skills (approximately 79% of the time), and difficulty understanding cause-and-effect relationships (approximately 58% of the time).

Twenty-one of the 29 judges stated that a written or an oral report, psychological record, or psychiatric or other testing was necessary for verification of a youth's learning or behavioral disability by defense counsel.

The most important factors when considering a youth's disposition, according to the sample of judges, is the youth's disability, when applicable, and the personal statement noted in the social history report. On a scale ranging from "not important" to "very important", the youth's personal statement rated an approximate 86% range of importance. In answering an open-ended question regarding what other factors were important when considering a disposition, 16 judges indicated that parental involvement, interest, support, cooperation, and the family's situation were important. Twelve of the 29 judges stated that the youth's prior offense record and indications as to how well he had responded to prior dispositions must be addressed when a disposition is considered. Seven of the 29 judges noted that the nature and seriousness of the offense, as well as the availability and appropriateness of rehabilitation programs, were important factors when considering a disposition. Only 11 of the 29 judges had attended an inservice related to learning and behavioral disabilities in the past year.

### **Youthful Offenders**

The record data of 72 youthful offenders made up the second aspect of the present study. A total of 36 nondisabled and 36 disabled youthful offender's records

were reviewed at the Reception and Diagnostic Center in Bon Air, Virginia. The samples were comprised of Black and White youths between 15 and 17 years of age. The three disability areas included: specific learning disabled (SLD), seriously emotionally disturbed (SED), and mental retardation (MR). The offenses used in the study were classified according to The Virginia Department of Youth & Family Services Most Frequently Used Offense Codes (1991).

Blacks made up the majority of the disabled groups, with the exception of the MR youths, all of whom were White. The majority of nondisabled youthful offenders were age 16, and the majority of disabled youthful offenders were age 15. Among the 12 youths who were SLD, 75% were Black, and 25% were White. Approximately 63% of the 19 SED students were Black and, approximately 37% were White.

The disabled youthful offender was incarcerated slightly more times than his nondisabled counterpart; however, the mean number of committed offenses for the nondisabled were slightly higher than the mean number of offenses for the disabled youthful offender. However  $t$  test analysis indicated that there were no significant differences in the means of the two groups at the .05 level of significance. The number of probations and parole violations were somewhat higher for the nondisabled.

There were no significant differences between the dispositions of the disabled and the nondisabled (chi-square = 8.33) ( $p = 0.14$ ) as calculated by chi-square

analysis at the .05 level of significance. There were no significant differences between the restrictiveness of the first crime of the disabled and nondisabled (chi-square = 0.53) and ( $p = 0.77$ ) as calculated by chi-square analysis at the .05 level of significance.

The SLD youths had the highest percentage of school suspensions, expulsions, and truancy, followed by the SED youths; 40% of the MR youth had such records. The MR youth repeated the highest number of school grades.

The percentages of youths identified for special education for the first time by the community and those identified by the courts were considerably close, although the school had the highest percentage. This may suggest several possibilities: (a) efforts for inclusion in the public school may serve to underscore the almost equal rates of identification, or (b) there may be unsuccessful attempts in tracking, obtaining, and the transferring of records from the previously attended school to the local court, and or to the Reception and Diagnostic Center.

### **Conclusions**

The impetus for this study was to explore possible reasons for the disproportionate numbers of youthful offenders with disabilities in correctional facilities.

The judges indicated that they gained most of their familiarity with characteristics of learning or behavioral disabilities through dealing with youthful

offenders in the courtroom. The youth's disability is considered to be a very important factor to the judge when considering a disposition. In addition, it is evident that Virginia J&DR District Court judges recognize the importance of family to support the rehabilitation efforts outlined by the court when a disposition is imposed.

The judges also recognize the importance of examining the youth's offense history and defining which prior dispositions have failed and which have shown success, when considering a disposition. The awareness of available resources through the school and community was evident in the responses.

Records of the youths examined in this study indicate that most of them have experienced a dysfunctional home and school environment. This is evidenced by the high percentages of school infractions, and physical, sexual, and substance abuses which have apparently served as predispositions to crime and incarceration.

The reasons for the disproportionate number of youthful offenders with disabilities in correctional facilities remain undetermined. The differential disposition hypothesis was not supported in the present study, as there were no significant differences at the .05 level of significance between the dispositions of nondisabled and disabled youthful offenders. However, the fact that the differential disposition hypothesis was not supported, may or may not justify the disproportionate number of incarcerated youthful offenders with disabilities. According to Warren (1977)

treatment for one may not be effective for another. Warren suggested that each offender's needs for rehabilitation may be uniquely different from others. Therefore, resolution becomes more than merely an issue of crime and punishment.

Perhaps Dworkin (1977) said it best: "treatment as an equal is the right not to receive the same distribution of some burden or benefit, but to be treated with the same respect and concern as anybody else" (p. 31). The right not to receive the same disposition as a nondisabled youthful offender for the same crime may be justifiable.

### **Recommendations for Future Research**

The present study has established that J&DR District Court judges have a high degree of familiarity with youthful offenders with learning and behavioral disabilities, therefore the following questions should be addressed in future research studies:

1. Would a disposition be different if the youthful offender's modality and the specific areas of weaknesses were made known to the judge?
2. In what ways are the characteristics of a youthful offender with disabilities manifested in the courtroom?

The present study indicated that youthful offenders often come from dysfunctional homes, experience academic difficulty and behavioral problems, and become noncontinuers of public school at an early age. This suggests that perhaps traditional teaching styles practiced within the public school system may have to be

revised to captivate and maintain the interest of those students most at-risk for criminal involvement. Further research to address this concern should focus on the following subject matter and questions:

1. School Infractions and Truancy as Predictors of Future Crime.

Research questions for this topic would include:

- (a) What are the similarities in suspensions / expulsions of an incarcerated youthful offender with disabilities and a non-incarcerated troubled youth with disabilities in secondary school?
- (b) What was the nature and frequency of suspensions for both youth?

The present study determined that there were no differences between the restrictiveness of dispositions of the nondisabled youthful offenders and the disposition of the disabled youthful offenders. The following studies need to be conducted for future research:

- 1. Differential Disposition Hypothesis: The Importance of Unequal Justice for the Disabled Youthful Offender.
- 2. Juvenile Probation Officer's Level of Familiarity With Learning and Behavioral Disabilities, and Dispositions Recommended.

Research questions for this topic would include:

- (a) What factors are considered in recommending a particular disposition?



(b) What type of parental involvement is required in the development of a disposition?

Moreover, further study should examine the differential disposition hypothesis with greater emphasis on qualitative research. This would allow the researcher to identify more subtle differences between the crimes and dispositions of the nondisabled and disabled youthful offenders.

Finally, a study which researches the differential disposition hypothesis as it relates to dispositions of disabled female youthful offenders to that of disabled male youthful offenders.

## REFERENCES

- Adler, F., & Laufer, W.S. (Eds.). (1989). Personality and criminality: A dispositional analysis: Advances in criminological theory (pp. 89-110). New Brunswick, NJ: Transaction Publishers.
- American Bar Association. (1983). Criminal justice mental health standards. Washington, DC: Author.
- Bachara, G. H., & Zaba, J. N. (1978). Learning disabilities and juvenile delinquency. Journal of Learning Disabilities, 11, 242-246.
- Barton, W. H. (1976). Discretionary decision-making in juvenile justice. Crime and Delinquency, 22, 470-480.
- Bateson, P., & Gordon, P. (1993). Measuring behavior: An introductory guide (2nd ed.). Cambridge, England: Cambridge University Press.
- Berman, A. (1974, December). Delinquents are disabled: An innovative approach to the prevention and treatment of juvenile delinquency (Final report of the neuropsychology diagnostic laboratory at the Rhode Island Training Schools). Providence, RI: Oak Lawn Books.
- \*Black, D. J., & Reiss, A. J. (1970). Police control of juveniles. American Sociological Review, , Vol. 63-77.
- \*Black, V. (Summer 1994). Mentoring programs target learning-disabled youth in the juvenile justice system. Juvenile and Family Justice Today, Vol. 9.
- Bloch, H. A., & Flynn, F. T. (1956). The juvenile offender in America today. New York: Random House.
- Bremmer, R. H., Barnard, J., Hareven, T. K., & Mennel, R. M. (1970). Children and youth in America: A documentary history (Vol. I, p. 681-683). Cambridge, Mass.: Harvard University Press.
- Brier, N., (1989). The relationship between learning and reducing delinquency: A revisit and reappraisal. Journal of Learning Disabilities, 22, 546-543.

- Broder, P. K., Dunivant, N., Smith, E. C., & Sutton, P.L. (1981). Further observations on the link between learning disabilities and juvenile delinquency. Journal of Educational Psychology, 73, 838-850.
- Bruininks, V. L. (1978). Peer status and personality of learning disabled and nondisabled students. Journal of Learning Disabilities, 11, 29-34.
- Bryan, T. H. (1974). Peer popularity of learning disabled children. Journal of Learning Disabilities, 7, 621-625.
- Buser, C. A. (1985). The relationship between educational handicaps and disciplinary infractions in an adult male prison setting. Unpublished master's thesis, University of Maryland, College Park.
- Buser, C. A., Leone, P. E., & Bannon, M. E. (1987). Prison segregation units and the educational rights of handicapped inmates: Problems and some potential solutions. Issues in Correctional Training and Casework, 3, 1-3.
- Carney, L. P. (1980). Corrections: Treatment and philosophy. Englewood Cliffs, NJ: Prentice-Hall, Inc., 270-273.
- Casey, P., & Keilitz, I. (1989). An evaluation of mental health expert assistance provided to indigent criminal defendants: organization, administration, and fiscal management. New York Law Review, 34, 2-37.
- C.F.R Assistance to States for the Education of Children with Disabilities. 34 CFR Part 300, Subpart B.
- Clawson, E. (1985, October 7). [Remarks of Elyse Clawson before the Senate Full Committee on Labor and Human Resources.]
- Comptroller General of the United States. (1977). Learning disabilities: The link to delinquency should be determined. Washington, DC: General Accounting Office.
- Code of Virginia 1950, (1988) Vol. 4, (replacement volume). Prepared under the supervision of: The Virginia Code Commission by the editorial staff of the publishers. Michie.

- Courts in transition: The report of the commission on the future of Virginia's judicial system; Executive summary (booklet) (1994). Supreme Court of Virginia, Administrative offices, Third Floor, 100 North Ninth Street, Richmond, Va., 23219, (804) 786-6455.
- Cox, J. A. (Ed.). (1981). The learning disabled delinquent: Issues and programming. Washington, DC: United States Office of Education.
- Cressey, D.R.. (1973). In Ll. Ohlin (Ed.) Prisoners in America (pp. 125-128). Englewood Cliffs, NJ: Prentice-Hall.
- Cruickshank, W. M. (1977). Learning disabilities in home, school, and community (2nd. ed.). Syracuse, NY: Syracuse University Press.
- Cruickshank, W. M. (1981). Learning disabilities: A definitional statement, selected writings (Vol. 2, Chapter 6). Syracuse NY: Syracuse University Press.
- Dunivant, N. (1982, May). The relationship between learning disabilities and juvenile delinquency: Executive summary . Williamsburg, VA: National Center for State Courts.
- Dunivant, N. (1984a, July). A causal analysis of the relationship between learning disabilities and juvenile delinquency (rev. ed., p. xi). Williamsburg, VA: National Center for State Courts. 1-88.
- Dunivant, N. (1984b, March). Improving academic skills and preventing delinquency of learning disabled juvenile delinquents: Evaluation of the ACLD remediation program. Williamsburg, VA: National Center for State Courts.1-10, 134-150.
- Dworkin, R. (1977). Taking rights seriously . Cambridge, MA: Harvard University Press. 31.
- Edmonds, P. (1994, September 28). Courts walk fine line seeking juvenile justice: Judges must balance justice versus young lives. USA Today, p. 11-A.
- Eggleston, C.R. (1984, Spring). Results of a national correctional / special education survey. Paper presented at the Correctional / Special Education National Conference, Arlington, VA.

- Emerson, E., (1969). Judging delinquents: Context in process in juvenile court. Chicago, IL: Aldine Publisher.
- Empey, L.T. (1978). American delinquency: Its meaning and construction. Homewood, ILL.:Dorsey Press.
- Eysenck, H. J. (1977). Crime and personality (3rd ed.). London: Rutledge and Kegan Paul.
- Feld, B. C. (1991). Justice by geography: Urban, suburban and rural variations in juvenile justice administration. Journal of Criminal Law and Criminology, 82, 156-210.
- Fink, C. M. (1990). Special education students at risk: A comparative study of delinquency. In P. E. Leone (Ed.), Understanding troubled and troubling youth Newbury Park, CA: Sage. 61-80.
- Flynn, F. T. (1954). Courts and social work: Social work tear book (pp. 153-154). New York: Random House.
- Gallet, J., & Gilligan, J. (1987, February 16). Special youths need special treatment. The National Law Journal, 2 11-39.
- In re Gault, 387 U.S. 1 (1967).
- Golinvaux, J. P., & Janeksela, G. M. (1979). Strategic games in juvenile justice: A perspective on system-client interaction. Juvenile & Family Court Journal, 30, 49-55.
- Greenwood, P. W. (1991). Juvenile offenders (pp. 1-4). Washington, DC: U.S. Department of Justice, National Institute of Justice.
- Grissom, G. R. (1991). Dispositional authority and the future of the juvenile justice system. Juvenile and Family Court Journal, 42, 25-31.
- Grosenick, J.K., & Huntze, S.L. (1980). National needs analysis in behavior disorders: Adolescent behavior disorders: Columbia: University of Missouri---Columbia, Department of Special Education.

- Guernsey, C. E. (1986). Handbook for juvenile court judges. National Council of Juvenile and Family Court Judges (Prepared under grant #79-JN-AX-0016 from the Office of Juvenile Justice and Delinquency Prevention.) Reno, NV: Office of Justice Assistance, Research and Statistics, U.S. Department of Justice.
- Hawes, J. M. (1971). Children in urban society: Juvenile delinquency in nineteenth century America (pp. 14, 40-41). New York: Oxford University Press.
- Herrick, E. (1988, September/October). The hidden handicap in prison. Corrections Compendium, 13(3), 6-10.
- Hintze, J.L. (1990). Number Cruncher Statistical System (Version 5.03) [Computer software]. Kaysville, UT: Author.
- Horwitz, A., & Wasserman, M. (1980). Formal rationality, substantive justice and discrimination: A study of juvenile court. Law and Human Behavior, 4, 103-115.
- Individuals With Disabilities Education Act of 1990, Pub. L. No. 101-476, 34 C.F.R., § 300, Subpart B. (November 1992). LRP Publications.
- Jacobson, F.A. (1974). Learning disabilities and juvenile delinquency: A demonstrated relationship. In R.E. Weber (Ed.), Handbooks of learning disabilities: A prognosis for the child, the adolescent, the adult. Englewood Cliffs, NJ: Prentice-Hall.
- Jacobson, F. A. (1976). The juvenile court judge and learning disabilities. Reno, NV: National Council of Juvenile Court Judges.
- Jarvelin, M.R., Laara, E., Rantakallio, P., Moilanen, I., & Isohanni, M. (1994). Juvenile delinquency, education, and mental disability. Exceptional Children, 61, 238-244.
- Johnson, D.J. & Myklebust, H.R. (1967). Learning disabilities: Educational principles and practice. N Y: Grune & Stratton.
- Kearns, A., & O'Connor, A. (1988). The mentally handicapped criminal offender. British Journal of Psychiatry, 151, 848-851.

- Keilitz, I. (1984, May 18). Youth and the justice system: Can we intervene earlier? [Hearing before the Select Committee on Children, Youth, and Families, House of Representatives, 98th Congress, 2nd Session, New Orleans, LA.] Washington, DC: U.S. Government Printing Office.
- Keilitz, I., & Dunivant, N. (1986). The relationship between learning disability and juvenile delinquency: Current state of knowledge. Remedial and Special Education, *7*, 18-26.
- Keilitz, I. & Miller, S. (1980). Handicapped adolescents and young adults in the justice system. Exceptional Education Quarterly, *1*, 117-126.
- Keilitz, I., Zaremba, B. A., & Broder, P. K. (1982). The link between learning disabilities and juvenile delinquency: Some issues and some answers. In L.D. Savitz & N. Johnston (Eds.), Contemporary Criminology (pp. 95-104). New York: Wiley.
- Kent v. United States, 383 U.S. 541 (1966).
- Kramer, B. V. (1981). Juvenile justice and learning disabilities: Fairness to all. In J. A. Cox (Ed.), The learning disabled delinquent: Issues & programming (pp. 46-60). Pensacola, FL: Community Mental Health Center.
- Lane, B. A. (1980). The relationship of learning disabilities to juvenile delinquency: Current status. Journal of Learning Disabilities, *13*, 20-29.
- Larson, K. A. (1988). A research review and alternative hypothesis explaining the link between learning disabilities and delinquency. Journal of Learning Disabilities, *21*, 357- 369.
- Smithmidford, R. (1994, March 14). Family court put on life support. Lawyers Weekly, *8* (40), pp. 1 ,4.
- Leone, P., (Ed.) (1990). Understanding troubled in troubling youth (Ed.), Newberry Park, CA: Sage publisher.
- Leone, P., Rutherford, R., & Nelson, C. M. (1991). Special education in juvenile corrections (ERIC Document 333 654). Reston, VA: Council for Exceptional Children.

- Lewis, J. From the perspective of Judge Jean Lewis. In N.P. Ramos (Ed.), Delinquent youth and learning disabilities. San Rafael, CA: Academic Therapy Publications.
- Lewis, K. A., Schwartz, G. M., & Ianacone, R. N. (1988). Service coordination between correctional and public school systems for handicapped juvenile offenders. Exceptional Children, *55*(1), 66-70.
- Mack, J. W. (1909). The juvenile court, 1909. In F. L. Faust & J. P. Brantingham (Eds.), Juvenile justice philosophy (pp. 428-457). St. Paul, MN: West Publishing Co.
- Margolis, R. J. (1988). Out of harm's way: The emancipation of juvenile justice. NY: Edna McConnell Clark Foundation.
- McCullough, B. C., Zaremba, B. A., & William, D. R. (1979). The role of the juvenile justice system in the link between learning disabilities and delinquency. State Court Journal, *3*, 2-47.
- McMahon, W.G. (1986, March). Learning disabilities and involvement: Prevention, advocacy and training. Remarks to the Association for Children With Learning Disabilities International Conference, New York.
- Mennel, R. M. (1973). Thorns and thistles: Juvenile delinquents in the United States, 1815-1857. Syracuse, NY: Syracuse University Press.
- Mennel, R. M. (1982). Attitudes and policies toward juvenile delinquency in the United States: A historiographical review. Crime and Justice: An Annual Review of Research, *4*, 191-224.
- Miranda v. Arizona, 384 U.S. 436 (1966).
- Mitchell, J.V. (Ed.). (1983). Weschler Intelligence Scale for Children-Revised, WISC-R. , Tests in print III: An index to tests, test reviews, and the literature on specific tests. The buros institute of mental measurements. The University of Nebraska-Lincoln. Lincoln NB: The University of Nebraska Press.
- Mitchell, J.V. (Ed.). (1983). Weschler Intelligence Scale for Children-Third Edition, WISC-III. , Tests in print III: An index to tests, Test reviews, and the literature on specific tests. The buros institute of mental measurements. The University of Nebraska-Lincoln, Lincoln, NB: The University of Nebraska Press.



- Morgan, D. J. (1979). Prevalence and types of handicapping conditions found in juvenile correctional institutions: A national survey. Journal of Special Education, 13, 283-295.
- Morrison, H. L. (1978). The asocial child: A destiny of sociopath? In W. H. Reid (Ed.), The psychopath (pp. 22-65). New York: Brunner/Mazel.
- Murphy, D. M. (1986). The prevalence of handicapping conditions among juvenile delinquents. Remedial and Special Education, 7(3), 7-17.
- Murray, C. A. (1976). The link between learning disabilities and juvenile delinquency: Current theory and knowledge. Washington, DC: U.S. Government Printing Office.
- National Center for Education Statistics. (1994, October). Literacy behind prison walls: Profiles of the prison population from the national adult literacy survey (ISBN 0-16-045382-8). Washington, DC: U.S. Government Printing Office.
- Nelson, C. M. Rutherford, R. B., Wolford, B. I. (1987). Special education in the criminal justice system. Columbus, OH: Merrill Publishing Company.
- OJJDP: Juvenile court statistics 1991. (p.5), by National Center for Juvenile Justice, May 1994, Pittsburgh, PA: National Center for Juvenile Justice.
- OJJDP: Conditions of confinement: Juvenile detention and corrections facilities, research report, August 1994, (p. 29). Rockville, MD: National Center for Juvenile Justice and Delinquency Prevention..
- Paulsen, G. M. (1967). Children's court: Gateway of last resort? New York: Columbia University.
- Perlmutter, B., Crocker, J., Cordray, D., & Garstecki, D. (1983). Sociometric status and related personality characteristics of mainstream learning disabled adolescents. Learning Disabled Quarterly, 6, 20-30.
- Pickett, R. S. (1969). House of refuge. Syracuse, NY: Syracuse University Press.
- Piliavin, I., & Briar, S. (1964). Police encounters with juveniles. American Journal of Sociology, 70, 206-214.

- Platt, A. (1969). The child savers (pp. 18-27). Chicago: University of Chicago Press.
- Platt, A. (1974). The triumph of benevolence: The origins of the juvenile justice system in the United States. In R. Quinney (Ed.), Criminal justice in America (pp. 356-389). Boston: Little, Brown.
- Podboy, J. W., & Mallory, W. A. (1978). The diagnosis of specific learning disabilities in a delinquent population. Federal Probation, 42, 26-33.
- Poremba, C.D. (1975). Learning disabilities, youth and delinquency: Programs for intervention. In H.R. Myklebust (Ed.), Progress in learning Disabilities 3. New York: Grune and Stratton, Inc.
- Poremba, C. D. (1967). The adolescent and young adult with learning disabilities: What are the needs of those who deal with him? In International approach to learning disabilities of children with youth: Selected papers from the third annual conference of the association for children with learning disabilities.(pp. 60-69). San Rafael, CA: Academic Therapy Publications.
- Poremba, C.D. (1981). Theory of the LD-JD Linkage: Where To From Here? In The learning disabled delinquent: Issues and programming. (pp. 60-70). Community Mental Health Center, Pensacola, FL: National Center for State Courts.
- Post, C. H. (1981). The link between learning disabilities and juvenile delinquency: Cause, effect and 'present solutions.' Juvenile and Family Court Journal, 32, 58-68.
- President's Commission on Law Enforcement and Administration of Justice. (1967). Task force report: Corrections . Washington, DC: U.S. Government Printing Office.
- Rothman, D. (1971). The discovery of the asylum (pp. 208-209). Boston: Little Brown.
- Rothman, D. J. (1980). Conscience and convenience: The asylum and its alternatives in progressive America. Boston: Little Brown.
- Satterfield, J. H. (1978). The hyperactive child syndrome: A precursor of adult psychopathy? In R. D. Hare and D. Schalling (Eds.), Psychopathic Behavior (pp. 329-346). NY: Wiley.

- Schloss, P. J., Smith, M., Schloss, C. (1990). Instructional methods for adolescents with learning and behavior problems (p. 49). Boston: Allyn and Bacon.
- Schlossman, S. L. (1982). Equity, education and individual justice: The origins of juvenile court. Harvard Educational Review, 52, 77-83.
- Sieverdes, C. (1973). Differential disposition of juvenile offenders: A study of juvenile court labeling. Unpublished doctoral dissertation, Mississippi State University. pp. 73-112.
- Smithmidford, R. (1994, March 15). Family court put on life support. Lawyers Weekly, 8(40), 4.
- Smykla, J. O., & Willis, T. W. (1980). The incidence of learning disabilities and mental retardation in youth under the jurisdiction of the juvenile court. Unpublished report, University of Alabama, Criminal Justice Program, Alabama.
- Snedecor, W. G. & Cochran, C. (1967). Statistical methods (6th Ed.). Ames, IA: State University Press.
- Society for the Reformation of Juvenile Delinquents. (1932). House of Refuge Documents (pp. 15-21). NY: Mahlon Day.
- Snyder H.N., Finnegan T.A., Nimick E.H., Sickmund M.H., Sullivan, D.P. , (1987), Tierney: NJ: Juvenile Court Statistics, 1984. Washington, D.C.: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.
- Stapleton, V., & Teitlebaum, L. (1973). In defense of youth: A study of the role of counsel in American juvenile courts. NY: Russell Sage Publishing.
- Stunt, H. (1986). Learning disabilities and the young offender: Arrest to disposition (p. 26). Ottawa, Ontario: The Canadian Association for Children and Adults with Learning Disabilities.
- Swanstrom, W., Randle, C., Livingston, V., Macrafic, K., Caufield, M., & Arnold, S. (1979). Blue earth / nicollet countries prevalence study. Unpublished manuscript, Dodge-Fillmore & Olmsted County Community Corrections Learning Disabilities Research Project, Rochester, MN.

- Swanstrom, W. J., Randle, C. W., & Offord, K. (1981). The frequency of learning disability: A comparison between juvenile delinquent and seventh grade populations. Journal of Correctional Education, 32, 29-33.
- Task Force on Juvenile Delinquency of the President's Commission on Law Enforcement and Administration of Justice. (1967). Juvenile delinquency and youth crime (pp. 16-21). Washington, DC: Government Printing Office.
- Terry, R. M. (1967). The screening of juvenile offenders. Journal of Criminal Law, Criminology, and Police Science. VOLUME, 173-181.
- The Supreme Court of Virginia, (1993), Virginia State of the Judiciary Report. Richmond, Virginia: Office of the executive secretary.
- The Supreme Court of Virginia. (1991, June). Virginia courts in brief (Report No. A107272). Richmond, VA: Office of the Executive Secretary.
- The Supreme Court of Virginia. (1994). Courts in transition: The report of the commission on the future of Virginia's judicial system (pp. 8-9). Richmond, VA: Office of the Executive Secretary.
- The Virginia Department of Youth & Family Services (1991). Most Frequently Used Offense Codes. Prepared by DYFS Research & Planning Unit, December, 1991.
- Thomas, C. W., & Cage, R. (1977). The effect of social characteristics on juvenile court dispositions. The Sociological Quarterly, 18, 237-252.
- Thronberry, T. P. (1979). Sentencing disparities in the juvenile justice system. Journal of Criminal Law and Criminology, 70, 164-171.
- U.S. Department of Criminal Justice. (1993) Annual Report. Virginia: Department of Correctional Education.
- U.S. Department of Justice. (December, 1994). Crimes in the United States. Washington, D.C.: Federal Bureau of Investigation, Uniform Crime Report Office. ISBN0-16-045321-6. (p. 222).
- U.S. Department of Health, Education, and Welfare. (1954). Juvenile court statistics. (1950-1952 Children's Bureau Statistical Series Pub. No. 18). Washington, DC: PUBLISHER.

- U.S. Department of Education. (1995), To assure the free appropriate public education of all children with disabilities: Individuals with disabilities education act, sec. 618. Seventeenth annual report to congress on the implementation of the individuals with disabilities education act. Washington,DC: PUBLISHER.
- Virginia Code Ann. (1950). South Eastern Reporter, 2nd Series, Vol. 439, p. 895 (1994 Cumulative Supplement).
- Virginia Department for Children. (1987, December 31). Step by step: A guide through the justice system in Virginia. Virginia: Criminal Justice Services.
- Virginia Department of Youth & Family Services Research & Planning Unit. (1991 December ). The Virginia department of youth & family services: most frequently used offense codes.
- Virginia Department of Criminal Justice Services, 1994 . Fiscal year 1994 formula grant application: Three year plan for continued assistance under the juvenile justice and delinquency prevention program. Richmond, Virginia.
- Virginia Juvenile & Domestic Relations District Courts. (1993, July). Information Pamphlet, No. A400515 15.
- Virginia state of the judiciary report, 1993. Office of the executive secretary: Richmond, Virginia: The Supreme Court of Virginia.
- Waite, D. (1994, December 27). Special education statistics. Unpublished data. Department of Youth and Family Services, Commonwealth of Virginia.
- Walters, M. E. (1988). A study of cognitive and behavioral differences between educationally handicapped and nonhandicapped male youth. Unpublished doctoral dissertation, University of Maryland, College Park.
- Warren, M.Q. (1969). The case for differential treatment of delinquents. The Annals of the American Academy of Political & Social Science. 381, 47-59.
- Webb, S. L., Maddox, M., & Edgar, E. B. (1985). The juvenile corrections interagency transition model. Seattle: University of Washington, Experimental Education Unit.

- Weis, J. G. (1981, November). One more time: Social class and delinquency. Paper presented at meetings of the American Society of Criminology, Washington, D.C., National Center for State Courts.
- Wertlieb, E. C. (1991). Individuals with disabilities in the criminal justice system: A review of the literature. Criminal Justice and Behavior, 18(3), 332-350.
- Wiersma, W. (1991). Research methods in education (5th ed.) . Boston, MA: Allyn and Bacon, University of Toledo.
- Wolfgang, M., Figlio, R. M., & Sellin, T. (1972). Delinquency in a birth cohort. Chicago, IL: University of Chicago Press.
- Zimmerman, J., Rich, W. D., Keilitz, I., & Broder, P. K. (1981). Some observations on the link between learning disabilities and juvenile delinquency. Journal of Criminal Justice, 9, 1-17.

## **Appendix A**

### Disposition Framework

Least to the Most Restrictive Disposition



Patricia L. West  
DIRECTOR

## COMMONWEALTH of VIRGINIA

*Department of Youth & Family Services*  
Thirty-First Judicial District Court Service Unit

James D. Rankin, Jr.  
COURT SERVICE DIRECTOR

9540 Center Street  
Suite 200  
Manassas, Virginia 22110  
Tel. (703) 792-6200  
Fax (703) 792-4786

October 13, 1995

Ms. Pat Crews  
Osborn Park Senior High School  
Euclid Avenue  
Manassas, VA 22110

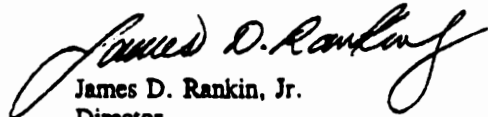
Subject: Information Request

Dear Ms. Crews:

Several days ago I received a request from Lillian Orlich, Guidance Counselor at Osborn Park, in which I was asked to rank order certain juvenile justice options in the order of least restrictive to most restrictive. Pursuant to my conversation with Ms. Orlich, it is clear to me that the exercise would be better served if done as designed on the attached sheet. You will note that I have divided the process broadly into intake-arraignment-adjudication-disposition and then use the least restrictive options at each of those points to the most restrictive. While the list is not 100% inclusive, it is considered appropriate for your needs. Hopefully, these will be of benefit to you.

If you have questions, please do not hesitate to call.

Sincerely,

  
James D. Rankin, Jr.  
Director

JDR:lb

Enclosure: as stated



## **INTAKE**

Warning notice/diversion group/unofficial counseling/referred to court

## **ARRAIGNMENT**

Release/release on personal recognizance/release on bond/release on outreach/release on electronic monitoring/placement in emergency shelter/secure detention

## **ADJUDICATION**

Dismissal/nol-pross/taken under advisement/pre-sentence investigation

## **DISPOSITIONS**

Continue to be dismissed/inactive (unsupervised probation)/restitution/community service hours/disciplinary fine/probation\*\*/detention sentence/suspended commitment to state care/custody to Department of Social Services-foster care/residential placement/commitment for indeterminate period of time/commitment for determinate period of time (serious offender)/transfer to adult system

\*\*It should be noted that once an individual is placed on probation, the service plan may be prepared to include a number of interventions, such as AA/NA, loss of license, or other sanctions designed to control and change behavior.

**Dispositions (from the least to the most restrictive)**

**Highly Unrestricted**

1. Handled at intake
2. Nolle processed
3. Dismissed

**Unrestricted**

4. Restitution
5. Unsupervised probation
6. Unsupervised probation/ restitution
7. Social history ordered/ unsupervised probation

**Partially Unrestricted**

8. Suspended commitment to department of youth and family services (DYFS) until 18th birthday/ Substance abuse evaluation
9. Counseling/ Street smart program
10. Restitution / Community service work (CSW)

**Moderately Restricted**

11. Supervised probation
12. Supervised probation / CSW
13. Supervised probation / Counseling
14. Supervised probation / Restitution/ Counseling

**Restricted**

15. Indeterminant supervised probation
16. Indeterminant supervised probation / CSW
17. Indeterminant supervised probation/ Street smart program
18. Detention (ten days or less)

**Highly Restricted**

19. Detention (ten days or more)
20. One year of probation at group home
21. Commit

---

Note. CSW = community service work; DYFS = Department of Youth and Family Services. From: P.M. Branson, MS., criminologist, personal communication, December 28, 1995; B.M. Crews, M.Ed., J.D., personal communication on January 12, 1996.

Patricia Crews  
4661 Prather Place  
Woodbridge, Virginia 22193  
October 24, 1995  
Hm. (703) 878-1113  
Wk. (703) 361-1101 ext. 167

Mr. James D. Rankin, Jr., Court Service Director  
Commonwealth of Virginia  
Department of Youth & Family Services  
Thirty-First Judicial District Court Service Unit

Dear Mr. Rankin:

I am in receipt of your letter dated October 13, 1995.  
Thank you for the graciousness and friendliness of manner which  
you have extended in providing me information on juvenile justice  
options. The explanations helped me clarify and understand the  
process further. They will become a very valuable entry in my  
Appendix.

Again, thank you for your continued wise and resourceful  
counsel.

Sincerely,

  
Patricia Crews

## **Appendix B**

Phone Questionnaire

Mailed Questionnaire

Comparison of Recoded Items

Letter of Request for Pilot Study

Letters of Response

Letters of Appreciation

Data Code Sheets for Judges

Data Sheets of Judges

Data Code Sheets of Youthful Offenders

Record Data Sheets of Youthful Offenders

**Juvenile Judges' Phone Questionnaire (scripted)**

Hello, Judge \_\_\_\_\_ .                      Date \_\_\_\_\_

My name is Patricia Crews.

On July \_\_\_ I submitted a letter to you stating that I would be calling you this week regarding a survey which I am conducting which focuses on; "Judges' Familiarity with Children with Disabilities."

Did you receive my letter, dated \_\_\_\_\_?

Are you willing to participate in this survey?

As I stated in my letter, the survey should take no more than 5 to 7 minutes.

Is this a convenient time for you that we may ask you some questions?

(if "No") When would be a convenient time for me to call you?

\_\_\_\_\_

\*\*\*\*\*

**Question #1**

1. How many years have you served on the juvenile court bench?

\_\_\_\_\_

**Question Set #2**

2. Using a scale of 1 = none to 5 = a lot, how much experience have you had with youthful offenders having learning and behavioral disabilities: in your courtroom?

1    2    3    4    5

3. Again, using a scale of 1 = none to 5 = a lot, how much experience have you had with learning and behavioral disabilities through: friends or relatives?

1    2    3    4    5

**Question Set #3**

4. Approximately what percentage of your cases have involved youths with learning and behavioral disabilities?

---

**Question Set #4**

5. How would you address a situation in which you suspect a youth has an undiagnosed learning or behavioral disability which appears to affect his functioning?

---

---

---

6. Approximately what percentage of your cases involve youths who have been diagnosed for the first time by the court system as having a learning or behavioral disability?

---

7. Approximately what percentage of your cases involve youths who, in your opinion, have been misdiagnosed by the school system?

---

**Question Set #5**

For each of the following behaviors, please state the frequency of occurrence exhibited by youths in your court by using: 1 = Never, to 5 = Almost Always.

8. How often do you observe impulsive behavior?

1    2    3    4    5

9. On a scale of 1 = Never to 5 = Almost Always, how often do you observe language difficulties (either in using or understanding language)?

1    2    3    4    5

10. On a scale of 1 = **Never** to 5 = **Almost Always**, how often do you observe lapses in memory?

1    2    3    4    5

11. On a scale of 1 = **Never** to 5 = **Almost Always**, how often do you observe poor social skills?

1    2    3    4    5

12. On a scale of 1 = **Never** to 5 = **Almost Always**, how often do you observe difficulty understanding cause and effect relationships?

1    2    3    4    5

**Question Set #6**

13. On a scale of 1 = **not important** to 5 = **very important**, how important is the youth's demeanor in the court when considering a disposition?

1    2    3    4    5

14. Again, on a scale of 1 = **not important** to 5 = **very important**, how important is the youth's disability, if applicable when considering a disposition?

1    2    3    4    5

15. Using the same scale, of 1 = **not important** to 5 = **very important**, how important is the youth's personal statement noted in the social history report when considering a disposition?

1    2    3    4    5

16. Are there other important factors when considering a disposition?

---

---

---

**Question Set #7**

17. If a defense counsel were to claim that their client had a learning or behavioral disability, what major pieces of evidence would you be willing to accept as verification?

---

---

**Question #8, (which is the final question)**

18. In the past year, approximately how many inservice programs, workshops, or seminars concerning special education, which focused on youth with learning or behavioral disabilities have you attended?

---

\*\*\*\*\*

This concludes the interview.

The information which you have provided will be kept in the strictest of confidence and your name will not be used. As stated in my July \_\_ letter, you can receive a copy of the results of this survey within the next 6 months, if you desire.

Do you wish to receive the results? **Yes No**

Do you have any questions at this time?

I sincerely thank you for your time and patience.



Juvenile Judges' Questionnaire

1. How many years have you served on the juvenile court bench?

\_\_\_\_\_

\*\*\*\*\*

For questions 2 and 3, please circle the most appropriate number on a scale 1 = none to 5 = a lot.

2. How much experience have you had with youthful offenders having learning and behavioral disabilities: in your courtroom?

1 none      2      3      4      5 a lot

3. How much experience have you had with learning and behavioral disabilities through: friends or relatives?

1 none      2      3      4      5 a lot

\*\*\*\*\*

4. Approximately what percentage of your cases have involved youths with learning and behavioral disabilities?

\_\_\_\_\_

5. Approximately what percentage of your cases involve youths who have been so identified for the first time by the court system during the pre-disposition process?

\_\_\_\_\_

6. How would you address a situation in which you suspect a youth has an unidentified learning or behavioral disability which appears to affect his functioning?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Approximately what percentage of your cases involve youths who, in your opinion, have been misidentified by the school system?

\*\*\*\*\*

For questions 8 through 12, please circle the frequency of occurrence exhibited by youths in your court using: 1 = Never, to 5 = Almost Always.

8. How often do you observe impulsive behavior?

1 Never    2    3    4    5 Almost Always

9. For youths with English as their primary language, how often do you observe language difficulties (either in using or understanding language)?

1 Never    2    3    4    5 Almost Always

10. How often do you observe lapses in memory?

1 Never    2    3    4    5 Almost Always

11. How often do you observe poor social skills?

1 Never    2    3    4    5 Almost Always

12. How often do you observe difficulty understanding cause and effect relationships?

1 Never    2    3    4    5 Almost Always

\*\*\*\*\*

For questions 13 through 15, please respond to the questions using a scale of 1 = not important to 5 = very important.

13. How important is the youth's demeanor in the court when considering a disposition?

1 Not Important 2 3 4 5 Very Important

14. How important is the youth's disability, if applicable when considering a disposition?

1 Not Important 2 3 4 5 Very Important

15. How important is the youth's personal statement noted in the social history report when considering a disposition?

1 Not Important 2 3 4 5 Very Important

16. Are there other important factors when considering a disposition? If yes, please note several on the lines below.

\_\_\_\_\_  
\_\_\_\_\_

\*\*\*\*\*

17. If a defense counsel were to claim that their client had a learning or behavioral disability, what major pieces of evidence would you be willing to accept as verification?

\_\_\_\_\_  
\_\_\_\_\_

\*\*\*\*\*

18. In the past year, approximately how many inservice programs, workshops, or seminars concerning special education, which focused on youth with learning or behavioral disabilities have you attended?

\_\_\_\_\_

\*\*\*\*\*

Do you wish to receive the results? Yes No

If yes, please indicate name \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

I sincerely thank you.

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Comparison of Recoded Items

The following comparison of Questions 5, 6, 7, and 9 for the phone and mailed questionnaires indicates the differences of terminology used in the two versions. Phone Question 5 reads as follows:

**Phone Question 5:** How would you address a situation in which you suspect a youth has an undiagnosed learning or behavioral disability which appears to affect his functioning?

The term unidentified was substituted for undiagnosed in the mailed version and was recoded to become mailed Question 6, which reads as follows:

**Mailed Question 6:** How would you address a situation in which you suspect a youth has an unidentified learning or behavioral disability which appears to affect his functioning?

The term diagnosed, as used in Phone Question 6 was replaced by during the pre-disposition process. Thus, the phone and mailed questions read:

**Phone Question 6:** Approximately what percentage of your cases involve youths who have been diagnosed for the first time by the court system as having a learning or behavioral disability?

**Mailed Question 5:** Approximately what percentage of your cases involve youths who have been so identified for the first time by the court system during the pre-disposition process.

Similarly, the term misdiagnosed used in the phone version of Question 7 was replaced by misidentified in the mailed version of Question 7:

**Phone Question 7:** Approximately what percentage of your cases involve youths who, in your opinion, have been misdiagnosed by the school system?

**Mailed Question 7:** Approximately what percentage of your cases involve youths who, in your opinion, have been misidentified by the school system?

The wording of Phone Question 9 and Mailed Question 9 was also changed:

**Phone Question 9:** On a scale of 1 = never to 5 = almost always, how often do you observe language difficulties (either in using or understanding language)?

**Mailed Question 9:** For youths with English as their primary language, how often do you observe language difficulties (either in using or understanding language)?

**Patricia Crews**  
4661 Prather Place  
Woodbridge, Virginia 22193  
(703) 878-1113  
June 21, 1995

Dear Judge:

I am currently employed with the Prince William County Public School System, in Manassas, Virginia and a doctoral student at Virginia Polytechnic Institute and State University in Blacksburg, Virginia. **My program of study is Special Education Administration and Supervision with Dr. Harold McGrady as my advisor. Dr. McGrady may be reached at: (703) 231-9715. The title of the dissertation is: *Judges' Familiarity with Learning and Behavioral Disabilities and Dispositions Imposed.***

The purpose of this letter is to ask if you would review the enclosed questionnaire which I plan to use as the survey instrument for my dissertation. **Please make any suggestions and comments that you deem appropriate.** The sample group for the survey will be randomly drawn from the population of juvenile court judges presiding in the Commonwealth of Virginia. **Since Juvenile Court Judges will be my targeted population, I am purposely requesting other area judges to review the instrument.**

A self-addressed stamped envelope is provided for your convenience, that you may use to return the instrument upon your review. **If you should have questions or concerns that you wish to discuss with me, I may be reached at: (703) 878-1113 or (804) 349-6896.**

I am most grateful for your wise counsel and thoughtful consideration in this matter. **Please submit your response on or by July 3, 1995. Thank you.**

Truly yours,

Patricia Crews

Commonwealth of Virginia

B A DAVIS, III, JUDGE  
ROCKY MOUNT, VIRGINIA 24151

JAMES F INGRAM, JUDGE  
DANVILLE, VIRGINIA 24041

WILLIAM N ALEXANDER, II, JUDGE  
CHATHAM, VIRGINIA 24631

SAMUEL M HAIRSTON, JUDGE  
RETIRED  
CHATHAM, VIRGINIA 24631

TWENTY-SECOND JUDICIAL CIRCUIT  
CIRCUIT COURT OF DANVILLE  
CIRCUIT COURT OF FRANKLIN COUNTY  
CIRCUIT COURT OF PITTSYLVANIA COUNTY



P. O. BOX 601  
ROCKY MOUNT, VA 24151  
TEL: (703) 483-3075

6.23.95

O.K.

BA Davis





## Commonwealth of Virginia

TWENTY-SECOND JUDICIAL CIRCUIT  
CIRCUIT COURT OF DANVILLE  
CIRCUIT COURT OF FRANKLIN COUNTY  
CIRCUIT COURT OF PITTSYLVANIA COUNTY

P. O. BOX 1042  
CHATHAM, VA 24531  
TEL: (804) 432-2041

B. A. DAVIS, II, JUDGE  
ROCKY MOUNT, VIRGINIA 24151

JAMES F. INGRAM, JUDGE  
DANVILLE, VIRGINIA 24041

WILLIAM N. ALEXANDER, II, JUDGE  
CHATHAM, VIRGINIA 24531

SAMUEL M. HARRISON, JUDGE  
RETIRED  
CHATHAM, VIRGINIA 24531

June 28, 1995

Ms. Patricia Crews  
4661 Prather Place  
Woodbridge, Virginia 22193

Dear Ms. Crews:

I received your letter of June 21, 1995, along with your Juvenile Judge's phone questionnaire.

I am not a Juvenile Judge. I am a Circuit Court Judge. I have reviewed your questionnaire.

I don't believe that you mean for me to answer the questionnaire. However, I will keep it. If you do want me to answer it, I will be glad to. Please let me know.

If I don't hear from you I will assume that you do not want me to respond.

Very truly yours,

  
William N. Alexander, II.

WNAII:mb1

TWENTY-FOURTH JUDICIAL CIRCUIT  
OF VIRGINIA

J MICHAEL GAMBLE JUDGE  
AMHERST COUNTY CIRCUIT COURT  
P O BOX 1280  
AMHERST VA 24521



(804) 946-9329 (AMHERST)  
(804) 929-9329 (LYNCHBURG)  
(804) 946-9306 (FACSIMILE)

COMMONWEALTH OF VIRGINIA  
CITIES OF LYNCHBURG AND BEDFORD  
COUNTIES OF AMHERST, BEDFORD, CAMPBELL AND NELSON

June 28, 1995

Ms. Patricia Crews  
4661 Prather Place  
Woodbridge, VA 22193

Dear Ms. Crews:

I have received your letter of June 21, 1995 asking that I review the proposed questionnaire for juvenile judges. In this regard, I have done so.

The questions that you have posed are good questions. I think, however, that you may wish to prepare a series of questions which address the situation where a juvenile judge believes or suspects that a child has a learning or behavioral disability that affects his or her functioning, and it has not been diagnosed correctly by the school system. I think you will discover that J & DR judges have experienced difficulty in these situations arriving at a correct decision because the diagnosis in the school system is unclear. You may also find that the J & DR judges have experienced a situation where they believe that the school system is avoiding a correct diagnosis because of the costs involved in educating a student with this type of disability.

Other than the above suggestions I think your survey is fine.

Sincerely yours,

A handwritten signature in black ink, appearing to read "J. Michael Gamble", written over a horizontal line.

J. Michael Gamble, Judge

JMG/kst

CHIEF JUSTICE  
HARRY L. CARRICO

JUSTICES

A. CHRISTIAN COMPTON  
ROSCOE S. STEPHENSON, JR.  
HENRY N. WHITING  
ELIZABETH S. LACY  
LEROY ROUNTREE HASSELL  
BARBARA MILANO KEENAN

SENIOR JUSTICE  
RICHARD H. POFF

SUPREME COURT OF VIRGINIA  
SUPREME COURT BUILDING  
RICHMOND, VIRGINIA 23219  
804-786-2251

CLERK  
DAVID S. BEACH

EXECUTIVE SECRETARY  
ROBERT N. BALDWIN

CHIEF STAFF ATTORNEY  
JOHN THOMAS BRUCE

REPORTER OF DECISIONS  
KENT SINCLAIR

June 28, 1995

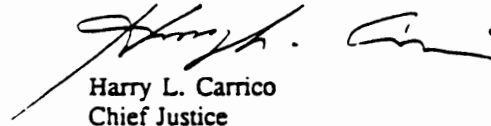
Ms. Patricia Crews  
4661 Prather Place  
Woodbridge, Virginia 22193

Dear Ms. Crews:

I have your letter of June 21, together with the questionnaire you plan to use as a survey instrument for your dissertation on Judges' Familiarity with Learning and Behavioral Disabilities and Dispositions Imposed. I have reviewed the questionnaire as you requested and have no suggestions or comments.

Good luck on your dissertation.

Sincerely,

  
Harry L. Carrico  
Chief Justice

HLC/cl

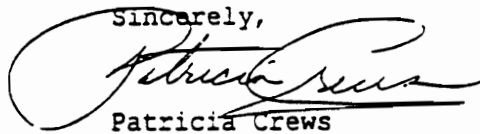
**Patricia Crews**  
4661 Prather Place  
Woodbridge, Virginia 22193  
(703) 878-1113  
July 7, 1995

Twenty-Second Judicial Circuit  
The Honorable B.A. Davis, III  
P.O. Box 601  
Rocky Mount, Virginia 24151

Dear Judge Davis:

I am in receipt of your June 23, 1995 letter regarding my phone survey instrument. Thank you for your review and the impressive manner in which you responded.

Sincerely,

A handwritten signature in cursive script, appearing to read "Patricia Crews", written over a horizontal line. The signature is fluid and somewhat stylized, with a large loop at the beginning and end.

Patricia Crews

Patricia Crews  
4661 Prather Place  
Woodbridge, Virginia 22193  
July 7, 1995

The Honorable Judge J. Michael Gamble  
Amherst County Circuit Court  
P.O. Box 1290  
Amherst, Virginia 24521

Dear Judge Gamble:

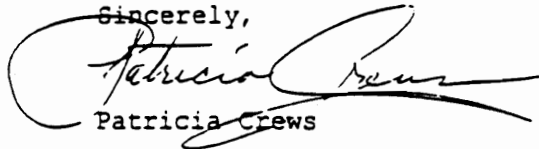
I am in receipt of your letter dated June 28, 1995 regarding the review of my phone questionnaire. I sincerely appreciate your invaluable suggestions as well as the impressive manner in which you responded.

I have considered and adhered to your suggestions regarding questions which will address issues in the following areas; (1) *possible misdiagnosis*, (2) *approximate percentage of youths having no previous record of receiving special education services within the school system*, and (3) *rendering dispositions in cases where the judge suspects a learning or behavioral disability but the youth has not been identified*.

Judge Gamble, you brought up some interesting points in your letter, which profoundly echoes the current literature. Your June 28, 1995 letter, of which I am very honored to include, will become part of the Appendices for my dissertation.

Again, thank you for your penetrating insight, and wise counsel for which you so generously shared.

Sincerely,



Patricia Crews

**Patricia Crews**  
4661 Prather Place  
Woodbridge, Virginia 22193  
(703) 878-1113  
July 7, 1995


The Honorable Chief Justice Harry L. Carrico  
Supreme Court of Virginia  
Supreme Court Building  
Richmond, Virginia 23219

Dear Chief Justice Carrico:

I am in receipt of your June 28, 1995 letter regarding the review of my phone questionnaire. Thank you for your review, and the impressive manner of which you responded.

It is indeed a rare and distinct opportunity to have received your favorable correspondence. Your June 28, 1995 letter of which I am very honored to include, will become part of the Appendices to my dissertation,

Again thank you for sacrificing time and energy to share your penetrating insight, and wise counsel for which I remain most deeply grateful.

Sincerely,  
  
Patricia Crews

**Patricia Crews**  
4661 Prather Place  
Woodbridge, Virginia 22193  
(703) 878-1113  
April 12, 1995

The Honorable Judge Charles McCormick, III  
Post Office Box 339  
Halifax, Virginia 24558

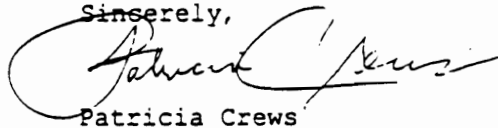
Dear Judge McCormick:

I am in receipt of your letter dated April 5, 1995. Thank you for the impressive manner in which you responded and your invaluable suggestions, which I have adhered to, particularly regarding Question 6. Your April 5, 1995 letter, of which I am very honored to include, will become part of my dissertation Appendices.

When I reflect on our Sunday, March 26, 1995 phone conversation, I was surprised somewhat by your question regarding how did I know you. As a native of Halifax County, Virginia I naturally associate the McCormick's name as something synonymous and legendary with Halifax. I just assumed that this form of thinking was universal.

Again thank you for your penetrating insight, and wise counsel for which you so generously shared.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Patricia Crews', written in dark ink. The signature is fluid and somewhat stylized, with a large initial 'P'.

Patricia Crews

**Patricia Crews**  
4661 Prather Place  
Woodbridge, Virginia 22193  
(703) 878-1113  
July 7, 1995

The Honorable William N. Alexander II  
Twenty-Second Judicial Circuit  
P.O. Box 1042  
Chatham, Virginia 24531

Dear Judge Alexander:

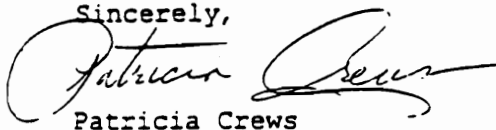
I am in receipt of your June 28, 1995 letter regarding the review of my phone questionnaire. Thank you for your letter, and the impressive manner of which you so promptly responded.

I apologize for any unclarity in my letter to you dated June 21, 1995. As stated in the letter, the Commonwealth Juvenile and Domestic Relations Judges will be the population for which I will randomly draw my sample. Therefore I purposely requested other area judges to review the survey instrument, preferably Circuit Court Judges.

I do not wish for you to complete the survey, but rather, upon your review, to provide any suggestions as to what I may add or omit to improve its validity. I also left a message at (804) 432-2041 on July 7, 1995 in an attempt to clarify this matter.

Again, thank you Judge Alexander for the great sacrifice of your time to write, and also thank you for your sincere willingness to assist me.

Sincerely,

A handwritten signature in cursive script that reads "Patricia Crews". The signature is written in dark ink and is positioned above the printed name.

Patricia Crews



**Patricia Crews**  
4661 Prather Place  
Woodbridge, Virginia 22193  
(703) 878-1113  
July 7, 1995

The Honorable Chief Justice Harry L. Carrico  
Supreme Court of Virginia  
Supreme Court Building  
Richmond, Virginia 23219

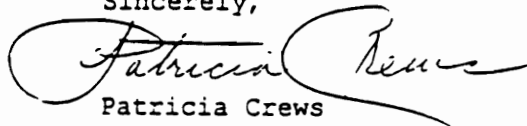
Dear Chief Justice Carrico:

I am in receipt of your June 28, 1995 letter regarding the review of my phone questionnaire. Thank you for your review, and the impressive manner of which you responded.

It is indeed a rare and distinct opportunity to have received your favorable correspondence. Your June 28, 1995 letter of which I am very honored to include, will become part of the Appendices to my dissertation,

Again thank you for sacrificing time and energy to share your penetrating insight, and wise counsel for which I remain most deeply grateful.

Sincerely,

  
Patricia Crews

### **Data Code Sheet for Judges**

- C1 -- Identification number
- C2 -- Number of years served on the juvenile court bench
- C3 -- Experiences with behavioral and learning disabilities in the courtroom.
- C4 -- Experiences with behavioral and learning disabilities with friends or relatives.
- C5 -- Percentage of cases involving youth with disabilities
- C6 -- Percentage of youth identified for the first time by the courts.
- C7 -- Percentage of youth misidentified by the school system.
- C8 -- Frequency of observed impulsive behavior
- C9 -- Frequency of observed language difficulties
- C10 -- Frequency of observed lapses in memory
- C11 -- Frequency of observed poor social skills
- C12 -- Frequency of observed difficulty in understanding cause and effect.
- C13 -- Importance of the youth's demeanor when considering a disposition.
- C14 -- Importance of youth's disability (if applicable), when considering a disposition.
- C15 -- Importance of youth's personal statement
- C16 -- Number of inservices attended in the past year
- C17 -- 1 = phone questionnaire 2 = mailed questionnaire

	C2	C3	C4	C5	C6	C7	C8	C9	C10	C11	C12	C13	C14	C15	C16	C17
1	1	3	1	75	10	X	3	2	1	4	4	4	5	X	1	1
2	6	3	4	40	10	5	4	2	1	4	3	1	5	2	0	1
3	3	5	4	75	10	50	5	3	1	4	4	4	4	3	2	1
4	4	3	2	20	5	5	1	4	1	2	3	3	5	4	0	1
5	3	3	1	50	10	0	4	2	1	4	2	2	4	3	0	1
6	5	5	2	75	25	30	4	3	2	5	5	4	5	3	0	1
7	2.5	3	2	40	10	20	4	3	3	4	4	4	4	3	0	1
8	2	4	2	50	20	35	3	4	3	5	4	3	5	4	1	1
9	7	3	2	45	10	50	4	4	3	3	2	4	5	4	0	1
10	5	4	2	80	15	5	3	2	3	4	4	2	X	3	1	1
11	2.5	4	3	75	30	40	3	4	2	4	3	3	5	2	1	1
12	2	2	4	20	5	5	2	2	1	3	2	4	4	4	0	1
13	3.5	4	2	25	25	50	5	3	1	4	4	3	5	4	1	1
14	6	3	4	60	20	40	3	4	1	5	4	3	5	4	0	1
15	5	4	2	75	X	X	4	4	4	4	4	5	3	4	0	2
16	5	3	1	X	X	X	4	2	2	5	3	4	2	2	0	2
17	6	5	2	75	50	50	5	5	4	5	5	2	5	4	0	2
18	12	4	2	30	5	3	2	2	2	4	4	4	4	3	0	2
19	25.5	5	4	40	20	20	3	5	2	5	4	3	4	4	2	2
20	10	5	3	25	X	X	3	5	3	5	4	5	5	4	0	2
21	11	5	2	15	5	5	3	3	2	4	2	3	4	3	1	2
22	1	4	4	50	X	X	4	4	2	5	5	3	5	3	1	2
23	5	5	3	50	10	20	4	2	1	3	3	3	3	3	0	2
24	27	2	2	30	10	20	2	1	1	5	5	2	5	5	0	2
25	1.5	3	2	10	5	0	4	3	2	3	3	2	4	4	1	2
26	6	4	2	60	50	50	5	5	4	5	3	2	4	4	0	2
27	3	5	1	50	10	10	2	2	1	4	4	4	3	3	0	2
28	12	5	2	40	25	40	4	3	2	4	3	3	3	3	0	2
29	3	4	3	50	X	25	3	3	2	3	3	3	4	4	1	2

**Data Code Sheets for Youthful Offenders**

**C1-- Identification number**

**C2 -- Disability Category**

Non-disabled - 1    SLD- 2    SED - 3    MR- 4

**C3 -- Place of Identification**

Community--1    Department of Youth and Family Services- 2

**C4 -- Race**

Black- 1    White - 2

**C5 -- Age**

15    16    17

**C6 -- Committing offense**

According to the DYFS codes

**C7 -- Number of times served at DYFS correctional facilities**

(numerical committents)

**C8 --Number of times probation or parole has been served**

(numerical)

**C9 -- Number of current offenses considered**

(offenses just prior to commitment)

**C10 - Number of prior offenses**

(numerical)

**C11 First Offense**

(misdemeanor and felony least severe to most severe)

**Moderately Severe**

misdemeanor 9

misdemeanor 4

misdemeanor 3

misdemeanor 2

misdemeanor 1

**Severe**

felony 9

felony 6

felony 5

felony 4

**Very Severe**

felony 3

felony 2

felony 1

---

Note. *The department of youth & family services: Most frequently used offense codes. December (1991). (For use on all DYFS data reporting forms).*

**C12 Dispositions (from the least to the most restrictive)**

1. Handled at intake
2. Nolle processed
3. Dismissed
4. Restitution
5. Unsupervised probation
6. Unsupervised probation/ restitution
7. Social history ordered/ unsupervised probation
8. Suspended commitment to department of youth and family services (DYFS) until 18th birthday/ Substance abuse evaluation
9. Counseling/ Street smart program
10. Restitution / Community service work (CSW)
11. Supervised probation
12. Supervised probation / CSW
13. Supervised probation / Counseling
14. Supervised probation / Restitution/ Counseling
15. Indeterminant supervised probation
16. Indeterminant supervised probation / CSW
17. Indeterminant supervised probation/ Street smart program
18. Detention (ten days or less)
19. Detention (ten days or more)
20. One year of probation at group home
21. Commit

---

Note. CSW - community service work: DYFS - Department of youth and family services.

Note. P.M. Branson, M.A., penologist, personal communication, December 28, 1995: B.M. Crews, M.Ed., J.D., legal consultant, personal communication, January 12, 1996.

**C13 Full Scale IQ as measured by the WISC-R or WISC-III**

**C14 - Number of grades repeated  
(numerical)**

**C15 - Substance Abuse**  
0- none, 1- child, 2- parent, 3- both parent and child

**C 16- Physical or Sexual Abuse**  
0-none, 1- child, 2-parent(s) 3-both parent and child

**C 17- School Issues:**  
1 - none, 2 - record of suspensions/expulsions,  
3 - truancy, 4 - both 1 & 2

**C 18- Type of Crime:**  
1-violent  
2- property  
3-drugs

**C19- Youth's age when he committed his first crime**

**C20- 1-Non-disabled, 2- Disabled**

**C21 Dispositions (categorical)**

**1) Highly Unrestricted**

1. Handled at intake
2. Nolle processed
3. Dismissed

**2) Unrestricted**

4. Restitution
5. Unsupervised probation
6. Unsupervised probation / restitution
7. Social history ordered / unsupervised probation

**3) Partially Unrestricted**

8. Suspended commitment to department of youth and family services (DYFS)  
until 18th birthday / Substance abuse evaluation
9. Counseling / Street smart program
10. Restitution / Community service work (CSW)

**4) Moderately Restricted**

11. Supervised probation
12. Supervised probation / CSW
13. Supervised probation / Counseling
14. Supervised probation / Restitution/ Counseling

**5) Restricted**

15. Indeterminant supervised probation
16. Indeterminant supervised probation / CSW
17. Indeterminant supervised probation / Street smart program
18. Detention (ten days or less)

**6) Highly Restricted**

19. Detention (ten days or more)
20. One year of probation at group home
21. Commit

---

Note. CSW - community service work; DYFS - Department of youth and family services.

Note. P.M. Branson, M.A., penologist, personal communication, December 28, 1995; B.M. Crews, M.Ed., J.D., legal consultant, personal communication, January 12, 1996.



**(number's 22 and 23 were not used in the data coding)**

**C24 First Offense: (misdemeanor and felony least severe to most severe)**

**1) Moderately Severe**

misdemeanor 9  
misdemeanor 4  
misdemeanor 3  
misdemeanor 2  
misdemeanor 1

**2) Severe**

felony 9  
felony 6  
felony 5  
felony 4

**3) Very Severe**

felony 3  
felony 2  
felony 1

---

*Note. The department of youth & family services (DYFS): Most frequently used offense codes. December (1991). (For use on all DYFS data reporting forms).*

	C2	C3	C4	C5	C6	C7	C8	C9	C10	C11	C12	C13	C14	C15	C16	C17	C18	C19	C20	C21	C23	C24	
1	1	1	0	2	15	13	1	0	9	0	16	21	68	2	1	2	4	1	15	1	6	1	3
2	0	0	1	17	13	1	3	2	9	9	9	12	74	2	4	2	4	1	13	1	4	2	1
3	1	0	2	17	10	1	1	3	1	10	12	90	0	4	4	4	1	13	1	4	4	2	
4	2	0	1	16	16	1	0	2	9	9	5	92	1	2	1	4	1	10	2	2	2	4	
5	4	0	2	15	10	1	0	2	0	10	21	62	3	4	1	2	1	15	2	6	4	1	
6	1	0	2	16	10	1	0	4	1	9	9	100	0	1	1	1	1	15	1	3	4	1	
7	4	1	2	16	10	1	0	1	0	10	21	65	3	2	2	4	1	16	2	6	1	2	
8	4	0	2	15	10	1	0	4	0	9	21	68	3	4	4	3	1	15	2	6	1	1	
9	3	0	1	16	10	1	0	2	0	10	21	68	2	3	4	4	1	16	2	6	1	2	
10	1	0	1	15	10	1	3	2	7	9	12	92	3	3	4	4	1	10	1	4	4	1	
11	1	0	1	17	13	2	0	8	1	9	10	97	0	2	3	2	1	15	1	3	4	1	
12	1	0	2	15	10	1	0	2	0	10	21	102	2	4	1	2	1	15	1	6	4	2	
13	3	0	1	15	10	1	1	9	13	9	7	81	1	4	4	2	1	9	2	2	3	1	
14	2	0	1	15	10	1	2	2	0	10	21	76	2	2	4	2	1	15	2	6	2	2	
15	1	0	1	17	10	1	1	9	13	9	7	82	2	3	4	3	1	10	1	2	3	1	
16	1	0	2	15	10	1	0	2	0	10	21	81	0	2	3	2	1	15	1	6	3	1	
17	3	0	1	17	10	1	1	3	4	10	14	108	2	4	3	2	1	16	2	4	4	2	
18	1	0	1	15	17	1	0	3	0	9	9	109	0	4	4	2	1	17	1	3	3	1	
19	3	0	1	15	10	2	1	2	7	9	15	74	2	2	3	2	1	11	2	1	2	1	
20	3	1	1	17	10	2	0	5	4	13	10	97	1	4	1	2	1	13	2	3	4	2	
21	4	0	2	15	10	1	0	1	0	10	21	95	2	4	4	4	1	15	2	6	4	2	
22	1	0	1	17	10	1	0	1	1	10	2	90	1	4	4	4	1	14	1	4	4	2	
23	3	1	2	15	16	2	2	1	6	16	12	74	2	2	3	4	1	13	2	4	2	3	
24	1	0	1	15	16	1	0	4	4	10	2	90	1	2	1	4	1	11	1	1	4	2	
25	1	0	2	15	10	1	0	9	0	10	21	87	2	4	4	4	2	15	1	6	3	2	
26	1	0	2	16	10	1	1	3	1	9	1	84	2	4	4	4	2	14	1	1	3	1	
27	2	1	1	17	9	1	1	3	5	6	4	100	1	4	1	4	2	10	2	2	4	1	
28	3	1	2	15	10	2	1	7	8	10	16	99	2	2	3	4	2	13	2	5	4	2	
29	3	1	2	17	10	1	0	9	3	6	4	86	0	2	1	1	2	12	2	2	3	1	
30	1	0	2	16	10	1	0	11	0	10	21	98	2	1	2	2	2	16	1	6	4	2	
31	2	1	2	17	4	1	0	9	0	14	21	87	2	4	4	4	2	16	2	6	3	2	
32	1	0	1	16	10	1	2	3	3	9	3	72	3	4	3	4	2	9	1	1	2	1	
33	1	0	2	15	4	1	3	2	6	9	11	98	2	4	4	4	2	8	1	4	4	1	
34	3	1	1	16	9	2	3	2	2	9	14	97	1	2	3	4	2	12	2	4	4	1	
35	2	1	2	15	10	1	1	3	7	9	19	76	2	2	2	4	2	10	2	6	2	1	
36	2	1	1	17	13	4	2	2	5	14	5	96	1	4	4	3	2	14	2	2	4	2	
37	1	0	2	16	14	3	2	6	6	13	13	92	1	4	4	4	2	10	1	4	4	2	
38	3	1	2	16	13	1	2	3	2	9	6	96	0	4	4	4	2	14	2	2	4	1	
39	3	0	2	15	9	3	0	5	15	9	2	81	2	4	4	4	2	14	2	2	4	1	
40	1	0	2	16	13	1	1	7	1	9	5	83	0	2	1	3	2	14	1	1	3	1	
41	1	0	2	16	14	1	2	5	5	9	6	104	0	4	1	1	2	11	1	2	4	1	
42	1	0	1	16	13	1	4	5	0	10	14	96	1	2	4	3	2	10	1	4	4	2	
43	1	0	2	15	13	1	0	9	0	10	21	87	2	4	4	4	2	15	1	6	3	2	
44	1	0	1	16	9	1	1	3	3	9	6	90	0	3	4	4	2	13	1	1	2	4	



## **Appendix C**

Letter of Introduction for Phone Questionnaire

Cover Letter for Mailed Questionnaire

Follow-up Letters to Judges

Permission Request Letter

Research Agreement

Methodology

Letter of Consent

**Patricia Crews**  
4661 Prather Place  
Woodbridge, Virginia 22193  
Hm. (703) 878-1113  
Wk. (703) 361-1101  
August 31, 1995

Dear Judge

The escalating youth crime rates in the United States have witnessed a disproportionate number of incarcerated youthful offenders with learning and behavioral disabilities. Issues pertaining to dispositions imposed and judge's familiarity with behavioral and learning disabilities are important to study. To this end, **I am asking you to participate in this study which will focus on dispositions of nondisabled and disabled youthful offenders. Your responses to the enclosed questionnaire will assist in an initial exploration of this critical topic.**

As a participant, it will be necessary for you to answer the enclosed questionnaire regarding characteristics of youths with learning and behavioral disabilities in your court. **The questionnaire will take approximately five to seven minutes.**

**Your participation in the study will be kept confidential, and no attempt will be made to identify any response with any specific justice.** As a participant, you may request a summary of the survey results.

**Please complete the enclosed questionnaire and return it to me at your earliest opportunity.** I have provided the enclosed self-addressed stamped envelope for your convenience.

Sincerely yours,

Patricia Crews

Patricia Crews  
4661 Prather Place  
Woodbridge, Virginia 22193  
(703) 878-1113  
July 19, 1995

Dear Judge

The escalating youth crime rates in the United States have witnessed a disproportionate number of incarcerated youthful offenders with learning and behavioral disabilities. As a doctoral student in Administration and Supervision of Special Education at Virginia Polytechnic Institute and State University, I have chosen as my dissertation: *The Relationship Between Judge's Familiarity with Learning and Behavioral Disabilities and Dispositions Imposed.*

The study will focus on dispositions of non-disabled and disabled youthful offenders through the use of record data, and interviews with Commonwealth of Virginia Juvenile Court Justices.

Would you please consider participating in the study? As a participant, it will be necessary for you to answer seven (7) questions regarding your familiarity with characteristics of youth with learning and behavioral disabilities in the court. The interview will take approximately five to seven minutes.

Your participation in the study will be kept confidential. Your responses will be anonymous and no attempt will be made to identify any response with any specific justice. As a participant, you may request a summary of the survey results.

To express my sincere appreciation for your consideration in this matter, I have enclosed an ink pen which I hope you will find useful. I will be calling you during the week of July 24, 1995. If you have a preference of time as to when it would be more convenient to speak with you, please complete the enclosed postcard and return it to me during the week of July 24, 1995.

Sincerely yours,

Patricia Crews

**Patricia Crews**  
4661 Prather Place  
Woodbridge, Virginia 22193  
(703) 878-1113  
August 9, 1995

Dear Judge

On July 19, 1995 I mailed a letter to you requesting your participation in a phone interview regarding youthful offenders with learning and behavioral disabilities.

Due to time constraints and inaccessibility by phone, I have enclosed the questionnaire for your convenience. The questionnaire will take approximately five to seven minutes to complete.

Your participation in the study will be kept confidential, and no attempt will be made to identify any response with any specific justice. As a participant, you may request a summary of the survey results.

Upon completion of the questionnaire, please return it to me at your earliest opportunity. I have provided an enclosed self-addressed stamped envelope for your convenience.

Sincerely yours,

Patricia Crews



**Patricia Crews**  
4661 Prather Place  
Woodbridge, Virginia 22193  
(703) 878-1113  
March 21, 1995

Dr. Dennis Waite  
Department of Youth and Family Services (DYFS)  
Bon Air Juvenile Correction Center  
1900 Chatsworth Avenue  
Bon Air, Virginia 23235

Dear Dr. Waite:

I am currently an employee of the Prince William County Public School System, in Manassas, Virginia and a doctoral student at Virginia Polytechnic Institute and State University in Blacksburg, Virginia. My program of study is Special Education Administration and Supervision with Dr. Harold McGrady as my advisor.

I am writing to request your permission to review records of youthful offenders incarcerated at Bon Air Juvenile Correction Center during the 1994 fiscal year. The purpose of my request is to collect research data for the dissertation.

The title of the dissertation is: *Judges' Familiarity with Learning and Behavioral Disabilities and Dispositions Imposed*. I have limited my research to that of only male youthful offenders. I realize confidentiality that must be maintained. I have provided a code sheet which is similar to what I hope to use in collecting the data.

The names of the youths and/or the dispositional judges noted in the records are not a consideration for the study, or even in the collection of data. The information that will be collected includes: (1) age at first offense, (2) disability status, (3) disposition, (4) offense, (5) ethnicity and (6) school adjustment.

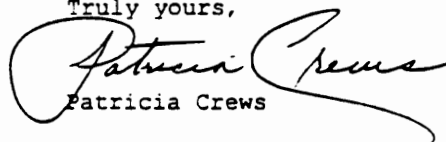
The records will enable me to appropriately address the following research question:

**Is a disposition more restrictive for youthful offenders with disabilities than for their non-disabled counterparts when the offenses are similar?**

The other two research questions will be addressed using the survey instrument.

I remain most grateful, indeed, for the high measure of understanding and support which you have given me. I would sincerely appreciate your consideration in my present request.

Truly yours,

A handwritten signature in cursive script that reads "Patricia Crews". The signature is written in black ink and is positioned above the typed name.

Patricia Crews

**Patricia Crews**

4661 Prather Place  
Woodbridge, Virginia 22193  
home: (703) 878-1113  
work: (703) 361-1101 ext. 124  
May 4, 1995

Commonwealth of Virginia  
Department of Youth & Family Services  
Research and Planning Unit / Central Office  
P.O. Box 1110  
Richmond, VA 23208-1110

Dear Mr. Schisa:

I have enclosed the following specified Attachment forms: *Research Proposal Summary* and the *Research Agreement*, for your consideration. Additional information has been provided in an effort to further clarify my research objectives.

If you should have questions or concerns regarding the contents of the methodology, I would be most grateful and willing to provide any additional information.

The proposed research request would undoubtedly be one of the highest aspirations in my academic career. I would therefore welcome your favorable consideration in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Patricia Crews". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Patricia Crews

Research Agreement

The proposed research project shall begin only when all necessary reviews are completed, the Director (or designee) has signed this agreement, and a copy of the signed agreement is returned to the researcher.

Two copies of the final report must be submitted to the Department's Research and Planning Unit. The Department's participation in the research project does not imply approval or endorsement of the final report. The Department shall be permitted to use the data collected in the research project and to reproduce the materials as they are published.

I, the undersigned, hereby do affirm that I and all of my research staff have read, understand, and agree to abide by the Virginia Department of Youth and Family Services' Research Procedure.

Complete and submit the Research Agreement as part of the research proposal package.

Judge's Familiarity with Learning and Behavioral Disabilities and Dispositions Imposed  
(Research Project Title)

May to August 31, 1995  
(Dates for Data Collection)

September to December 1995  
(Dates for Analysis)

March 1996  
(Date for Final Report)

(Progress Report Dates - to be determined with Research and Planning Unit)

Patricia Diann Crews doctoral student  
(Name of Principal Researcher) (Title)

Virginia Polytechnic Institute and State University  
(Academic/Professional Affiliation)

2990 Telestar Court (703) 698-6044 or 6064  
(Street Address) (Telephone)

Falls Church, Virginia 22042  
(City) (State) (Zip Code)

Patricia Crews 5/4/95  
(Signature of Principal Researcher) (Date)

Isabella Belli 5/4/95  
(Signature of Advisory) (Date)

Jon B. Adl 6/8/95  
(Signature of Research and Planning Unit Manager) (Date)

Research Proposal Summary

**I. Researcher Information**

- A. Principal Researcher: Patricia Diann Crews
- B. Address: 4641 Prather Place  
Woodbridge, Virginia 22193
- C. Affiliation: Virginia Polytechnic Institute and State University
- D. Telephone: Office (703) 3611101 Other (703) 8781113
- E. Project Supervisor (if different from A): \_\_\_\_\_
- F. Funding Source: Student

**II. Proposal Information**

- A. Date Proposal Submitted to Research and Planning Unit: May 4, 1995
- B. Title: Judges' Familiarity with Learning and Behavioral Disabilities and Dispositions
- C. Purpose: To collect record data for dissertational research. <sup>Imposed</sup>
- D. Methodology (please see attached sheets): "Methodology"
- E. Time Frame  
Data Collection: May 1995 to August 31, 1995  
Analysis: September - 1995 to December 1995  
Final Report: March 1996
- F. Department Resources Required: Psychologist, computer data and records

**III. Endorsements**

- A. Departmental (required): Amelia Belli
- B. Faculty Advisor (if applicable): Amelia Belli
- C. Judge (if applicable): \_\_\_\_\_
- D. IRB (if applicable): \_\_\_\_\_

## METHODOLOGY

### **Title of Dissertation:**

Judge's Familiarity with Learning and Behavioral Disabilities and Dispositions Imposed.

### **The Two Aspects of the Study:**

(1) Survey a random sample of juvenile judges in the Commonwealth of Virginia regarding youthful offenders with learning and behavioral disabilities.

(2) Review of youthful offender's records regarding dispositions.

### **Description of population:**

Records of male youthful offenders who were incarcerated at the Virginia Department of Youth and Family Services Center, (DYFS) from July 1, 1993 to June 30, 1994. This encompasses the Fiscal Year of 1994.

### **Criteria for Sample Selection:**

Each youth's record, must meet the following criteria: (1) males with at least one prior offense; (2) admission to DYFS on or after July 1, 1993 and no later than June 30, 1994; and (3) offenses which fall in one or more of the following categories: Probation and Parole Violators; Drug Related Offenses, Property Crimes, and Violent Crimes.

### **Variables to be studied:**

(1) ethnicity; (2) age; (3) crime; and (4) disposition.

### **Sample Selection Procedure:**

**Group I:** Approximately four sets of records; consisting of 12 records each, will be randomly selected from the youthful offenders with behavioral and learning disabilities. Each of the record sets will represent one of the aforementioned offense categories.

(1)

**Group II:** The 48 records of youthful offenders with behavioral and learning disabilities will then be matched with a non-random sample of 48 records of non-disabled male youthful offender's records. Race, age and crime will be used to match the two samples. The non-disabled sample will consist of four record sets. Each of the record sets will represent one of the aforementioned offense categories.

Patricia Crews  
Patricia Crews

5/4/95  
Date

Dr. S. Belli for:  
Dr. H. McGrady, Faculty Advisor

5/4/95  
Date

Patricia Crews  
4661 Prather Place  
Woodbridge, Virginia 22193  
Home: (703) 573-1113 Work: (703) 361-1101



Patricia L. West  
DIRECTOR

## COMMONWEALTH of VIRGINIA

*Department of Youth & Family Services*

700 Centre, 4th Floor  
7th and Franklin Streets  
P. O. Box 1110  
Richmond, Virginia 23208-1110  
(804) 371-0700  
Fax (804) 371-0773  
Voice/TDD (804) 371-0772

June 8, 1995

Patricia Crews  
4661 Prather Place  
Woodbridge, Virginia 22193

Dear Ms. Crews:

Mr. Walt Smiley, Deputy Director of the Department of Youth and Family Services, has endorsed my approval of your data research project. I have attached your original Research Agreement with my signature. You may now proceed with your project. Please remember that you have agreed to submit two copies of the final report upon completion in March 1996.

Please contact me (371-0745) if you have any questions or if there are any significant changes in your research design or timeframes. Good luck and thank you for pursuing research with the Department!

Sincerely,

A handwritten signature in cursive script that reads "John B. Schisa".

John B. Schisa  
Senior Planner, Research & Planning Unit

Attachment

c: Dennis Waite

*"To Reduce Juvenile Delinquency and Protect the People of the Commonwealth"*



**Appendix D**

Categories of Crime by Severity

Categories of Dispositions

Description of Crimes by Severity

## **Categories of Crimes by Severity**

**(misdemeanor and felony: least severe to most severe)**

### **Moderately Severe**

misdemeanor 9  
misdemeanor 4  
misdemeanor 3  
misdemeanor 2  
misdemeanor 1

### **Severe**

felony 9  
felony 6  
felony 5  
felony 4

### **Very Severe**

felony 3  
felony 2  
felony 1

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Note. *The department of youth & family services (DYFS): Most frequently used offense codes. December (1991). For use on all DYFS data reporting forms.*

**Categories of Dispositions**  
**(from the least to the most restrictive)**

**1) Highly Unrestricted**

1. Handled at intake
2. Nolle processed
3. Dismissed

**2) Unrestricted**

4. Restitution
5. Unsupervised probation
6. Unsupervised probation/ restitution
7. Social history ordered/ unsupervised probation

**3) Partially Unrestricted**

8. Suspended commitment to department of youth and family services (DYFS) until 18th birthday/ Substance abuse evaluation
9. Counseling/ Street smart program
10. Restitution / Community service work (CSW)

**4) Moderately Restricted**

11. Supervised probation
12. Supervised probation / CSW
13. Supervised probation / Counseling
14. Supervised probation / Restitution/ Counseling

**5) Restricted**

15. Indeterminant supervised probation
16. Indeterminant supervised probation / CSW
17. Indeterminant supervised probation/ Street smart program
18. Detention (ten days or less)

**6) Highly Restricted**

19. Detention (ten days or more)
20. One year of probation at group home
21. Commit

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Note. CSW - community service work; DYFS - Department of Youth and Family Services.

Note. P.M. Branson, M.A., penologist, personal communication, December 28, 1995; B.M. Crews, M.Ed., J.D., legal consultant, personal communication, January 12, 1996.

## **Description of Crimes by Severity**

### **M9 (Misdemeanor 9)**

L38 Petit Larceny - Second Conviction

N04 Possess - first offense

H04 Drinking while driving

### **M4 (Misdemeanor 4)**

D06 Alcohol: Drinking in public

X05 Drunkenness: Profane language drunk in public.

I08 Building, public: unoccupied

I09 Carelessly cause brush fire

HR2 Accident report: resulting in \$500.00 damage-fail to report to DMV

### **M3 (Misdemeanor 3)**

TL1 Direct curse or abusive language to another

### **M2 (Misdemeanor 2)**

F47 Possession of drugs

I18 Smoke bomb in public building

W12 Firearms, stun weapon on school property

W24 Reckless handling of firearm

### **M1 (Misdemeanor 1)**

A15 Simple assault

D08 Drinking in public school

D18 Drinking on school grounds

DC1 Disorderly conduct

T01 Trespassing: after being forbidden to do so

L36 Petit: Less than \$200.00 not from person

L37 Petit: Less than \$5.00 from person

N08 Marijuana: sell, distribute-less than 1/2 ounce

N19 Schedule I or II drugs: possession

### **F9 (Felony 9)**

B11 Intent to commit larceny

N20 Possession with/intent to sell, distribute, etc.

N17 Distribution (provide/sell drugs to be resold by others.

L24 Grand larceny: \$200.00 or more not from person

RO1 Aggravated sexual battery: by force, threat, intimidate or via mental incapacitate/helpless of victim.

RO2 Aggravated sexual battery: victim under age 13

R10 Inanimate object sexual penetration: victim under age 13

**F9 (Felony 9 - cont.)**

- R12 Rape, forcible: intercourse with female through her mental incapacity / helplessness
- RY1 Robbery: assault or violence
- RY1 Robbery: attempted robbery
- R18 Sodomy, forcible: victim under age 13
- R13 Rape, forcible: intercourse with female by force, threat or intimidation

**F6 (Felony 6)**

- B01 Breaking & entering: occupied dwelling, entering, intent assault/misdemeanor
- N11 Minors: distribute - drug paraphernalia
- N12 Minors: distribute - drug paraphernalia, at least 3 yrs. junior
- V12 Vandalism, damage property: injure, deface, or destroy any property or monument, >\$1000
- V18 Vandalism, damage property: injury to public building, <\$1000
- W22 Possession school, cocaine / firearm simultaneously

**F5 (Felony 5)**

- B14 Burglary: tools, possession of burglarious tools
- B15 Burglary: attempted burglary
- I12 Arson, explosives, bombs: manufacturer or possession of firebomb.
- M12 Involuntary manslaughter
- M13 Involuntary manslaughter - vehicular
- M14 Voluntary manslaughter
- N19 Schedule I or II Drugs: Possession
- N08 Marijuana: sell, distribute - less than 1/2 Ounce

**F4 (Felony 4)**

- I08 Building, public: unoccupied
- N08 Marijuana: sell, distribute - over 1/2 ounce but not over 5 pounds

**F3 (Felony 3)**

- B03 Common Law: dwelling at night with intent to commit felony or larceny.
- B06 Statutory: dwelling house with intent to murder, rape, rob.
- A17 Assault: stabbing, cutting, wounding with malicious intent
- A25 Assault: simple assault against family member
- M16 Murder: second degree
- M20 Murder: attempted murder

**F2 (Felony 2)**

I02 Building, dwelling place: night - occupied

M11 Murder: first degree

B07 Statutory: dwelling house with intent to murder

B09 Statutory: dwelling with intent to commit larceny, etc. -  
deadly weapon

**F1 (Felony 1)**

MO8 Robbery with weapon or attempted

M03 Robbery with weapon or attempted robbery with weapon

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Note. The Virginia department of youth & family services: *Most frequently used offense codes*. Prepared by:  
DYFS research & planning unit, December, 1991.

## **Appendix E**

### **Vita**

# Patricia Diann Crews

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4661 Prather Place \* Woodbridge, VA \* 22193 \* (703) 878-1113

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## DEGREES CONFERRED

**Ed. D. - Administration and Supervision of Special Education, 1996**

Virginia Polytechnic Institute and State University (Virginia Tech)

Blacksburg, VA

**M. S. - Administration and Supervision: Elementary Education, 1983**

Longwood College, Farmville, VA

**B. S. - Elementary Education, 1979**

Averett College, Danville, VA

## OTHER EDUCATION

**Certificate of Advanced Graduate Studies, (C.A.G.S), 1994**

Administration and Supervision of Special Education.

Virginia Polytechnic Institute and State University (Virginia Tech)

Blacksburg, VA

**Endorsement: Specific Learning Disabilities, 1980**

(Grades K-12)

University of Virginia, Charlottesville, VA

## ADMINISTRATION / SUPERVISION

**Child Study Committee Chairperson,**

Stourbourn Park High School, Manassas, VA

1995 to present

**Administrative Designee** for Individualized Education Program, (IEP)

conferences, 1988 to 1995.

**Assistant Principal**

Independent Hill School of Special Education, Manassas, VA.

Position: Assistant Principal, (Internship), Summer 1992.

## PUBLICATIONS

*Virginia Journal of Education*, October 1986.

*E A TODAY Newsletter*, February 1987.

*Waters Edge*, March 1995.



## PATRICIA DIANN CREWS

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### TEACHING EXPERIENCE

#### **Prince William County Public Schools, (secondary)**

Manassas, VA

August 1994 to present

Taught - Special Education: Specific Learning

Disabilities, and Seriously Emotionally Disturbed, Other Health Impaired, Traumatic Brain Injured and Speech and Language Impaired, and Orthopedically Impaired.

Setting: Resource / Team -Teaching / Self-Contained.

#### **Halifax County Public Schools, (elementary and secondary)**

Halifax, VA

August 1979 - June 1984

Taught - Special Education: Specific Learning Disabilities.

Setting: Resource / Self-Contained / Itinerant

### Other Training / Internships

*Traumatic Brain Injury: Behavioral Issues*, Loudoun Healthcare, INC. Leesburg, VA, March 1995

*Juvenile Probation Officer (Internship)*: Court Services of Alexandria, Virginia, Summer 1995.

*17th Annual Institute for Administration and Supervision of Special Education*. Virginia Beach, VA - May 1994.

*Council for Exceptional Children 1994 Conference*. Denver, CO, April 1994.

*Inclusion, Where Do We Go From Here?* Conference sponsored by the Council of Administrators of Special Education, CASE. Winchester, VA October 1993.

*Proposal Review Committee*: Prince William County Schools Staff and Curriculum Development. Reviewed proposals for the 1996-97 back to school inservice programs.

### MEMBERSHIPS

Association for Supervision and Curriculum Development

Council for Exceptional Children

National Education Association

Virginia Education Association

Prince William County Education Association

Graduate Assistantship, Virginia Tech, January 1994 to August 1994