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**Running head: INFLUENCE OF MENTAL HEALTH**

**Influence of Mental Health i**

**Influence of Mental Health Input and Legal Factors in the Disposition of Young Offenders**

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**Thesis Submitted in Partial Fulfilment of the Requirements for the**

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Abstract

The current study examined the influence of mental health and criminal/legal factors on judges' court dispositions of young offenders. Criminal history and offence seriousness measured criminal/legal factors, while psychosocial factors were coded from multidisciplinary (social work, psychology, psychiatry) Section 13 clinical assessment reports. After controlling for demographic variables, only a greater number of current offences, poorer quality of the offender's home conditions and more serious substance abuse uniquely predicted receiving custody in the current disposition. Youths who were to serve a custodial sentence before starting their probation tended to receive shorter probation periods than those not required to enter custody first. Whether the youth had been sentenced to custody for the current offence(s) prior to the start of probation, and the presence of externalizing problems, uniquely predicted shorter probation periods. General agreement between mental health recommendations and court dispositions was 67.5% and was higher for legal based recommendations (88.2%) than for mental health recommendations (52.5%). It was concluded that Section 13 reports have some degree of influence on court dispositions, but information in these reports may not be specific or consistent enough to adequately assess severity of impacting factors. As a result, judges may be left to infer information from the report, which makes subsequent dispositions difficult.

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## **Influence of Mental Health 1**

### **Influence of Mental Health Input and Legal Factors in the Disposition of Young Offenders**

In 1995, two thirds of the 120,632 Canadian youths (12 to 18 years old) charged under the Young Offender's Act (YOA) were convicted of a crime (Dorherty & de Souza, 1996; and Hendrick, 1996). A youth, when convicted, appears before a judge who renders a disposition that is perceived to be the most appropriate for that youth (secure custody, open custody, probation, community service, or fines/compensation/restitution; Rodrigues, 1993; St-Amand & Greenberg, 1996). However, the YOA does not provide clear guidelines to assist judges in the determination of the most appropriate disposition for a young offender (Doob, 1992; Doob & Beaulieu, 1992; Leschied & Gendreau, 1994). In the absence of explicit legal guidelines in formulating dispositions, judge's may be influenced by their opinions of the YOA objectives and by the various sources of information available to the judge about the youth.

There are many resources available to judges to help them make an appropriate disposition decision. These resources include reports from the youth's probation officer, information provided by the youth's lawyer; and if requested, a Section 13 young offender assessment conducted by a mental health team or individual. However, few researchers have investigated the use of these resources by youth court judges and their influence on disposition decision making. This neglected area requires careful evaluation to determine the most effective utilisation of mental health resources because these resources are often limited within the young offender system. Thus, the current study specifically investigated the influence of Section 13 mental health assessments and associated disposition recommendations on final youth court dispositions.

### **Models of Juvenile Justice and the Role Assessment**

Corrando, Bala, Linden, and Le Blanc (1992) have described five models of juvenile

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justice (Table 1) falling along a continuum that varies in emphasis on the offender and the protection of society. Each model is grounded in its own assumptions about the causes of delinquency, the youth's culpability, and means of diverting further criminal behaviour (i.e., rehabilitation versus punishment). Consequently, each model of justice varies in its use of psychological assessments of the youthful offender. For example, juvenile justice models following the Child Welfare and Modified Justice approaches make substantive use of assessments of the youth's social and emotional needs, whereas Justice and Crime Control frameworks do not (Hoge & Andrews, 1996). Currently, Canada's juvenile justice system predominately falls under a Modified Justice Model which focuses on both the offender's needs, and sanctioning of the crime (Hoge & Andrews, 1996).

Research has supported the notion that Canadian judges tend to follow a model of juvenile justice that concerns itself with rehabilitation and the crime committed by the youth. Doob and Beaulieu (1992) used a mail out questionnaire and asked 43 youth court judges across Canada to provide their likely dispositions to four hypothetical court cases that varied on the offence committed, age of offender, prior record, parental and academic factors, and the youth's explanation for committing the crime. For each case, judges recommended (1) sentences under Section 20(1) of the YOA; (2) goals they were trying to accomplish with the disposition; and (3) what aspects of the case they thought were important in making the appropriate disposition. Doob and Beaulieu (1992) found a great deal of variability in the dispositions selected for each of the four cases. For instance, in one hypothetical assault case the judges' dispositions ranged from probation to 12 months of secure custody. The authors further indicated that the largest split amongst the goals of disposition was between the goal of individual deterrence versus

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rehabilitation. Although punishment was not commonly reported as a reason for imposing dispositions, judges were more likely to cite it for assault cases than for shoplifting.

Self-report data provided by judges has given some indication of the factors taken into consideration when formulating an appropriate disposition. Depending on the type of offence and case characteristics of the four cases examined by Doob and Beaulieu (1992), 91-100% of judges reported making the youth accountable for his actions and the extent of the youth's participation in committing the crime, as important or somewhat important elements of determining dispositions. In addition, more than 80% of judges also reported that demonstrating to the youth that the illegal act was not to be tolerated, and the ability of the family to control the youth, were at least somewhat important in determining dispositions (Doob & Beaulieu, 1992). Thus, as would be expected given the variability of court dispositions, factors other than the current offence (i.e., the goal of the disposition {deterrence or rehabilitation} and parental involvement) were reported by judges as influential determinants of a court disposition decision.

The self-report of court employees has provided further information about factors considered relevant to disposition decision making in a system following a Modified Juvenile Justice Model. Sanborn (1996) conducted 40-minute open-ended structured interviews with 100 court employees (i.e., judges, attorneys, and probation officers) from three juvenile courts in the United States. Participants were asked what factors they felt should be considered when sentencing youthful offenders. Overall, 81% of the participants indicated that whether the youth came from a dysfunctional family (i.e., was the family able to supervise and control the youth, and was the family willing to assist in the rehabilitation of the youth) should be considered when making disposition decisions. The second and third most frequently endorsed factors were the

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prior offence record (70%) and the current crime committed by the youth (63%). Other less important factors included the youth's treatment needs, mental condition, age, and history of substance abuse. Participants also reported that when the youth's delinquent behaviour had begun and whether there was a trend toward increasing criminal behaviour were of specific concern when considering the youth's prior offence record (Sanborn, 1996). Sanborn's (1996) findings are consistent with those earlier reported by Doob & Beaulieu (1992). Thus, many psychological and environmental factors, in addition to legal variables, are considered important aspects of determining court dispositions by those involved in this decision making process.

#### Young Offender Factors.

Rather than focusing on self-report data, other researchers have more directly assessed court records to investigate the influence of legal and substantive (i.e., non-legal) factors pertaining to youth court dispositions.

Legal Characteristics. A number of legal factors have consistently been found associated with final dispositions; primarily the prior criminal record of the youth and current offence characteristics. For example, based on court case files from 1990 and 1991, Carrington and Moyer (1995) compared custodial and non-custodial dispositions of 34,743 young offenders from several Canadian provinces. It was found that, collapsed across offence type, first time offenders were less likely to receive custodial dispositions (9%). In contrast however, 66% of repeat offenders with a previous custodial disposition were given a custody placement for their current offence. Further analyses revealed that custodial dispositions were differentially applied to young offenders depending on the nature of their current crime. For example, first time offenders currently found guilty of escape or violent indictable person offences tended to receive custodial

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dispositions, whereas youths who had committed less serious crimes with no prior record tended to receive non-custodial dispositions (Carrington & Moyer, 1995). This finding suggests that the current offence type may impact on court disposition in that more serious crimes are more likely to result in custodial dispositions.

Studies in which a wider range of court dispositions have been used as an outcome measure have also reported that youths with previous arrests and prior dispositions are more likely to receive severe dispositions for their current offence (Thomas & Cage, 1980; and Horwitz & Wasserman, 1980). Further, Carrington and Moyer (1995) report that the number of previous guilty findings does not appear to be considered as important in the disposition decision as the previous custodial disposition or the offences with which the youth was previously convicted. Therefore, judges may not consider how often a youth was convicted of a crime, but rather consider the type of crime(s) previously committed and the associated prior dispositions.

Other studies have found that a higher number of current offences and the greater seriousness of the current offence(s) are associated with harsher court dispositions (Hoge, et al., 1995; Horwitz & Wasserman, 1980; and Kueneman, Linden, & Kosmick, 1992). Kueneman et al. (1992), in using data collected in 1981 of 884 young offenders in northern rural Canadian communities, found that the number of current offences, the youth's prior record, and the seriousness of the current offence were each mildly to moderately predictive of court disposition. Similar findings have been reported elsewhere implying that the likelihood of receiving a custody disposition is greater when a youth is found guilty of a serious current offence and has a prior custody disposition (Hoge et al. 1995). Thus, these findings suggest that the seriousness of the current offence and prior record of custody dispositions are important influential factors on

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judges' decisions to sentence youths to custody. The importance of a prior record in determining a court disposition is not unexpected given that court employees rated the prior record of a youth as the second most important factor in determining court dispositions (Sanborn, 1996).

Substantive Characteristics. Legal factors have consistently accounted for more of the variation in court disposition than substantive or non-legal characteristics (e.g., age, gender, socio-economic status; socio-environmental factors) of youthful offenders (Carrington & Moyer, 1995; Hoge et al., 1995; Phillips & Dinitz, 1982; and Thomas & Cage, 1977). Research findings that focus on these substantive factors are not clear due to lack of control for legal factors and measurement differences. Thus, there is much inconsistency reported in regards to the influence of age, gender, and socio-economic status (SES) on disposition decision making. For instance, a lack of an association between severity of court disposition and gender has been reported by a number of researchers (Horwitz & Wasserman, 1980; Phillips & Dinitz, 1982), whereas other studies have found that when legal factors of current offence and prior record were controlled, female youths were less likely to receive harsher dispositions than males (Carrington & Moyer, 1995; and Kueneman et al. 1992).

Several studies have also found offender age to be associated with more severe dispositions (Phillips & Dinitz, 1982; and Marshall & Thomas, 1983; Kueneman et al., 1992), but this effect has also be shown to disappear when legal controls were imposed (e.g., seriousness of offence; Carrington & Moyer, 1995). Further, some research has indicated that SES is not significantly associated with judicial dispositions (e.g., Horwitz & Wasserman, 1980; and Phillips & Dinitz, 1982). However, Thomas and Cage (1977) have reported a small association in that youths from a lower SES background that had committed a felony or status offence<sup>1</sup> were more



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likely than higher SES youths to receive a severe disposition. If however, the crime committed by the youth had been a misdemeanour the youths were treated equivalently regardless of SES (Thomas & Cage, 1977).

It has been suggested that the effect of age and gender may simply be a result of the tendency for male or older offenders to commit more serious crimes (Carrington & Moyer, 1995) and that this small effect may be attributable to the association of age and gender with other variables, such as prior record and offence seriousness (Kowalski & Rickicki, 1982; and Carrington & Moyer, 1995). It is possible that this indirect association may also occur with SES. Nonetheless, the effect of demographic factors has consistently been found to be weak (Kueneman & Linden, 1983; Carrington & Moyer, 1995). Consequently, demographic characteristics of the offender may not be important determinants of court dispositions beyond the trend for female, younger, or higher SES offenders to commit less serious crimes requiring less severe dispositions than male, older, and lower SES offenders.

In addition to the age and gender of the youth, the influence of the youth's ethnicity on dispositions has been examined. The majority of studies differentiate ethnicity on the basis of white versus non-white or black (Cohen & Kluegel, 1978; Horwitz & Wasserman, 1980; Thomas & Cage, 1977). Ethnicity as measured by such categories does not appear to substantially contribute to disposition severity (Cohen & Kluegel, 1978; Horwitz & Wasserman, 1980; Niarhos & Routh, 1992; and Phillips & Dinitz, 1982). In contrast however, one study has found black youths more likely to receive harsher dispositions than white youths when type of offence and prior record were controlled, though this influence was small (Thomas & Cage, 1977).

In Canada, native youths are over-represented in the young offender population (LaPraire,

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1992) and the few studies that have examined this factor have found an effect of native ethnicity on dispositions. One study has reported that native young offenders are more likely to receive severe dispositions than white or 'other' ethnic groups even when court specific influences (i.e., prior records, plea, number of offences, and legal counsel status) were controlled (Schissel, 1993). An example of this native ethnic influence is represented in the finding that native youths with prior records tend to commit less serious crimes than non-native youths, but still receive more severe dispositions than white youths (Schissel, 1993). A small influence of native ethnicity on dispositions has also been reported by Kueneman and Linden (1983) among young offenders in Winnipeg when controlling for age, legal factors, whether the youth attended school or was employed, family status, and social class. However, Kueneman and Linden (1983) indicated that the influence of ethnicity was minor relative to the influence of prior record and seriousness of offence. Hence, these findings suggest that native young offenders may be treated more harshly by courts than non-natives in terms of dispositions, but as found with age and gender, the influence is only minor relative to the impact of legal factors.

Other more social or environmental influences on court dispositions have been explored. For instance, several studies have indicated that judges tend to hand down less severe dispositions to youthful offenders who attend school or are employed (Cohen & Kluegel, 1978; and Kueneman & Linden, 1983). Examination of this effect revealed an interaction between prior record and activity level (Cohen & Kluegel, 1978). Those juveniles with a prior record, but who were active (attending school or work), received a less severe disposition than would otherwise have been expected (Cohen & Kluegel, 1978). In addition, Kueneman and Linden (1983) found that activity status together with seriousness of offence and prior record significantly predicted

court dispositions, and explained 31% of the variance in dispositions (Kueneman & Linden, 1983). Thus, whether a youth goes to work or school may impact on his or her final court disposition.

Some research has considered the impact of family factors on court dispositions. For instance, Thomas and Cage (1977) have found that youths who came from broken homes were more likely to receive harsher dispositions than youths who had resided with both parents. This effect disappeared however, when controls for offence seriousness and prior record were imposed. Although Kueneman et al. (1992) found a significant, though weak, association between family intactness (single versus dual parent) and dispositions, family intactness did not significantly contribute to the prediction of disposition when other legal and offender characteristics were controlled.

Instead of focusing on family intactness, Horwitz and Wasserman (1980) have found that family problems were more significantly related to court disposition than school problems in 464, 14-15 year old arrestees within one juvenile court. In addition, youths who had dropped out of school were more likely to receive harsher dispositions than offenders who attended school (Thomas & Cage, 1977). Horwitz and Wasserman (1980) further reported that among those youths who had school or family problems, the seriousness of the crime had a strong influence on whether the youth would receive a custody disposition.

Psychological Characteristics. Wierson, Forehand, Frame, and Kempton (1992) have conducted an extensive literature review on the epidemiology of mental health problems among juvenile delinquents. In their review, Wierson et al. (1992) indicate that one of the categories potentially important to the prediction of delinquency and recidivism are mental health disorders

such as psychopathology, personality disorders and cognitive impairment. According to McManus, Alessi, Grapentine and Brickman (1984), the prevalence of mental disorders is high among serious, repetitive juvenile delinquents, but it is often overlooked. Thus, it can be argued that it is essential that the mental health of the youth be considered in the formulation of court dispositions in order to effectively meet the youth's needs as endorsed by Child Welfare, Corporatist, and Modified Justice Models of juvenile justice. Dispositions that do not consider mental health factors may not meet the needs of the youth in areas such as substance abuse, suicidal behaviour, and psychopathology.

To more closely examine the role of clinical assessments in juvenile court dispositions Niarhos and Routh (1992) examined the assessment reports and court records of 234 randomly selected male youths referred by the court for clinical evaluation in Florida. The psychological assessment reports of delinquent youths were content coded for variables potentially impacting on a judge's disposition. Some of the variables obtained through this coding procedure included demographic characteristics, family composition and functioning, intellectual/social functioning, and treatment recommendations. Surprisingly, the number of prior arrests and detention of the youth prior to the adjudication hearing were the only factors that significantly contributed to the prediction of disposition. However, these two legal factors accounted for only 25% of the variability in dispositions. None of the psychological variables, with the exception of substance abuse and academic achievement, were significantly associated with disposition in zero-order correlations and none were included in the prediction of dispositions. These findings suggest that 75% of the variation in final court dispositions is left unexplained. Based on their findings Niarhos and Routh (1992) suggested that assessment reports have little influence on court dispositions.

Psychologists' recommendations for placement of the youth were moderately associated with final court dispositions in Niarhos and Routh's (1992) study, but recommendations did not contribute to the prediction of court disposition once legal variables were considered. Niarhos and Routh (1992) suggest that for mental health workers, the number of previous arrests and the decision to detain youth prior to adjudication are the most important factors considered when making their recommendations. If this is the case, clinical reports may simply be predictors of court dispositions and have no additional significant impact. Thus, it has been suggested that assessment reports may merely represent a "pretense in response to the court's mandate for individualized, rehabilitative decision making." (Niarhos & Routh, 1992, p. 156.)

There are several limitations to Niarhos and Routh's (1992) study. First, it is unclear if their findings are generalizable to the dispositions of female offenders as only males were considered in their study. A second limitation involves the exclusion of potentially important variables due to missing data. Niarhos and Routh (1992) were unable to investigate the influence of instability of living arrangements since birth, evidence of emotional or behavioural disorders, capacity to form interpersonal relationships, or the capacity to benefit from treatment. Each of these excluded factors, in particular emotional and behavioural disorders and the capacity to benefit from treatment, may have potentially contributed to the prediction of court dispositions. Therefore, because these factors were not included in their analyses their impact on dispositions remains inconclusive and the influence of assessment reports remains unclear.

Other researchers have attempted to more thoroughly examine the relationship of psychological based factors on court dispositions. After taking prior custody and number of serious current offences into consideration, Hoge et al. (1995) attempted to account for the

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remaining variance in dispositions by investigating the influence of situational/personality factors included in the Youth Level of Service Inventory (YLSI) in predicting probation, open custody and secure custody placement. The YLSI, developed by Andrews, Robinson, and Hoge (1984), assesses a number of different risk factors (i.e., criminal history, home environment, and personality variables) associated with criminal behaviours that differentiate young offenders according to risk level for re-offending (Simourd, Hoge, Andrews, & Leschied, 1994). In their study, Hoge et al. (1995) retrospectively coded predisposition reports prepared by probation officers for the court according to the YLSI.

Thirty items from the YLSI were used by Hoge et al. (1995) to form scales reflecting six situational/personality factors that included family relationships, parental structuring, peer association, antisocial attitudes, conduct/personality, and the education of the youth. Partial correlations, with the effect of the number of serious current offences and prior custody removed, showed significant positive, but low correlations (range of .11 to .17) for each of these six situational/personality factors with the severity of disposition. These results suggest that psychological factors may be considered in disposition decision making. However, when these variables were included in the prediction of disposition, a youth's prior custody placement and the number of current serious offences continued to significantly contribute to the prediction of court disposition, but of the six situational/personality scales only antisocial attitudes contributed significant information beyond these legal factors. Antisocial attitudes included consideration of values, beliefs and rationalizations concerning such factors as the crime and the victim, whether the youth recognizes that he or she needs psychological help or is actively resisting help, defiant behaviour, and callousness. Legal factors alone accounted for 32% of the variance in disposition

and age and gender did not contribute additional predictive information. Antisocial attitudes together with legal variables accounted for only 34% of the variability in youth court dispositions (Hoge et al., 1995); thus a substantial portion of the variability in dispositions remained unexplained.

The frequency of variables coded from predisposition reports and the amount of missing data was not specified in Hoge et al., (1995). Therefore, it is unknown as to whether Hoge et al., (1995) had difficulties with missing data as had Niarhos & Routh (1992).

#### Agreement Between Mental Health Recommendations and Final Disposition

Another method of determining whether mental health resources play a role in disposition decisions is to examine the court's use of recommendations offered to the court by mental health professionals. However, few studies have examined this relationship in the juvenile justice setting. Some studies using adult offenders have demonstrated that judges' decision making can be influenced by mental health recommendations (e.g., Quinsey & Maguire, 1983; Webster, Menzies, Butler, & Turner, 1982; Williams & Miller, 1981) and the agreement between recommendations and judges' decisions have been reported as high. For example, Menzies et al. (1982) found that among adult offenders, mental health recommendations for custody were met with custody dispositions in 73% of the recommendations, although recommendations for hospitalization were not as frequently met (59%). Thus, literature on adult offenders suggests that judges make use of mental health recommendations when engaging in judicial decision making.

A study conducted in Britain by Osborne (1984) has examined the agreement between final court dispositions and recommendations made by probation officers and social workers in Social Inquiry reports which are similar in purpose to Canada's predisposition reports. Although

there were differences in the focus of these reports in that probation officers tended to follow more of a Justice Model and social workers adhered to more of a Child Welfare Model, the overall agreement between recommendations and dispositions was 79% for probation officers' recommendations and 69% for social workers' recommendations. This difference was nonsignificant, but it does suggest a trend in which British magistrates were more likely to accept justice based recommendations, than those that were welfare based. It should be noted that welfare based recommendations tended to be harsher (e.g., custody) in this study than justice based recommendations. Thus, British magistrates may have been less willing to accept the harsher recommendations offered by welfare oriented professionals. This study provides partial support for the hypothesis that judges use or are influenced by recommendations provided by professionals who assess and provide information about a youthful offender.

Two studies have specifically examined the agreement between mental health recommendations and disposition. In their Canadian study of young offenders, Jaffe, Leschied, Sas, and Hustin (1985) found that a little over 80% of the recommendations made through a Section 13 assessment were accepted by the court. This figure is somewhat higher than the 47% agreement reported by Kelly (1978). However, the latter study was based on the American judicial system, it used a more dated data base, and included the category of status offenders which greatly increased the discrepancy between disposition and recommendations. It is expected that if the category of status offenders been excluded in Kelly (1978), the agreement between clinical recommendations and final disposition would have been much higher. In addition, unlike Kelly (1978) Jaffe et al., (1985) did not define how agreement was measured. Thus, it is also possible that this disparate result may be a consequence of different measures of agreement used



in these two studies.

Jaffe et al. (1985) suggest the high agreement between recommendations and disposition found in their study indicated that the perception of the youth's problem by the court and by clinicians are compatible. However, it should be noted that some gender differences were found in Jaffe et al. (1985) in that the court was more likely to reject the recommendations made for female young offenders (12.8%), than those made for male youths (6%).

### Methodological Considerations of Previous Research

Little research has been conducted on the influence of mental health factors on court dispositions. The self-reports of judges, lawyers, and probation officers indicate that psychological factors, such as the personality of the youth, the youth's treatment needs, mental condition, and whether the youth has a substance abuse problem are perceived by these professionals as relevant factors in the formulation of court dispositions (Sanborn, 1996). However, there are inherent problems with research designs that rely solely on self-report, such as retrospective biases that may result from participants' attempts to justify and rationalize their decisions or actions (Scarpitti & Stephenson, 1971).

There are a number of reasons why inconsistencies in the impact of legal and substantive factors on court disposition are found and why a large portion of the variability in youth court dispositions remains unexplained. First, inconsistencies in the influence of legal and substantive factors on disposition may reflect the idiosyncratic nature of the particular court under investigation (Hoge et al., 1995; Horwitz & Wasserman, 1980; and Niarhos & Routh, 1992). The limited number of studies conducted in this area makes further research essential to elucidate idiosyncratic elements of disposition decision making from more stable influences.

Second, it is possible that the limited ability of previous studies to predict juvenile court dispositions (e.g., 34% in Hoge et al., 1995; 26% in Horwitz & Wasserman, 1980; 31% Kueneman & Linden, 1983; and 24% in Kueneman et al., 1992) may be due to the failure of these studies to include more psychological factors such as the youth's mental health. Instead, the few available studies have focused largely on legal (prior record and current offence) and demographic variables such as age, gender or race. It should also be noted that as a result of inconsistent measurement of the severity of court dispositions and of the potential legal and substantive factors impacting on those dispositions, it is difficult to ascertain the true influence of these factors on dispositions (Hoge, Andrews, & Leschied, 1995). For instance, different age ranges of the youthful offenders are often represented across studies, such as 12-17 years in Hoge et al., (1995), versus 8-18 years in Niarhos and Routh (1992).

Third, the few studies (e.g., Hoge et al., 1995; and Niarhos & Routh, 1992) that have attempted to include more psychologically oriented characteristics of the youthful offender (e.g., family factors, and psychopathology) have typically relied on information available in court and clinical records. However, the manner in which this information was originally measured was not specified (e.g., Horwitz & Wasserman, 1984). As well, some of the psychosocial factors assessed do not necessarily reflect useful information about the youth's psychological functioning or environmental circumstances which may have contributed to his or her criminal behaviour. For example, the family environment of youths tends to be measured according to the person(s) with whom the youth resided at the time of the crime, such as both parents or foster care (e.g., Kueneman et al., 1992; and Thomas & Cage, 1977). This manner of measuring family environment does not have the ability to determine the quality of the youth's home life or family

functioning. Horwitz and Wasserman (1980) attempted to incorporate information about youths' problems with his or her parents or school. However, only the presence or absence of these problems were measured, rather than the severity, which may limit its usefulness in predicting dispositions. In addition, the reliance on court records and clinical reports alone limits the type of variables that can be drawn out of the records relative to having access to the raw data on which the information was based.

Another limitation to the previous research has been the use of incomplete and/or dated court records. Niarhos and Routh (1992) were forced to exclude a great deal of potentially important psychologically oriented variables from their analyses because of missing information from the records. Therefore, as a result of missing data a great deal of information about the youth which may have been relevant to court dispositions went unaddressed. As well, the use of dated court records (e.g., records from 1981 in Kueneman et al., 1991) may not necessarily be representative of current trends in judges' decision making. It should also be noted that much of the research focusing on court dispositions has used the American juvenile justice system. There are similarities between the American and the Canadian systems, but it is possible that factors considered by judges when making decisions about dispositions differs between the two countries. Thus, use of more recent and complete Canadian court and clinical records may reveal a different array of influential factors on court dispositions.

Gendreau and Ross (1979) suggest that personality and environmental interactions, that impact on youthful offenders, can have a significant impact on the youth both by providing the means to change his or her delinquent behaviour and by supporting the youth's emotional needs. However, in many cases, it has been argued that such factors as a youth's behavioural and

personality characteristics tend to be based on informal and unstructured assessments (e.g., Hoge et al., 1995). This informality may result in ineffective decision making as a result of invalid inferences based on inaccurate information about youths (Hoge & Andrews, 1996). Thus, investigators have called for the use of more standardized and structured instruments to assess the psychological functioning of youths whose reports are submitted to the court (Hayes & Peltier, 1983; Hoge and Andrews, 1996; and Niarhos & Routh 1992). The use of standardized psychological instruments in such areas as aptitude and achievement, personality, behaviour, interview schedules, attitudes, and environmental factors will thus provide more valid assessments (Hoge & Andrews, 1996).

Finally, disposition measures used in previous research have tended to be crude and frequently do not consider either length of custody or probation time, but rather focus on general types of disposition. The consideration of punitiveness and rehabilitation on the same disposition (i.e., custody time with treatment recommendations) is often ignored when measuring dispositions. In addition, the use of multiple regression in the majority of studies attempting to predict dispositions have relied on an ordinal dependent variable to measure disposition severity (e.g., Hoge et al., 1995; Horwitz & Wasserman, 1980; Kueneman et al. 1992; and Niarhos & Routh, 1992). Although Niarhos and Routh (1992), and Horwitz and Wasserman (1980), acknowledge the limitations to using multiple regression with an ordinal dependent variable, they argue that these analyses still have the ability to weed out variables of little importance to court dispositions. However, such limited ordinal measures of disposition severity may render the analysis less sensitive to less robust predictors. It is possible that the influence of some factors, such as social or psychological factors, may have been underestimated because of these statistical

procedures and may actually contribute significantly more to the prediction of court dispositions than has been previously indicated. Thus, the contribution of psychologically oriented characteristics of youths to the determination of court disposition remains unclear.

### The Present Study

It is clear, from the studies reviewed above, that the legal characteristics of the youth are the most influential factors in determining court dispositions. However, the role of psychological factors in such disposition decision making remains unclear. According to Hoge and Andrews (1996), Canada is currently following a Modified Justice Model; and as such, it is expected that psychological factors as represented in a court requested assessment report will be relevant to the determination of dispositions. Two methods of examining the influence of Section 13 reports were undertaken in the present study to further develop research on the contribution of mental health factors to youth court dispositions.

The first goal of the present study was to determine the influence of mental health factors in the prediction of court dispositions for young offenders. These mental health factors (e.g., quality of family relationships, behavioral problems) were drawn from comprehensive clinical assessment reports prepared for the court under Section 13 of the YOA. The coded Section 13 variables were assessed in terms of their ability to predict court dispositions type, as well as the length of probation and custody dispositions. The present study used a more complete data set than that used by Niarhos and Routh (1992), and as such, it was possible to examine previously excluded psychosocial factors potentially predictive of disposition. In addition, the psychosocial information about young offenders used in the present study was originally obtained from predominately structured standardized assessment instruments. Thus, according to Hoge and

Andrews (1996), the Section 13 reports used in the present study should yield more valid assumptions and inferences about young offenders than found when less structured measures are used.

A substantial contribution of these psychosocial factors to the prediction of disposition above and beyond legal and demographic factors, would support the hypothesis that information available to judges through clinical assessment reports influences the disposition decision. However, if these coded variables do not predict dispositions, this would suggest that Section 13 reports do not impact on disposition decision making beyond the consideration of legal and demographic variables.

The second method of assessing the role of the Section 13 clinical report in determining court dispositions was to examine the agreement between Section 13 disposition recommendations and judges' dispositions. Support for the hypothesis, that judges consider and use clinical reports, would be obtained if the agreement between recommendations provided by mental health professionals and final court dispositions was high. As found in Jaffe et al. (1985) it is expected that there will be a high level of agreement between final court dispositions and the dispositional recommendations provided in Section 13 reports.

## Methods

### Participants

The court and clinical records of 76 male and female young offenders were used in the present study ( $M$  age = 14.91 years,  $SD$  = 1.44). Records used were of youths consecutively referred under Section 13 of the YOA to the Lakehead Regional Family Centre (LRFC) for assessment by a mental health team prior to final disposition. The mental health team consisted of

social workers, psychometrists, a psychologist, and a psychiatrist. Originally, 42 mental health reports and the corresponding legal history were collected for the purposes of this study between March 1996 and January 1998. To increase the sample size, 34 additional reports and associated legal history prior to this period were used dating as far back as September 1994. Both sets of reports were completed by the same staff except for the change in one social worker and one psychometrist.

No statistical differences were noted between the two data sets on demographic factors (age, ethnicity, gender) and there were few differences on any of the 12 legal, 17 psychosocial variables, or mental health recommendations examined in the present study. Chi square analyses indicated that the only variables to show dependence on pre-study and study group categories were parental substance use, family financial difficulties, whether restitution/fine were part of the disposition, and whether the crimes involved family members as victims,  $\chi^2 (1, N=76) = 4.06, p = .044$ ;  $\chi^2 (1, N=24) = 4.53, p = .033$ ;  $\chi^2 (1, N=69) = 4.45, p = .035$ ; and  $\chi^2 (1, N=73) = 5.87, p = .015$ , respectively. Hence, study reports tended to report more moderate/severe parental substance use problems (52%) and financial difficulties (92%), than pre-study reports (29% and 54%, respectively). A greater percentage of offenders tended to have committed at least one current offence involving a family member as the victim according to pre-study reports (48%), and have a greater percentage of offenders who received restitution as part of their current disposition, than had offenders from the study period (21% and 5%, respectively). Thus, as differences between sample groups were small, pre-study and study groups were combined into one larger sample of 76 cases for analyses.

Offence and demographic characteristics of the offenders referred for the Section 13

assessments used in the current study are shown in Table 2. The sample consisted of predominately non-native (73%) and male (72%) young offenders. Youths primarily resided with dual or single parents (79%) rather than other relatives, foster care or group homes (12%) at the time of the offence. In general, almost half of the sample had no prior criminal history, whereas 1/4 had committed at least one serious offence (e.g., common assault, sexual assault) and 1/4 had committed only non-serious offences in the past (e.g., theft < \$5000, mischief, failure to comply) with a median of 1 prior offence. Among offenders with criminal records, 47% had previously received probation as the most serious disposition, and 41% had been previously sentenced to custody. Seventy-one percent of youths had committed at least one serious current offence that brought them before the court, with a median of 2 current offences committed. As a consequence of the current offence, the more frequent dispositions were probation (93%) and custody (53%). There was much variability in the length of custody youths received as part of their current disposition, but youths tended to be sentenced to a median of 3 months ( $M = 142$  days;  $SD = 131.14$ ). The mean length of probation given as part of the current disposition was 17.50 months ( $SD = 6.02$ ).

### Measures

Past and Current Offence Seriousness. Information about the seriousness of current and past offence(s) was obtained from each youth's official record received by Probation Services. Offence seriousness was measured in two ways in order to capture both the type of offence committed, and the number of crimes committed by the youth. First, seriousness of offence was measured according to whether a youth had currently or previously committed a serious offence. It was possible to be convicted of more than one offence (e.g., shoplifting and assault), and



therefore, only the most serious offence committed by the youth was used. The determination as to whether an offence was considered serious was based on a serious offence list used by Hoge et al. (1995) which was originally based on McDermot (1983). As presented in Hoge et al. (1995), the following offences were considered serious offences: murder, manslaughter, attempted murder, wounding/assault, common assault, assault-bodily harm/aggravated assault, assault with weapon, sexual assault, robbery, armed robbery, robbery with violence, assault/intent to rob, assault to resist arrest, assault of a police officer, break and enter with intent, break/enter/theft, theft over \$5000, auto theft, arson, and drug trafficking. The second method of measuring offence seriousness was the chronicity of offending as indicated by the number of previous offences committed by the youth, and the number of current offences with which the youth was convicted.

Past and Current Disposition Severity. Young offenders' prior dispositions, and the current court disposition were obtained from each youth's official record received by Probation Services. Whether youths received custody, probation order, residential treatment order, community service order, or fine/restitution as part of the final court disposition was recorded separately. Such a method of recording disposition allowed for the assessment of the frequency with which each type of disposition was rendered even in decisions where multiple dispositions were made.

As it was possible for young offenders to receive dispositions of varying degrees of severity within a single sentence (e.g., disposed to closed custody to be followed by probation), only the most severe past disposition and the most severe current disposition were used as a measure of disposition for some analyses. The most serious current disposition received by the youth and the most serious prior disposition were defined as ordinal variables in which the following categories were coded for both variables; fine/restitution, community service order,

residential treatment order, probation order, or custody (either secure or open custody). Within an ordinal framework, custody was treated as the most serious form of disposition that a youth may receive relative to the other levels. To further capture the severity of disposition, measures of the length of current probation (in months) and of the total amount of days disposed to custody were used.

Section 13 Report and Recommendations. Comprehensive Section 13 clinical assessment reports were used. The Section 13 reports were made available to the judge prior to disposition and were based on information provided by psychometric data, interviews and clinical impression typically used in the assessment protocol for young offenders at LRFC. The 46 cases originally examined for the current study were specifically based on a standard protocol for such assessments at LRFC and thus reports were based on well established measures including the Child Behaviour Checklist (CBCL; Achenbach, 1991); Youth Report Form (YRF; Achenbach, 1991), Social Skills Rating System (SSRS; Gresham & Elliot, 1990), Personal Experience Screening Questionnaire (PESQ; Winters, 1991), McMaster Family Assessment Device General Functioning Subscale (FAD, GF Subscale; Epstein, Baldwin, & Bishop, 1983), Minnesota Multiphasic Personality Inventory - Adolescent (MMPI-A; Butcher, Williams, Graham, Archer, Tellegen, Ben-Porath, Kaemmer, 1992), Jesness Personality Inventory (Jesness & Wedge, 1985), Rorschach Structural Summary (Exner, 1995), as well as extensive clinical interviews and clinical judgement. Thus, information was obtained about any externalizing or internalizing behaviour problems, social skills deficits, substance abuse, family dysfunction, and personality. Although standardized assessment tools were also used among the pre-study group, the explicit nature of these measures are unknown as this second group of reports were written prior to the

development of a specific assessment protocol. However, given the few differences previously reported between pre-study and study data, it was assumed that similar information was contained in reports from both groups.

Also contained in the Section 13 reports were recommendations to the judge as to what approaches (i.e., dispositions) might best meet the needs of the youth. The disposition recommendations were categorized according to whether or not a disposition of fine/restitution, community service order, residential treatment order, probation order, and/or custody were among the recommendations for each young offender. Multiple recommendations were often made, and therefore these recommendation categories were not considered mutually exclusive. Other mental health recommendations were also possible (e.g., psychiatric follow up, counselling, Adolescent Sex Offender Program, and community support team) and were also considered in the present study as non-mutually exclusive recommendation categories.

### **Design and Procedure**

The present study was prospective in design and used data obtained through ongoing assessments of young offenders who were referred by the court under Section 13 of the YOA. The information about young offenders used in the present study was obtained through the normal procedures used by the psychology, social work and psychiatry mental health team at LRFC for Section 13 assessments. A social worker conducted an assessment of family dynamics, while the psychometrist or psychologist conducted a psychological assessment on the offender, and if requested a psychiatric assessment was also conducted. Therefore, the data available for examination only included information normally collected by staff at LRFC for a court requested assessment of a young offender. Information from the court and clinical case files were

confidential and at no time was the principle investigator involved in these assessments.

Coding Process of Section 13 Reports. A process similar to that used by Niarhos and Routh (1992) was used to content code the Section 13 assessment reports. Coded variables included family variables (e.g., youth's living arrangements, overall quality of home conditions), and young offender variables (e.g., externalizing/internalizing problems, substance abuse). The development of the items for the coding system were drawn from modification of similar items used in Niarhos and Routh's (1992) system, information measured by psychometric data in the standard battery, and items conceptually considered relevant to the offenders= functioning. The coding system was pre-tested and developed on 18 non-study Section 13 reports until it was considered adequate for use in the current study. These items and their original coding schemes are shown in Appendix A. The principle investigator coded each of the variables from the most recent Section 13 assessment report written for a young offender. Some of the items were reversed scored to reduce rater response bias.

The quality of the offender's home conditions was calculated based on the scores of items 10a, 10b, 10c, 10d, 10e, 10g of the coding system. These items were selected for their face validity in assessing the quality of the home conditions and their good inter-rater reliability to be discussed in the results section. The total score of quality of home conditions was based on dichotomous ratings of the six items, rather than their ordinal scale, as a result of lower inter-rater reliability of some items when measured ordinally. This condensed score was used in order to reduce the number of variables under examination, while maintaining a measure of overall home quality. Scores on these six items were totalled to yield an overall score for the quality of home conditions in which higher scores suggest poorer quality. Internal reliability analysis for these six

items was considered acceptable at an alpha of .72 suggesting that the items were reasonably homogenous.

Twenty percent (15) of the Section 13 reports were coded by a second rater to establish inter-rater reliability of the coding system for each item. Reliable agreement between raters was measured in two ways. First, by dividing the total number of agreements between raters by the sum of the total number of agreements and disagreements between raters and multiplying by 100. Percent agreement greater than or equal to 70% were considered adequately reliable. Second, to control for chance agreement, the Kappa statistic was used to assess inter-rater reliability of individual items where a Kappa greater than or equal to .69 was considered acceptable if the percent agreement was above 70%. Items not reliably coded or represented in more than 40% of the reports were excluded from analyses because of their limited utility.

Informed consent to use legal and case records of young offenders was obtained from the Lakehead Regional Family Centre Board of Directors (Appendix B). Ethical approval was also granted from the Ethics Advisory Committee of Lakehead University (Appendix C).

### Results

SPSS for Windows Version 6.1.3 (1995) was used to screen the data for errors, assess inter-rater reliability of the coding system, examine assumptions underlying inferential analyses, and to conduct predictive analyses. Descriptive statistics were calculated to describe the sample and the legal and psychosocial variables examined in the present study. A correlation matrix (Table 3) incorporating Phi, Spearman, Pearson, and Point-Biserial correlations, depending on the measurement scale, was used to assess the pattern of relationships among these variables. An alpha of .05 was used to determine significance across all analyses unless otherwise indicated.

Inter-Rater Reliability.

As shown in Table 4, the inter-rater reliability of the coding system ranged from Kappa's of .40 to 1.00 for items as originally coded from Section 13 reports with a mean Kappa of .66 for psychosocial items and .91 for recommendations. It was decided to convert those psychosocial variables with low inter-rater reliability (Kappa < .70) from severity ratings into dichotomous measures of whether a substantial problem was noted or not, in order to permit use of these items in analyses. With these modifications, the inter-rater reliability of the items was improved to yield an overall Kappa of .78 for the psychosocial variables. The corresponding Kappa's for dichotomous items are displayed in Table 4. The dichotomous scores of the six reliable family items combined to yield an overall score representing the quality of home conditions demonstrated good inter-rater reliability @ (13) = .96,  $p < .000$ ). This combined score was used in all subsequent analyses rather than the individual family items. The items measuring the current impact on the youth of witnessing family violence, internalizing behavior problems, and the capacity for self-control were excluded from analyses as these items had low inter-rater reliability. In addition, the item assessing the general severity of economic problems within the family was excluded from further analyses as it was represented in only 32% of reports.

Content of Section 13 Reports

The coding system gathered information from Section 13 reports about a range of factors that are potentially impacting on the offender. The content of reports indicate that the mean quality of home conditions for these offenders referred for assessment was 2.87 ( $SD = 1.93$ ) out of a maximum possible score of 6 (very poor quality) and a minimum score of 0 (very good quality). Thus, the average quality of home conditions was at a moderate level.

As shown in Table 5, the majority of reports contained information commenting on school performance and attendance, externalizing problems, substance use of parents and youth, quality of parent supervision and discipline, quality of relationship with significant caregivers, and social skills. However, 68.4% (52) of reports made no mention of the general severity of economic problems experienced by the family, 43.4% (33) of reports failed to describe the risk of re-offending for the youth, 32.9% (25) of the reports did not indicate whether the youth associated with delinquent peers, 18.4% (14) did not contain information related to the capacity to benefit from treatment, and 18.4% (14) failed to indicate the youth's capacity for empathy. However, only one report did not contain information relevant to determining the youth's level of social skills. In only 2.6%(2) of the reports was the quality of maternal relationships with the offender absent from the report, compared to 9.2% (7) of reports which did not indicate the quality of relationship with a father-figure.

#### Predictive Models of Disposition Characteristics

The data set was screened for normality, linearity, and homoscedasticity where appropriate to ensure assumptions were met for the sequential logistic and multiple regression analyses and to maximize the power in these analyses. Evaluation of the distributions of continuous predictors lead to the square-root transformation of the number of prior offences and the number of current offences to reduce positive skewness and improve linearity and normality. The transformed values were used in all subsequent analyses. Demographic and legal factors were held constant across both sets of predictive analyses and were respectively entered in the first and second steps of these regressions. In other words, the first step controlled for the youth's age in months at the time of his/her adjudication, whether the youth was native, and the youth's gender.

The second step included whether at least one of the youth's current offences were serious, the number of prior offences, and the number of current offences. The seriousness of the past offences was not entered as it was highly associated with the number of prior offences ( $r = .80, p = < .0001$ ), and thus provided redundant information. To reduce the ratio of predictors to the sample size, and maximize the power in the logistic and multiple regression analyses, only those psychosocial factors univariately correlated (Table 3) with the corresponding dependent variable (i.e., custody vs. probation; length of probation) were used.

Probation versus Custody. A sequential logistic regression analysis was performed to assess the contribution of legal and psychosocial factors to the prediction of membership in one of two types of the most serious current disposition (probation or custody), while controlling for demographic factors. Of the original 76 cases, 10 were deleted due to missing data and one case was removed as a residual outlier. The sample size for those offenders disposed to secure custody was too small to reasonably conduct a similar analyses with secure versus open custody. Although associated with whether the youth received probation or custody, the capacity for empathy was not included in the logistic regression analysis due to missing data (18%) which substantially decreased the sample size on which the analysis was performed. Hence, inclusion of the capacity for empathy would have substantially reduced the power of this analysis.

It should be noted that examination of the expected cell frequencies among pairs of discrete variables included in the logistic regression indicated that 25% of these frequencies were less than 5 in the following pairs; ethnicity by gender, ethnicity by seriousness of current offence, and gender by seriousness of current offence. This limitation among these pairs of variables has the potential to decrease the power of the logistic regression (Tabachnick & Fidel, 1996).



However, preliminary models with and without gender and ethnicity demonstrated a similar pattern to that found when these factors were controlled on measures of model fit and unique predictors, and the percentage of cases correctly classified. Hence, the impact of this limitation was considered minimal.

As shown in Table 6, demographic characteristics of age in months, whether the youth was native, and the gender of the offender did not as a group significantly contribute to the likelihood of receiving a custody disposition relative to the constant only model,  $\chi^2 (3, N = 65) = 3.36, p = .3399$ . However, Step 2 of the analysis was able to significantly improve the model with the inclusion of legal factors (serious current offence, number of prior offences, number of current offences),  $\chi^2 (3, N = 65) = 19.33, p = .0002$ . The final step demonstrated that the model was further significantly improved beyond information provided by demographic and legal factors, with the inclusion of the psychosocial variables (quality of home conditions and seriousness of substance abuse factors),  $\chi^2 (2, N = 65) = 15.15, p = .0005$ . Overall, the full model significantly contributed to the likelihood of receiving custody more so than the constant only model ( $\chi^2 (8, N = 65) = 37.84, p < .0001$ ) and correctly predicted 86.15% of the cases as either receiving custody or probation as the most serious disposition. Prediction was slightly better for probation (87.10%) than for custody (85.29%). Hosmer and Lemeshow's Goodness-of-Fit test demonstrated that the full model was a satisfactory fit to the data,  $\chi^2 (7, N = 65) = 3.60, p = .8246$ .

Caution must be used when interpreting Wald  $\chi^2$  statistics as a means of determining the unique contribution of predictors relative to others in the model (Munroe, 1997). However, it was assumed that as the unstandardized coefficients were not large, and the associated standard errors were small, the significance of the Walds would not be underestimated. Thus, according to the

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Wald statistic, the only significant unique predictors of disposition type were the number of current offences, the quality of home conditions and whether the youth abused substances, Walds (1) = 4.25, 7.63, 3.87; ps = .0393, .0057, .0491, respectively. With a one unit increase in the number of current offences, youths had 5.19 greater odds of receiving a custody disposition. In addition, with a one unit increase in the severity of poor home conditions, young offenders had 2.04 greater odds of receiving custody as the most serious disposition, and one unit increases in the severity of personal substance use increased the odds of receiving custody by 2.75. However, based on the square of the partial correlations shown in Table 6, the amount of variance explained by these unique predictors was small; 3.3% explained by the number of current offences, 8.4% by severity of poor home conditions, and 2.8% by the seriousness of the youth's substance use.

Univariate analyses were used to examine these relationships more closely at an alpha of .017 (.05/3) to control for multiple comparisons. An Analysis of Variance (ANOVA) revealed that youths disposed to probation had significantly fewer current offences (M = 1.39, SD = .467), a better mean score on quality of home conditions (M = 2.02, SD = 1.774), and a Kruskal Wallis ANOVA demonstrated that they had a lower level of substance use (Mean Rank = 27.51) than was evident in those disposed to custody (Ms = 1.76, 3.66, SDs = .523, 1.48; Mean Rank = 46.46, respectively), Fs (1, 72) = 10.57, 18.64, ps < .0018, .0001; X<sup>2</sup> (1, N = 74) = 16.12, p = .0001, respectively.

Length of Probation. A sequential multiple regression analysis was used to determine if legal and psychosocial factors contributed additional information to the prediction of length of probation once demographic factors were controlled. Of the original 76 cases, 24 were deleted as a result of missing data and one case was removed as an univariate residual outlier. Using an alpha

value of .05 for the criterion of the Mahalanbois distance, no multivariate outliers were identified. Table 7 displays the standardized regression coefficients, adjusted  $R^2$  and the incremental changes in  $R^2$  with the three sequential steps in the analysis. Unlike, the logistics regression analysis, the capacity for empathy was included in the multiple regression as this robust analysis was found to display a similar pattern of predictors when the variable was removed and the sample size increased.

As shown in Table 7, Step 1 of the multiple regression analysis demonstrated that demographic factors of age in months, ethnicity, and gender did not significantly contribute to the prediction of the length of probation ( $_{adj} R^2 = .013$ ),  $F(3, 47) = .1.22$ ,  $p = .312$ . However, legal factors were able to significantly contribute to the explanation of variance ( $R^2_{ch} = .30$ ),  $F_{ch}(4, 43) = 5.06$ ,  $p = .002$ . Once the effect of demographic and legal factors were controlled, psychosocial factors of externalizing problems, substance use, capacity for empathy, and quality of home conditions were found to significantly contribute as a group to the prediction in Step 3 ( $R^2_{ch} = .16$ ),  $F_{ch}(4, 39) = 3.23$ ,  $p = .021$ . Overall, the inclusion of demographic, legal and psychosocial factors accounted for 39% (adjusted  $R^2$ ) of the variability in the length of probation youths received, and the psychosocial factors accounted for 16% of this variability beyond what had already been explained by demographic and legal factors.

As shown in Table 7, standardized regression coefficients for predictors indicate that the only legal variable to uniquely contribute to the prediction of length of probation was whether the youth had been disposed to serve a custody sentence in addition to a probation order ( $\beta = -.30$ ),  $t(39) = -2.09$ ,  $p = .043$ ), whereas the seriousness of the current offence, and the number of prior and current offences did not uniquely contribute,  $t_s(39) = .225, -.093, -1.94$ ,  $p_s = .823, .926$ ,

.059. Among the psychosocial factors included in Step 3 of the analysis, only externalizing problems significantly provided unique information to the prediction of length of probation relative to the other variables in the model ( $\beta = -.43$ ),  $t(39) = -3.07$ ,  $p = .004$ ), but the quality of home conditions, substance use, and capacity for empathy did not,  $t_s(39) = 1.94, -.39, -1.27$ ,  $p_s = .234, .698, .213$ . Specifically, shorter probation periods were associated with receiving custody dispositions in addition to a probation order and the presence of externalizing problems.

Univariate ANOVAs, at alpha .025 (.05/2) to control for multiple comparisons, revealed that youths with externalizing problems and those disposed to custody in addition to probation had significantly shorter probation periods ( $M_s = 16.76, 14.60$ ,  $SD_s = 5.66, 4.91$ , respectively) than those without externalizing problems ( $M = 23.25$ ,  $SD = 5.95$ ) and not disposed to custody ( $M = 20.40$ ,  $SD = 5.67$ ),  $F_s(1, 68) = 9.21, 20.91$ ,  $p_s = .003, .000$ . In addition, univariate point-biserial correlations indicated that the presence of externalizing problems was moderately associated with a greater number of prior offences ( $r_{pb}(70) = .30$ ,  $p = .012$ ) and more serious past dispositions ( $r_{pb}(67) = .35$ ,  $p = .004$ ), both of which were significantly associated with receiving a custody disposition,  $r_{pb}(68) = .32$ ,  $p = .007$ , and  $r_{pb}(65) = .31$ ,  $p = .013$ , respectively.

Caution must be used when interpreting the influence of externalizing problems in length of probation as only 10.5% (8) of the assessment reports indicated the absence of externalizing problems. However, a multiple regression model excluding externalizing problems demonstrated a significant general effect of legal factors ( $R^2_{ch} = .29$ ;  $F_{ch}(4, 44) = 4.87$ ,  $p = .002$ ), though there were no significant unique legal predictors, and no significant overall effect for psychosocial factors ( $R^2_{ch} = .03$ ;  $F_{ch}(3, 41) = .78$ ,  $p = .51$ ). This pattern remained the same when capacity for empathy was dropped and the sample on which the analysis was performed increased.

Length of Custody

The sample for those who received custody was too small to be appropriate for the planned predictive analyses. However, it was possible to do an exploratory examination of factors univariately related to the length of custody. In terms of demographic variables, correlations indicate that there were no significant associations between the number of days disposed to custody and gender ( $r_{pb}(39) = -.28, p = .099$ ) or offender age,  $r(39) = .04, p = .814$ . Notably, native ethnicity was associated with lengthier custody sentences,  $r(39) = .38, p = .016$ . Using an adjusted alpha of .01 (.05/5) to control for multiple comparisons, the mean length of custody was marginally significantly higher among native offenders ( $M = 14.07, SD = 4.73$ ) than non-native offenders ( $M = 9.57, SD = 5.20$ ),  $t(37) = -2.53, p = .016$ . However, native youths did not significantly differ from non-native offenders on the number of current offences ( $M$  native = 1.66,  $SD = .667$ ;  $M$  non-native = 1.56,  $SD = .472$ ;  $t(71) = -.68, p = .501$ ), or the number of prior offences ( $M$  native = 1.01,  $SD = 1.145$ ;  $M$  non-native = .76,  $SD = .987$ ),  $t(66) = -.90, p = .371$ . A Kruskal Wallis ANOVA further demonstrated that native offenders did not have a history of more serious prior dispositions (Mean rank = 34.88) than non-native offenders (Mean rank = 31.64),  $X^2(1, N = 64) = .46, p = .498$ . Although 83% of native offenders committed a serious current offence relative to 67% of non-native offenders, this difference was nonsignificant ( $X^2(1, N = 73) = 1.70, p = .191$ ) and ethnicity was not significantly related to the seriousness of prior offences,  $r(70) = -.03, p = .775$ .

The only legal factor to univariately relate to the length of custody was the seriousness of the current offence,  $r_{pb}(39) = .47, p = .003$ . This moderate correlation indicated that longer custodial sentences were related to the committal of at least one serious current offence. Neither

the seriousness of prior offences, the number of current or prior offences, nor the severity of previous dispositions were significantly associated with length of custody,  $r(36) = .15, p = .388$ ;  $r(39) = .21, p = .203$ ;  $r(35) = .10, p = .570$ ; and  $r(34) = .07, p = .672$ , respectively. In addition, the risk level of the offender for recidivating as indicated in the assessment report was not significantly associated with the length of custody,  $r(25) = .08, p = .702$ .

Examination of the associations between length of custody and psychosocial factors found no significant relations. Specifically, length of custody was not associated with the quality of home conditions ( $r(39) = .23, p = .159$ ), rating of academic performance ( $r(39) = -.01, p = .956$ ), rating of school attendance ( $r(39) = .03, p = .835$ ), seriousness of offenders' substance use ( $r(39) = -.05, p = .758$ ), presence of externalizing problems ( $r_{pb}(39) = -.01, p = .958$ ), association with delinquent others ( $r_{pb}(30) = .19, p = .321$ ), rating of the youth social skills ( $r_{pb}(38) = .03, p = .851$ ), youths' capacity for empathy ( $r_{pb}(31) = -.08, p = .658$ ), the youths' capacity to benefit from treatment ( $r_{pb}(31) = .16, p = .395$ ), or with the severity of personal abuse experienced by the youth,  $r_{pb}(39) = .04, p = .808$ .

#### Agreement Between Recommendations and Final Disposition

The final analysis undertaken was an evaluation of the agreement between Section 13 recommendations and final court dispositions. Two sets of variables were created. One set contained the types of disposition a youth currently received, while the second set contained the types of disposition recommendations offered by the mental health team. The components of each final court disposition and recommendations for each offender were examined independently by type for percent agreement. The frequency with which final court dispositions agreed with each recommendation across young offenders was used as an estimate of agreement (see Table 8).

## **Influence of Mental Health 37**

**The overall agreement between mental health recommendations and final court dispositions was 67.5% (137 agreed/203 total recommendations). Results indicate that judges tended to agree with recommendations more often when they were legally based (88.2% agreement; 75/85), than when they were mental health based (52.5% agreement; 62/118). More specifically, recommendations for probation and custody were almost always followed by the court (95% and 100% agreement, respectively). However, just over half of the recommendations for some form of counseling (60%) which did not include the Adolescent Sex Offender Program (ASOP), were indicated in the disposition order, though 76% of the recommendations for the ASOP were followed.**

**With the exception of the ASOP program, which was treated as a separate category from general counseling because of its unique focus, the comparison of the agreement between different types of counseling (e.g., family, individual, substance counseling) was limited as judges did not often state the type of counseling in the disposition order, but rather stated the youth was to receive counseling as indicated by their probation officer. However, when the counseling type was stated, the highest level of agreement was found for substance abuse assessment/counseling (46% agreement). Although residential treatment was recommended in only three cases, judges did not incorporate this recommendation into the disposition of these cases. Recommendations for a psychiatric follow-up were followed in only 33.3% of the cases.**

**It is also interesting to note that another way the court disagreed with the mental health team was in terms of referrals to mental health services when such services were not included as part of the recommendations by the team. For example, 6 of the 15 cases not specifically recommended to receive some form of counseling were referred for this service by the court,**

while only 1 youth was referred by the court to a psychiatric follow-up among the 43 youths not recommended by the team to receive this resource. Only 2 of 46 youths not recommended to attend the Community Support Team were referred by the court, although no offenders were referred to the ASOP program unless it has been recommended by the mental health team.

The percentage of agreement between dispositions and mental health recommendations was examined in relation to gender. As displayed in Table 8, approximately 82% (18/22) of the legal-based recommendations for female offenders were followed, compared to the somewhat higher 90% agreement (57/63) among male offenders. Differences in agreement became more notable when mental health recommendations were examined, as only 36% (13/36) of the mental health recommendation were followed for females, relative to 60% (49/82) among male offenders. Specifically, judges were more likely to refer male offenders to the Community Support Team (54%) than they were females (10%) ( $\chi^2(1, N = 21) = 4.68, p = .031$ ). In addition, not one of the 9 female offenders for which family counseling was recommended were referred to this specific intervention, whereas 18% of the male offenders who received this recommendation were so referred. However, no significant gender differences were noted in the disposition agreement with recommendations for counseling in general ( $\chi^2(1, N = 52) = .467, p = .494$ ), nor for individual counseling ( $\chi^2(1, N = 31) = .04, p = .841$ ), substance abuse counseling ( $\chi^2(1, N = 13) = .034, p = .853$ ), or for a psychiatric follow-up ( $\chi^2(1, N = 24) = .375, p = .540$ ). As only one female was recommended to attend ASOP, comparisons with the percentage of males referred by the court for this program when recommended was not meaningful, although 75% of the males were so referred.

Chi Square analyses were used to determine if the low agreement between dispositions



and recommendations was partially contributed to by gender variations in the frequency with which such recommendations were made by the mental health team. Among legally based recommendations, analyses revealed that although clinicians recommended custody for 24% of females, relative to only 14% of male offenders, female offenders were not significantly more likely than males to have custody recommendations,  $\chi^2 (1, N = 76) = .92, p = .338$ . As well, whether clinicians recommended probation ( $\chi^2 (1, N = 76) = 3.33, p = .068$ ), or community service ( $\chi^2 (1, N = 76) = 2.69, p = .101$ ) was found to be independent of gender for these recommendations. However, no females were recommended to perform restitution, compared to three males (6%), the only two offenders recommended to receive open custody were females.

Among mental health recommendations, the only recommendation to show a gender bias was recommendations for the Community Support Team. Specifically, clinicians included the Community Support Team among their recommendations significantly more often for females (48%), than for male offenders (24%),  $\chi^2 (1, N = 76) = 4.14, p = .042$ . With the recommendations to the Community Support Team removed, the agreement between mental health based recommendations for females increased somewhat to 46% (12/26 recommendations agreed) which was still somewhat lower than the 57% agreement obtained for males also excluding this recommendation. However, whether recommendations were made for counseling in general, family counseling, individual counseling, substance abuse counseling, and a psychiatric follow-up was independent of gender,  $\chi^2$ 's (1, N = 76) = 1.91, .07, 2.46, .133, .272, p = .167, .798, .117, .716, .602, respectively. A gender difference in the frequency of ASOP recommendations was expected given that only one female offender had been convicted of a sexual assault, relative to 18 male offenders. Of the 3 youths recommended to attend residential

treatment, two were female and one was male which is not considered a substantial difference.

To further explore other potential sources of the gender effect for agreement discordance for dispositions and recommendations, offence histories and psychosocial factors were compared according to gender. Among the legal factors, significant dependency was found between gender and whether the offender received probation or custody as the most serious disposition,  $\chi^2(1, N = 74) = 4.51, p = .034$ . Specifically, 73% (14/19) of the female offenders received custody compared to only 45% (25/55) of the male offenders. However, female offenders were not any more likely than males to commit current serious offences (67%, 73%, respectively;  $\chi^2(1, N = 76) = .271, p = .602$ ), prior serious offences (Mean Ranks = 37.45, 36.16, respectively;  $\chi^2(1, N = 72) = .012, p = .804$ ), or have more serious past dispositions (Mean Ranks = 36.71, 32.93, respectively;  $\chi^2(1, N = 67) = .608, p = .436$ ). In addition, the only psychosocial variable to demonstrate a significant difference between genders was the severity of poor quality of home conditions. Females had a significantly poorer score on the quality of home conditions (M = 3.65, SD = 1.66), than male offenders (M = 2.57, SD = 1.80),  $t(74) = -2.39, p = .019$ . This difference was attributed to a significantly greater percentage of female offenders (75%; 15/20), than males (37%; 20/54) who were described as having unstable or non-existent relationships with a maternal-figure,  $\chi^2(1, N = 74) = 8.44, p = .004$ .

### Discussion

The purpose of the present study was to examine the influence of the content of Section 13 mental health assessment reports on judges' final court dispositions. In general, the function of Section 13 reports is to provide legal professionals with information about the nature and circumstances of the youth's criminal behavior as it relates to interventions that may help decrease

the risk of re-offending (Leschied & Wormith, 1997). Hence, these reports were expected to influence disposition decision making. The influence of these reports was assessed by two major methods: (1) whether the content of reports predicted disposition type and length, and (2) by the agreement between mental health recommendations with the disposition youths' received. In addition, examination of the content of Section 13 reports provided insight into why these reports may or may not be influential.

### Predictive Models of Disposition Characteristics

Demographic and Legal Factors. Consistent with previous research (e.g., Carrington & Moyer, 1995; Kueneman & Linden, 1983; Niarhos & Routh, 1992) demographic factors were not strong enough to substantially contribute to the explanation of variance in disposition type or length of probation, either collectively or individually. Thus, it appears that the age, gender and ethnicity of the offender do not significantly influence judges' disposition decisions in relation to disposition type or length of probation. The results of the present study were also consistent with previous studies (Hoge et al., 1995; Horwitz & Wasserman, 1980; Niarhos & Routh, 1992) which indicate that legal variables account for 25-32% of the variability in disposition type, as legal factors in the present study were each bivariately associated with disposition factors. However, with the exception of the number of current offences, legal factors did not uniquely account for the variance in disposition type. Based on the present study, it appears that with a greater number of current offences, the youth's odds of receiving custody substantially increased. However, the number of offences committed in the past, and the seriousness of the current offence(s) did not impact on the type of disposition decision or the length of probation. Replications of the current study with a larger sample may demonstrate some of the influential unique contributions of legal

factors on disposition previously found in other research.

It was interesting to note that shorter probation periods were observed with those offenders who had been currently sentenced to custody prior to serving a probation term. This suggests that judges were less inclined to extend youths' probation periods if the offender was also to serve a custodial sentence. However, the underlying rationale for this tendency is unclear. Perhaps judges felt that offenders who were not in custody required more external controls such as a longer probation order (i.e., to complete treatment), than those offenders who were to receive such control in a custody setting. In addition, under the punishment model, a period of custody would be severe and would thus, warrant less probation. Although previous researchers have not examined predictors of the length of probation, the amount of variance explained by legal factors in the current study (30%) was similar to those predicting severity of disposition type (e.g., 32% in Hoge et al., 1995; and 25% Niarhos & Routh, 1992). Thus, it is clear that the court sampled in the present study was similar to other courts in that legal characteristics of the offender substantially contributed to disposition decision making.

It is noteworthy that the only legal factor significantly associated to custody length was the seriousness of the current offence(s). Thus, although committing a serious current offence did not predict whether an offender received custody, it may play a role in how long the custody is to last. The role of the seriousness of the current offence in determining the length of custody is important when considered in conjunction with native offenders as there was a nonsignificant trend for native offenders to commit serious current offences (83%) more so than non-native youths (67%). In addition to this variable, other legal variables were also in the direction of greater severity for native youths such as committing serious prior offences, and having a greater

number of prior offences, but these trends were not significant. Given a larger sample, this ethnic difference on legal factors may have been significant and explain why native youths were more likely than non-natives to receive custody. However, another study has found that native youths were more likely to receive harsher dispositions than non-native or other ethnic groups even when legal factors were controlled (Schissel, 1993). Nonetheless, without sound predictive analyses it is not possible to determine the relative impact of ethnicity on decisions of length of custody in the present study.

Psychosocial Factors. The present study is somewhat consistent with previous research examining the influence of psychosocial factors on court disposition characteristics in terms of finding only a few influential factors. For instance, Hoge et al. (1995) found that only antisocial attitudes of the offender, as described by probation officers, was an important predictor of whether youths were disposed to probation, open or secure custody. However, antisocial attitudes only explained 2% of the variability in disposition type once legal factors were considered.

Niarhos and Routh (1992) were unable to find any significant psychosocial predictors of disposition type among their assessment reports, but missing data substantially impaired their study. A strength of the present study was that it was not as extensively limited by missing data which permitted the examination of a number of potentially important variables as contained in Section 13 reports. Specifically, the largest piece of variability in disposition type was captured by the severity of the youths poor quality of home conditions (8.4%), and almost 3% was explained by the seriousness of the youth's substance use. Collectively, the quality of home conditions, presence of externalizing problems, substance use, and the youth's capacity for empathy, accounted for as much as 16% of the variance in length of probation beyond the amount explained

by legal factors. Hence, the percentage of explained variance attributable to psychosocial factors in predicting disposition characteristics is somewhat greater than has been previously reported. This suggests that the court system used in the present study was influenced by some psychosocial and mental health characteristics of the offenders, beyond their moderate associations with legal factors. However, the percentage of explained variance is still relatively small and much variability in dispositions remains to be explained.

Surprisingly no psychosocial factors were bivariately associated with the length of custody. Perhaps decisions of custody length are not influenced by the youth's psychosocial functioning once a judge has decided to sentence the offender to custody. However, the sample size of offenders sentenced to custody was too small to yield strong conclusions about the influence of psychosocial factors on custody length.

In general, judges were not any more lenient in their dispositions for youths with more significant substance use problems, poorer family conditions, and externalizing problems, than they were for youths without these problems. In fact, these youths were more likely to receive harsher dispositions than their counter-parts without these difficulties, even with legal factors controlled. This suggests that judges may view these more troubled offenders as requiring more severe dispositions, than youths who are less troubled but who have similar offence histories. This tendency is likely attributable to the finding that youths with psychosocial difficulties were often moderately associated with more serious offence histories, particularly in the case of poor quality of home conditions. Thus, judges may view those offenders with significant behavioral and psychosocial difficulties as requiring harsher dispositions because of their association with offending behavior, rather than because of the difficulties themselves per se.

**General Limitations to Predictive Analyses.** There are several reasons for the failure of the present study to find more substantial influences attributable to mental health or psychosocial factors. First, as the sample size of the current study was small it likely substantially reduced the power of the analyses to find predictors that were not extremely robust. A larger sample may have demonstrated more significant legal and mental health predictors. Second, the coding system could not reliably measure the severity of a number of psychosocial factors (e.g., social skills deficits), but rather only reliably coded its presence or absence. In other words, it may not be the presence or absence of some of these factors that is important to disposition decision making, but rather its severity. Future research should establish more reliable severity ratings with a larger sample to validate the more exploratory findings of the present study. Third, the coding system did not measure an exhaustive list of factors from assessment reports, but rather focused on those that should have been reflected in the report given the psychometric instruments used, as well as similar variables to those assessed by Niarhos and Routh (1992). Hence, potentially influential factors related to the youths' developmental history, previous mental health involvement, child rearing of the parents, intellectual ability, and the presence of Learning Disabilities and Attention Deficit Hyperactivity Disorder were not assessed in the current study.

Another possible, but discouraging explanation for the lack of substantial influence of psychosocial factors on dispositions is that the judges may simply not have been greatly influenced by many of these factors. In other words, judges may have followed more of a justice model when considering what to do with an offender. Hence, legal variables would be considered more relevant to a disposition decision rather than the youth's mental or psychosocial status. Judges may view the role of mental health resources and interventions as independent of, or secondary to,

the disposition. Thus, rather than have a bearing on the sentence itself, the youth's functioning may be considered relevant only after the youth had been sentenced.

Fortunately, other studies suggest that it is unlikely courts do not consider psychosocial factors when formulating dispositions. For instance, judges have reported that they do consider, and are influenced by some psychosocial factors, such as the parents' ability to control the offender (Doob & Beaulieu, 1992). Sanborn (1996) further demonstrated that court employees, including judges, reported factors such as family dysfunction, the offender's treatment needs, mental state, and substance use should be given consideration when formulating dispositions. In addition, although being referred for a Section 13 assessment does not appear to have a substantial bearing on the likelihood of receiving a community or custody disposition (Jack & Ogloff, 1997), differences between referred and non-referred youths have been noted. Specifically, keeping in mind that over 89% of Section 13 referrals come from judges (Jack & Ogloff, 1997; Jaffe et al., 1985), youths with offences that are more bizarre or psychological in nature are more often referred for assessment (Jack & Ogloff, 1997). The current study is consistent with the notion that judges are influenced by mental health factors, as they did occasionally refer youths to mental health resources, even when such services were not specifically included in the recommendations provided by the Section 13 report. Collectively, these findings suggest that the court does indeed consider a young offender's psychological functioning as it relates to offending behavior. Thus, mental health and psychosocial factors of the offender appear to play some role in disposition decision making.

Future research will be required to determine which one, or combination of the above possibilities are correct in their ability to explain the role of Section 13 reports in predicting



**disposition characteristics. One step towards such an examination should be the combination of judges self-report in regards to the factors they perceive as important to their decision making, with the ability of these factors to predict disposition severity. Such a research design would allow the examination of the agreement between judges' personal views with their legal decisions.**

### **Content of Section 13 Reports**

**The content of Section 13 reports was examined to gain insight into factors contributing to the relatively low impact of many of the psychosocial factors on court dispositions. Leschied and Wormith (1997) stress that it takes much expertise on the part of clinicians to make clear and meaningful interpretations through Section 13 reports regarding a youth and the circumstances of his/her offending behavior. However, the findings of the present study suggest that, even with expertise, the relevance of the information presented in reports is not always clear. Psychosocial factors impacting on the youth, as presented in assessment reports, were typically not descriptive enough to reliably assess the severity of these factors, though it was possible to reliably code their presence or absence for the majority of cases. Thus, although the coding system had the potential to draw mental health factors out of reports, the information was not clear enough to code this effectively.**

**From the process of coding the reports, it was clear that the severity of a specific problem (e.g., internalizing problems, degree of capacity for empathy, rating of social skills) was often not clearly stated, and thus was rated as it was implied from the report. In other cases, it was not clear if the failure to mention a particular psychosocial factor meant that it was not impacting on the youth (e.g., economic difficulties of the family, capacity to benefit from treatment, risk level for re-offending), rather than something that was significant but overlooked in the report. For**

example, when specified in reports, the majority of offenders were considered high risk for re-offending. However, as 43% of the reports failed to indicate the clinician's perception of the risk level it was not possible to conclude that the youths referred for Section 13 assessments were predominately high risk for re-offending. It is possible that for cases considered low or moderate risk, the risk level may not have been specified.

Clinical findings were also not always discussed in reports in relation to the youth's capacity to benefit from treatment, their association with delinquent peers, or the seriousness of the economic situation of the family. At this point, it is not clear as to why certain factors were included in reports, while others were excluded. However, this does suggest inconsistency across reports in discussing these potentially relevant factors. Perhaps, because of limitations with time and the length of reports, clinicians attempted to incorporate information viewed as most relevant and negatively affecting the youth. However, such a focus has the potential to overlook positive elements in the youth's personal, social, and family functioning. More balanced reports may provide judges with valuable information about the youth's strengths as well as his or her weaknesses. These strengths may also predict dispositions.

The implication of less specific assessment reports, or reports that do not directly address how these factors influence offending behavior, is that judges may be forced to infer the missing pieces about the youth's psychological functioning and impacting factors. This may lead to invalid inferences about these missing and less descriptive pieces of information and as a result inappropriate dispositions for these young offenders may be formulated. Hence, judges may turn to their own experiences and personal biases on which to base their inferences, though the nature of the inferences may vary depending of the judge's educational, professional, and social

background.

Efforts have been made to increase the standardization of assessment tools and procedures as researchers have called for the use of more standardized methods of gathering information about an offender to ensure the consistency and accuracy of this material across offenders (Hoge & Andrews, 1995; Niarhos & Routh, 1992). Decisions based on these more standardized sources of information have the potential to increase the cost-effectiveness of the use of mental health resources as a result of the more valid decisions that are made (Hoge & Andrews, 1996). In other words, the more accurate and representative the information about an offender, the better chances are of effectively and efficiently meeting the youth's needs. However, use of standardized tools of assessment does not guarantee that this information is fully described in assessment reports, or that psychometric data is infallible. An evaluation of the information portrayed in reports with that of the raw psychometric data should be undertaken to gain insight into the transference of this information into assessment reports.

It is notable from the present study that, relative to reports based on a non-standard assessment protocol (i.e., pre-study reports), the type of information discussed in reports did not change to any great extent with the implementation of a protocol that relied heavily on a standard set of psychometric measures. The lack of substantial differences in the content of study and pre-study reports may be interpreted in several ways. On the one hand, the use of a standardized assessment protocol may simply not have significantly improved the type and consistency of information relayed in reports. On the other hand, the reports not based on a standard set of psychometric measures may have been as capable, in this particular case, in covering essential information in a relatively consistent fashion as those reports based on the standard battery.

Perhaps as the pre-study period assessments were conducted in the same agency and with predominately the same staff as the study reports, clinicians had access to measures similar to those used in assessments prepared in the study period. Nonetheless, in line with the views of Hoge and Andrews (1996), a standard method of assessing young offenders can benefit in increasing the consistency of information in assessment reports across offenders.

Grisso, Tomkins, and Casey (1988) have argued that when clinicians fail to adequately cover information in reports, or report irrelevant information, there is an increased risk of poor legal decision-making based on these reports. Niarhos and Routh (1992) reported that the content of the assessment reports they had examined was limited as they had difficulty pulling a true psychological factors out of the reports. As a result, they suggested that reports used in their study may not have provided much information relevant to the offenders' psychological functioning, but rather tended to focus on more observable and objective information. However, the present study was not as impaired as Niarhos and Routh (1992) and a number of psychologically relevant factors were successfully coded, though predominately in terms of their presence or absence. Thus, the majority of the information contained in Section 13 reports used in the present study appeared to be relevant to the youth's psychological, social and family functioning.

A further potential limit to the influence of assessment reports prepared for the courts may be related to the language used to present the youth's profile. Grisso et al. (1998) argue that uninfluential reports may simply require "translation" from psychological terms and constructs into a format non-clinicians (i.e., judges) can understand and effectively use to assist in decisions. However, it should be noted that the reports used in the current study tended to use a level of

language and explanations of meaning that gave coders the impression reports were capable of being understood by non-clinicians such as parents and legal professionals. Thus, the style in which reports are written was not thought to substantially limit their influence on court dispositions in the present study. Nonetheless, a future evaluation of the level of language used in such reports may suggest that there is a need for more standardization in the way assessment reports convey the information to the judge.

It should be acknowledged that some of the psychosocial variables examined in the present study were difficult to code from reports as they are difficult to assess regardless of psychometric measures or the use of standardized reports. For instance, empathy, capacity to benefit from treatment, and the impact of a history of family violence are not easy concepts to define or assess. Nonetheless, it may be useful to construct a standard format outlining the necessary content to be included in Section 13 reports, such as the severity of internalizing problems, and a description on the youth's capacity to benefit from treatment or display empathy. Such a standardized format may allow for a more balanced focus on both the strengths and weaknesses of the young offender and his/her environmental circumstances, rather than strictly reporting weaknesses or failing to indicate the absence of a particular factor (e.g., association with delinquent peers). This structured format would not be easy to implement as professionals would face the dilemma of deciding on the type of information to be discussed in such a standardized format. However, research focusing on the prediction of recidivism may provide a useful guide.

#### Agreement of Disposition with Recommendations

The court agreed with the mental health team's recommendations in almost 70% of the 203 recommendations coded from reports. This level of agreement was somewhat lower than was

anticipated given the findings of Jaffe et al. (1985) who reported just over 80% of their mental health recommendations were followed, although the method used to assess agreement in their study was not defined. A close examination of the level of agreement in the present study suggested that judges preferred to accept legal recommendations (88% agreement), more so than those that were mental health based (52% agreement). Perhaps judges were more comfortable with legal recommendations and/or clinicians possessed a similar view to judges in terms of sanctioning offenders which may account for the higher level of agreement. When the agreement of disposition with mental health based recommendations was examined, it became clear that judges may view the means of meeting youthful offenders' needs differently than do mental health professionals. For instance, referrals for a psychiatric follow-up or to the Community Support Team were present in less than 50% of the cases where recommendations for such were made. This suggests that judges may not consistently view offenders' difficulties related to their offending behavior the same way as do clinicians who prepared the assessment report. It is also possible that judges may have believed mental health interventions would be in the offender's best interests, but the youth refused this option and it was therefore not included in the disposition.

Adequate reliability was obtained between two mental health professionals in determining whether a youth had a good capacity to benefit from treatment as implied from previous treatment experiences or motivation to participate. However, it is possible that judges working from a legal perspective formulate a different view of whether interventions would prove useful. Judges, may decide that sending a youth to treatment would be a waste of time, effort and money for those involved. In addition, judges may also have access to additional sources of information that may confirm or refute the impressions of the Section 13 report. These other sources of information

may also contribute to the inferences and opinions of judges about how best to prevent recidivism for particular offenders. Thus, when judges infer that the youth has a poor capacity to attend, participate or benefit from treatment, it is possible that mental health recommendations will be less likely followed as judges may question the likelihood of success with these interventions in reducing the risk of re-offending. To better understand this issue, comparisons of clinicians and judicial impressions of a young offender's potential to benefit from therapeutic interventions is essential.

Some questions have been raised in terms of the court's adherence to Section 13 mental health oriented recommendations. However, such recommendations clearly did prove to be of some use to the court as a little over 50% were included in the sample's dispositions. Therefore, the usefulness of mental health recommendations should not be overlooked. For instance, the most commonly followed mental health recommendation was for some form of counseling (60% agreement) and for referrals to the Adolescent Sex Offender Program (76% agreement). It is interesting to note that judges often left the specific type of counseling (e.g., family or individual) up to the discretion of the youth's probation officer. A clear understanding is lacking in regards to the failure of judges to specify a certain type of counseling when it was specifically stated as part of the recommendations. Perhaps judges did not feel comfortable making such decisions for offenders and thought that probation officers would be in a better position to determine how the youth's mental health needs were to be specifically met. In addition, it is possible that if there were more specific treatment programs (i.e., ASOP) available in the community to manage certain types of offending behavior, judges may become more specific in their referrals for such treatment as its function is clearly defined.

The present study did not assess whether probation officers followed through with the mental health recommendations. However, Jaffe et al. (1985) reported that 84% of the recommendations made in assessment reports for the court were implemented in their sample. An additional 5% started the recommended intervention, but were soon met with treatment failure. Only 11% of Jaffe et al.'s (1985) sample did not receive the recommended intervention once included as part of the disposition order. Thus, it seems plausible that most young offenders receive the recommended interventions once included as part of the disposition. Jaffe et al. (1985) further commented that if probation officers do not follow through with recommendations, assessment reports become meaningless. Hence, it is essential to follow-up with offenders after assessment to ensure the appropriate disposition-ordered intervention is in place.

Some researchers have suggested that recommendations to the court may simply be reflections of what judges would have decided without such input and therefore, not contribute any influence on dispositions. Niarhos and Routh (1992) included mental health recommendations for placement in their model predicting dispositions, but did not find it to contribute any additional information beyond legal factors. As placement recommendations were correlated with disposition, Niarhos and Routh (1992) concluded that recommendations may not influence dispositions, but rather represented clinicians who were able to accurately predict the type of disposition judges would hand down. Niarhos and Routh (1992) suggested that clinicians may also base their recommendations on the same factors as judges and are thus, influenced by the current and past offence history. If this extreme view point is accepted, the role of mental health recommendation becomes obsolete as they are merely reflections of what judges would do independently. However, Niarhos and Routh (1992) did not include other types of mental health



recommendations (i.e., treatment) in their evaluation of disposition variability and this limits their conclusions. In addition, as not all legal recommendations were consistently followed in the current study (i.e., community service hours at 42% agreement; and restitution at 66.6% agreement), and only about half of the mental health recommendations were followed overall, it is likely that clinicians are not simply anticipating judicial decisions, but rather demonstrate a unique perspective on the youths needs and appropriate interventions.

It should be noted that judges occasionally referred youths to mental health resources, such as counseling, even though the mental health team had not specifically included the intervention in their recommendations. This observation combined with about 50% agreement in mental health recommendations with dispositions, and the ability of some psychosocial factors to predict disposition characteristics, suggests that judges do in fact consider the mental health or psychosocial functioning of the offender in some cases. Discrepancies between recommendations and dispositions may occur when the court and clinicians differ in their view of the offender and the best means to met his or her needs. Thus, the bottom line at this stage of research seems to be that judges do not always agree with the clinical recommendations in about half of the cases, but a clear understanding of this discrepancy is not yet available.

It is interesting to note that Jaffe et al. (1985) reported gender differences in the agreement between recommendations and final court dispositions. They found that judges were less likely to reject recommendations for males (6% rejected) than they were for females (12% rejected). This pattern of gender difference was even more pronounced in the present sample as judges rejected 47% of recommendations for females, compared to 27% for male offenders. This suggests that the court used in the present study was less willing to accept recommendations for

female offenders (36% agreement) as they related to mental health interventions, than they were for male offenders (60% agreement).

Jaffe et al. (1985) commented that gender differences in the level of concordance with recommendations may be the result of how clinicians present the offender's psychological profile in the report. In their study, clinicians tended to focus more on school problems and the emotional state of female offenders, whereas such reports focused on disruptive school behavior and the potential for future violence among males. However, this cannot necessarily be said for the current sample as there were no substantial gender differences in the presence/absence of psychosocial problems discussed in the assessment reports, with the exception of the quality of maternal relationships to be discussed below. This suggests that clinicians who wrote the reports used in the current study were generally consistent in the type of content discussed across genders.

The source of the gender difference in the agreement between dispositions and recommendation was not clear as analyses did not adequately explain the origin of this discrepancy. For instance, judges tended to respond with a reversed gender bias for recommendations to the Community Support Team (CST) which is reserved for high risk offenders. Specifically, judges were more likely to accept recommendations to CST when the offender was male, despite the fact that clinicians tended to recommend this program more often for female offenders.

The only additional factor that may have contributed to the gender discrepancy in agreement, other than judges' personal biases or other sources of information, was the fact that females tended to come from more moderately dysfunctional families as assessed by the quality of

home conditions, than were males. Specifically, it seems that female offenders were presented in Section 13 reports as having a significantly poorer quality of relationship with a maternal-figure than were males. The presence of more dysfunctional maternal relationships among female offenders may have contributed to a presentation of female offenders to the court as being more difficult to manage than male offenders. It is clear that despite having similar offence histories to male offenders in terms of severity of previous offences and dispositions, female offenders tended to be treated more harshly by the court as reflected in this study. Thus, this finding is not surprising given that the largest percentage of unique variance (8%), in explaining the likelihood of receiving custody over probation, was the quality of the youth's home conditions.

#### Limitations to the Generalizability of the Current Study

The generalizability of the current study is limited in that the sample was based only on those young offenders who had been referred for a Section 13 mental health assessment. Estimates of the percentage of youths referred for such assessments by judicial professionals suggest that only about 10% of offenders are so referred (Jaffe et al., 1985) and about 2% of such offenders are referred for the specific purpose of assisting in disposition decision-making (Jack & Ogloff, 1997). Jack and Ogloff (1997) reported that youthful offenders were more likely to be referred for assessment if they were younger at the time of their first offence, were "white" rather than of native ethnicity, had been remanded to detention, had more charges pending, or the offence committed was bizarre or had psychological characteristics. Thus, according to these results there are some differences between youths referred and those not referred for mental health assessment, which may limit the generalizability of the current study to non-referred youths. To address this limitation future research examining the role of Section 13 assessments

may benefit from including non-referred youths as non-assessed controls.

Horwitz and Wasserman (1980) have suggested that the unexplained variance in dispositions may be attributable to an individualized substantive approach of the court to youthful offenders. Such an approach leads to the use of a different set of criteria for each offender when engaging in legal decision making, rather than a consistent set of rules for all offenders as would be found in courts adhering to justice oriented models. Thus, influential factors may be idiosyncratic to the courts and to judges, and therefore, difficult to pin down by researchers and clinicians.

#### Concluding Comments and Future Research

The use and development of Section 13 reports by the court has been a neglected area of research since the inception of the YOA. This valuable resource provided by mental health professionals ideally should be preserved for those offenders who are most in need of mental health resources (Jack & Ogloff, 1997). To the credit of these assessments, the current study has demonstrated that some psychosocial factors contained in Section 13 reports contributed information to the prediction of disposition characteristics beyond that already explained by legal factors, and more so than what has been previously reported. As well, almost 70% of recommendations made in Section 13 reports were used by the court. However, the amount of explained variance was not much greater than that previously indicated by studies that have also attempted to incorporate mental health factors (i.e., Hoge et al., 1995; Niarhos & Routh, 1992). In addition, it is unclear as to why courts rejected approximately 30% of the recommendations, especially for mental health based recommendations offered for female offenders.

Some researchers (Andrews, Robblee, Saunders, Huartson & Robinson, 1987; Sanborn,

1996) have taken the extreme perspective and suggested that the complexity of the numerous potential variables impacting on judicial decisions may render it extremely difficult, if not entirely impossible, for professionals, researchers, and offenders to completely and accurately understand how such decisions are made. More research of a multivariate and modelling nature needs to be conducted, with improved methodology and a larger sample, before one can conclusively determine how Section 13 assessments effectively impact on judges' disposition decision making. It is possible that more mental health or psychosocial factors are influential than have been reported, but methodological problems have prevented the successful examination of such an influence.

As suggested by the agreement with recommendations, judges generally agree with legal and mental health recommendations more often than not. However, the present study did not assess judges' satisfaction with the assessment reports and recommendations and therefore, one can not conclusively determine whether judges found them satisfactory. Satisfaction may have been high, in which case the Section 13 reports would have been considered to serve their purpose well.

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Appendix A

Coding System for Section 13 Reports and Legal Factors

Demographic Variables

1. Age (in months): \_\_\_\_\_ Phase I \_\_\_\_\_ Phase II \_\_\_\_\_
2. Gender:       0 = male  
                  1 = female
3. Ethnicity:     0 = non-native  
                  1 = at least one parent is native
4. Socio-economic status:       0 = above poverty level  
  1 = below poverty level

Legal Variables

5. Current offence:       When the offence was committed was/were:
- |  |     |    |
|--|-----|----|
| * the youth by him/herself in committing the act | Yes | No |
| * the youth high on substance(s) /intoxicated    | Yes | No |
| * family members the victim(s) of the act        | Yes | No |
| * children (< 13 years) victims of the act       | Yes | No |

Psychosocial Variables (note: items 10 a, c, e, g; 11, 13, 15, 19, and 21 are reversed scored)

NOTE: if information is not specified in the Section 13 report, indicate this next to the appropriate item by selecting "NS" were applicable.

*Family Factors:*

9. Current living situation of young offender *at time of offence*:
- 0 = both parents (biological or step-parents)
  - 1 = mother or father only
  - 2 = other relatives
  - 3 = foster parents
  - 4 = group home
  - 5 = other (specify) \_\_\_\_\_
  - NS

10. Quality of home conditions (total score of a-h after correction for reversed scoring):

- a). Seriousness of current impact of exposure to use of alcohol/substances by parent/step-parent, guardian with whom youth has resided: (if NS rate as 3)
- 3 = no problems with alcohol use by parent/guardians
  - 2 = mild impact - use not causing current problems within the family
  - 1 = moderate impact - use causes some current problems within the family
  - 0 = severe impact - history of excessive alcohol use by parents/guardians causes many current problems within the family

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b). Quality of relationship with mother/step-mother figure with whom *youth currently resides* (*note: if no mother figure currently resides with youth, rate the most recent significant mother figure in the youth's life now*)

0 = good/strong relationship (e.g., good communication, very supportive, loving, attentive)

1 = adequate relationship (e.g., basic emotional needs of youth are met by relationship, caring)

2 = unstable/poor relationship (e.g., typically don't get along, love/hate relationship, inconsistent love and attention, much conflict)

3 = no relationship (no current relationship exists, no contact)

NS

c). Quality of relationship with father/step-father figure with whom *youth currently resides*: (*note: if no father figure currently resides with youth, rate the most recent significant father figure in the youth's life now*)

3 = good/strong relationship (e.g., good communication, very supportive, loving, attentive)

2 = adequate relationship (e.g., basic emotional needs of youth are met by relationship, caring)

1 = unstable/poor relationship (typically don't get along, love/hate relationship, inconsistent love and attention, much conflict)

0 = no relationship (no current relationship exists, no contact)

NS

d). General quality of parental supervision (laissez-faire versus good monitoring) *over course of youth's life (if NS rate as implied in report)*:

0 = good supervision (e.g., parents have good control and awareness of youths activities)

1 = adequate supervision (e.g., positive attempts made to monitor youth, but there's room for improvement, reasonable awareness of youth's activities)

2 = poor supervision (e.g., few and inconsistent attempts to monitor and supervise youth)

3 = very poor supervision (e.g., no attempts to supervise youth's activities)

e). General quality of parental discipline (controlling behavior, setting consequences) *over course of youth's life: (if NS rate as implied in report)*

3 = appropriate/consistent discipline (consequences are compatible with the discipline behavior and are usually given after all negative actions)

2 = adequate appropriate/consistent discipline (consequences are often in line with behavior performed and are often given a negative behavior occurs, but not always).

1 = poor discipline (attempts are made but are generally inappropriate/inconsistent)

0 = very poor discipline (e.g., no discipline given or very inappropriate given the behavior; very little control over youth's behavior)

f). Current impact on the youth of witnessing family violence (e.g., between parents) (*if NS rate as 0*):

0 = no family violence witnessed

1 = mild impact - early episodes witnessed but does not substantially contribute to youth's current difficulties)

2 = moderate impact - some early and/or current violence witnessed that somewhat contributes to youth's current difficulties)

3 = severe impact - regular early and/or current violent episodes witnessed and significantly contributes to youth's current difficulties)

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g). Children's Aid Society involvement since birth (NOTE: code for the most serious involvement) (if NS rate as 3)

3 = no involvement

2 = CAS involvement but no action taken

1 = CAS involvement - action: supervision of situation only

0 = CAS involvement - action: removal of child from residence (placement in foster home)

h). General severity of economic family problems (debt, welfare, unemployment) over life of youth:

0 = no apparent financial difficulties indicated

1 = mild - only occasional financial difficulties noted

2 = moderate - some more frequent financial difficulties noted

3 = serious - regular financial difficulties noted

NS

### Young Offender Factors:

11. Test behavior:

2 = very co-operative or communicative

1 = somewhat co-operative or communicative

0 = very resistant (refuses to cooperate or communicate)

NS

12. Rating of current academic performance:

0 = above average

1 = average relative to other youths their age

2 = below average

NS

13. History of school attendance:

2 = never truant

(if NS rate as 2)

1 = occasionally truant

0 = often truant

14. Presence of externalizing behavior problems (anger, oppositional, aggressive) at home and/or school:

0 = no externalizing problems noted

1 = moderate problems - some indication of externalizing behaviors, but not a major concern in the report

2 = severe problems - substantial externalizing behaviors noted in the report which are very concerning

NS

15. Presence of internalizing behavior problems (withdrawn, anxious, sad, worried, unhappy, low self-esteem) at home and/or school:

2 = no internalizing problems noted

1 = moderate problems - some indication of internalizing problems but not a major concern in the report

0 = severe problems - substantial internalizing problems are noted and are very concerning.

NS

16. History of Substance Abuse: (if NS rate as 0):

0 = no

1 = yes, but non-chronic use (experimentation)

2 = severe/chronic use (interferes with daily

functioning/problematic use)

17. Current association with delinquent others:

- 2 = no
- 1 = yes, but only as acquaintances
- 0 = close friends are delinquent
- NS

18. Rating of social skills/interpersonal relations as *stated or implied* in the report:

- 0 = good (no difficulty in engaging in and/or maintaining social interactions with others)
- 1 = moderate (some difficulty noted in engaging in and/or maintaining social interactions)
- 2 = poor (e.g., much difficulty noted in engaging in and/or maintaining social interactions; socially awkward)

NS

19. Rating of youth's empathy/concern for others as *stated or implied* in the report:

- 2 = good (e.g., genuine concern for others, remorse for negative behaviors)
- 1 = moderate (e.g., has some difficulty expressing or experiencing empathy or remorse)
- 0 = poor (e.g., generally not remorseful or empathetic; has great difficulty expressing empathy or remorse)

NS

20. Rating of capacity for self-control (i.e., impulsivity) as *stated or implied* in the report:

(if NS rate as 0)

- 0 = not impulsive (e.g., evaluates consequences behavior acting; generally is able to control his/her behavior, no problem delaying gratification)
- 1 = moderately impulsive (e.g., some difficulty controlling behavior; on some occasions may act without thinking)
- 2 = severely impulsive (e.g., typically does not think before acting; great difficulty controlling his/her behavior; great difficulty delaying gratification)

21. Rating of capacity to benefit from treatment as *stated or implied* in report:

- 2 = good capacity (there is little doubt that youth will attend and/or respond well to treatment)
- 1 = some capacity (there is some doubt as to whether youth will attend and/or respond to treatment, but successful treatment is a moderate possibility)
- 0 = little or no capacity (the likelihood that the youth will attend treatment and/or be able to overcome his or her difficulties is very small)

NS

22. Abusive childhood background (physical, sexual, psychological, neglect): (if NS rate as 0)

- 2 = long term (i.e., frequent since childhood) or serious ongoing personal abuse experienced
- 1 = previous or current short term (i.e., occasional - moderate or mild) personal abuse experienced
- 0 = no personal abuse experienced

23. Risk of re-offending:

- 0 = low risk
- 1 = moderate risk

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2 = high risk  
NS

**Recommendations**

24. Section 13's most serious recommendation for placement (select more than one choice depending on recommendations given):

- 1 = restitution
- 2 = community service order
- 3 = probation
- Custody      4 = open custody
- 5 = secure custody

25. Other recommendations:

- 1 = psychiatric follow-up
- 2 = counseling
  - substance use/assessment
  - family
  - individual
  - residential
- 3 = Adolescent Sexual Offender Program
- 4 = Community Support Team
- 5 = other : (please specify) \_\_\_\_\_



**Appendix B**

**Ethical Approval Letter Lakehead Regional Family Centre**



November 5, 1997

Ms. Mary Ann Campbell  
c/o Lakehead Regional Family Centre  
283 Lisgar Street  
Thunder Bay, Ontario  
P7B 6G6

Dear Mary Ann:

The Ethics Review Committee has reviewed your application for the research proposals entitled "*Influence of Mental Health Input and Legal Factors in the Dispositions of Phase I Young Offenders.*"

The Committee has found that, as described, it complies with all the ethical requirements and policies established by the agency for the protection of human subjects with the following stipulations:

- i. Researchers will advise Family Court Judges in the District of Thunder Bay requesting Phase I assessments the intent and purpose of the research proposal being undertaken and obtain their support in undertaking this research project;
- ii. Approval is received from Lakehead University's Research & Ethic Committee.

In conducting your research, you are required to report to this Committee any significant change in the procedures described in your research proposal before putting such change into effect. At the completion of your research, please forward a statement indicating that the study was conducted as described in the approved proposal.

Best wishes on the research studies. If you have any questions, please feel free to contact me.

Sincerely,

  
Bastian De Peuter  
Director, Programs & Services

cc: Dr. Fred Schmidt  
file

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*Helping Families... Helping Children*  
LAKEHEAD REGIONAL FAMILY CENTRE  
283 Lisgar Street, Thunder Bay, Ontario P7B 6G6 • (807) 343-5000 Fax: (807) 345-0444

**Appendix C**

**Ethical Approval Letter from Lakehead University**



12 November 1997

Ms. M. Campbell  
Department of Psychology  
Lakehead University  
THUNDER BAY, ONTARIO  
P7B 5E1

Dear Ms. Campbell:

Based on the recommendation of the Ethics Advisory Committee, I am pleased to grant ethical approval to your research project entitled: **INFLUENCE OF MENTAL HEALTH INPUT AND LEGAL FACTORS IN THE DISPOSITION OF PHASE I YOUNG OFFENDERS.**

Best wishes for a successful research project.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Whitfield', written over a large, stylized oval flourish.

JOHN WHITFIELD  
Interim President

/lw

cc: Dr. F. Schmidt, Supervisor

ACHIEVEMENT THROUGH EFFORT

Footnotes

The term 'status offender' is a term used to describe youths who have engaged in acts that would not be considered crimes if committed by adults (Parker, Crow, & Lewis, 1986). Examples of such offences include being beyond parental control, truancy, and running away (Cohen & Kluegel, 1978). In Canada, these acts are no longer considered offences for youth under the Young Offenders Act (Corrando, Linden, & LeBlanc, 1992), but in some American states the term is still applied, such as Alabama.

Table 1  
Models of Juvenile Justice: Assumptions, Goals, and the Role of Assessment.

	Child Welfare Model	Corporatist Model	Modified Justice Model	Justice Model	Crime Control Model
Assumptions	Personal/environmental factors contribute to delinquent behavior.	Youthful offenders' needs are best met through an inter-agency approach.	Individual is not held entirely responsible for their criminal behavior.	Individual youths are responsible for their criminal behavior.	Youths are held accountable for criminal behavior. In order to protect society it is necessary to incapacitate or punish youthful offenders.
Goals	Rehabilitation/treatment. Dispositions based on individual offender's needs. Psychological, medical, educational or social work interventions directed towards youth are considered best means of meeting the youth's needs.	Rehabilitation, but with reliance on a network of social agencies (e.g., police, lawyers, social workers), and an integration of their approaches to meet the youth's needs, rather than keeping the interventions within the justice system.	Rehabilitation/treatment, as well as protection of civil rights and sanctioning of criminal behavior.	Respect for individual rights and punishment; dispositions are based more on the crime rather than the youth's needs. Rehabilitation may play a role in this model, but it is not as important as punishing the criminal behavior.	Protection of Society, retribution, and punishment. Any action taken against youths should serve as a general deterrence for future crime.
Role of Assessment	Highly rely on broad psychological assessments to determine the needs of the youthful offender and identify rehabilitative strategies.	Highly relies on broad assessments of legal, social, and emotional factors to match the needs of the youth to available services.	Highly relies on assessment of social and emotional needs of the youth, as well as the crime-related circumstances.	Limited role of assessments. If used, assessments focus on offender culpability, seriousness of the criminal act, aggravating/mitigating factors, and recidivism risk.	Assessments are only used to provide information about severity of the crime and risk of recidivism.

Table 2  
Demographic and Offence Characteristics of the Sample.

Demographic Characteristics:	Frequency (N = 76)	Percent*	M (SD)
<u>Age (in months):</u>			178.93 (17.32)
<u>Phase: I (12-15 years of age at time of offence)</u>	71	93.4%	
II (16-17 years of age at time of offence)	5	6.6%	
<u>Gender: Male</u>	55	72.4%	
Female	21	27.6%	
<u>Ethnicity:</u>			
Native	18	23.7%	
Non-Native	55	72.7%	
<u>Living Arrangements at Time of Offence:</u>			
Both parents/step-parent	35	46.1%	
Single parents	25	32.9%	
Other Relatives	4	5.3%	
Foster Parents	2	2.6%	
Group Home	3	3.9%	
Other	7	9.2%	
<u>Current Offence Characteristics:</u>			
Serious offence(s) (yes/no)	54	71.1%	
Non-serious offence(s) (yes/no)	22	28.9%	
# of current offences <sup>1</sup>			2.76 (1.87)
<u>Past Offence Characteristics:</u>			
No priors	34	44.7%	
Serious offences(s) (yes/no)	19	25%	
Non-serious offences(s) (yes/no)	19	25%	
# of prior offences <sup>1</sup>			1.71 (3.27)

Table 2 continued

Demographic and Offence Characteristics of the Sample.

Demographic Characteristics:	Frequency (N=76)	Percent <sup>*</sup>	M (SD)
<u>Most Serious Previous Disposition:</u>			
No previous dispositions	34	44.7%	
Alternative Measures Program	4	5.3%	
Probation	18	23.7%	
Open custody	12	15.8%	
Secure custody	3	3.9%	
<u>Most Serious Current Disposition<sup>2</sup>:</u>			
Restitution/fine	8	10.53	
Community Service Order	15	19.7%	
Amount of Hours			46.67 (21.19)
Probation	71	93.42%	
Length (in months)			17.50 (6.02)
Custody in General	40	52.63%	
Length (in days) <sup>1</sup>			142.02 (131.14)
Open custody	37	48.7%	
Secure custody	6	7.9%	

<sup>\*</sup> Percentage is based on total N=76. Missing data resulted in the failure of these percentages to add up to 100%.

<sup>1</sup> The variable was positively skewed and underwent a square-root transformation. Means reported in the table are prior to transformations. The median length of custody was 90 days and the median number of prior offences was 1 and youths were currently charged with a median of 2 offences.

<sup>2</sup> Two youths went into the alternative measures program and thus had not been disposed when data collection was complete.



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Table 3

Correlation Matrix of Demographic, Legal and Psychosocial Variables, I (n).

	1	2	3	4	5	6	7	8	9	10
1. Age	--									
2. Native	.23 (73)	--								
3. Gender	-.14 (76)	-.08 (73)	--							
4. Probation/ Custody	.01 (74)	.01 (71)	.25* (74)	C						
5. Length of Probation	.10 (70)	-.04 (67)	-.17 (70)	-.48*** (70)						
6. # of Priors	.25* (70)	.11 (68)	.11 (70)	.32** (68)	-.30* (65)	--				
7. # of Current Offences	-.17 (76)	.08 (73)	.11 (76)	.36** (74)	-.33** (70)	.17 (70)	--			
8. Serious Current Offence	-.04 (76)	.15 (73)	-.06 (76)	-.24* (74)	.32** (70)	-.24* (70)	-.04 (76)	--		
9. Serious Past Offence	.30* (72)	-.04 (70)	.04 (72)	.28* (70)	-.33** (62)	.80*** (70)	.16 (72)	-.12 (72)	--	
10. Past Disposition	.25* (67)	.10 (64)	.09 (67)	.31* (65)	-.34** (62)	.89*** (65)	.20 (67)	-.27* (67)	.91*** (66)	--

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Table 3 continued

Correlation Matrix of Demographic, Legal, and Psychosocial Variables: I (n).

	1	2	3	4	5	6	7	8	9	10
11. Home Conditions	-.00 (76)	.20 (73)	.27* (76)	.45*** (74)	-.30* (70)	.31* (70)	.28* (76)	.12 (76)	.31** (72)	.29* (67)
12. Truancy	.16 (76)	.19 (73)	.21 (76)	.11 (74)	-.17 (70)	.21 (70)	-.01 (76)	-.14 (76)	.18 (72)	.34** (67)
13. Academic Performance	-.03 (76)	.10 (73)	-.10 (76)	-.08 (74)	-.05 (70)	.31* (70)	-.01 (76)	-.03 (76)	.26* (72)	.21 (67)
14. Externalizin B	-.03 (76)	.10 (73)	.12 (76)	.12 (74)	-.34** (70)	.30* (70)	.12 (76)	-.12 (76)	.37 (72)	.35** (67)
15. Substance Use	.08 (76)	.12 (73)	.20 (76)	.47*** (74)	-.31** (70)	.31* (70)	.10 (76)	-.26* (76)	.20 (72)	.30* (67)
16. Delinquent Peers	.03 (51)	.12 (48)	.13 (51)	.15 (49)	-.53*** (48)	.24 (47)	.11 (51)	-.16 (51)	.31 (48)	.26 (46)
17. Social Skills	-.19 (75)	.27* (72)	.19 (75)	.12 (73)	-.03 (69)	.13 (69)	.23* (75)	.17 (75)	.16 (71)	.16 (66)
18. Empathy	-.11 (62)	.00 (60)	.12 (62)	.34** (60)	-.43*** (58)	.12 (57)	.14 (62)	-.11 (62)	.28 (59)	.25 (54)
19. Benefit from Treatment	.01 (62)	.16 (59)	.10 (62)	.20 (60)	-.44*** (57)	.37** (70)	.18 (62)	-.22 (62)	.38* (58)	.41** (54)
20. Personal Abuse	-.06 (76)	.09 (73)	.12 (76)	.11 (74)	-.01 (70)	.05 (70)	-.01 (76)	-.03 (76)	.07 (72)	.08 (67)
21. Risk Level	-.27 (43)	.01 (41)	-.27 (43)	.17 (43)	-.52*** (41)	.11 (42)	.21 (43)	-.08 (43)	.29 (42)	.34* (37)

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Table 3 continued  
Correlation Matrix of Demographic, Legal, and Psychosocial Variables: I (n).

	11	12	13	14	15	16	17	18	19	20
11. Home Conditions	--									
12. Truancy	.30** (76)	--								
13. Academic Performance	.14 (76)	.13 (76)	--							
14. Externalizing	.38*** (76)	.33** (76)	.32** (76)	--						
15. Substance Use	.30 (76)	.44*** (76)	.16 (76)	.17 (76)	--					
16. Delinquent Peers	.36** (51)	.26 (51)	.19 (51)	.25 (51)	.36** (51)	--				
17. Social Skills	.28* (75)	.08 (75)	.28* (75)	.20 (75)	.05 (75)	.16 (50)	--			
18. Empathy	.14 (62)	.20 (62)	-.04 (62)	.21 (62)	.30* (62)	.29 (42)	.24 (61)	--		
19. Benefit from Treatment	.31* (62)	.42*** (62)	.41*** (62)	.48*** (62)	.36*** (62)	.47** (43)	.28* (61)	.36* (50)	--	
20. Personal Abuse	.35** (76)	.12 (76)	.05 (76)	.24* (76)	.03 (76)	.26 (51)	.25* (75)	.05 (62)	.11 (62)	--
21. Risk Level	.29 (43)	.40** (43)	.20 (43)	.63*** (43)	.27 (43)	.22 (32)	.17 (42)	.32 (37)	.44** (37)	.01 (43)

Note. The correlation matrix consists of Phi correlations of dichotomized variables; Spearman correlations of ordinal variables; Point-Biserial correlations of interval/ordinal and dichotomous variables; and Pearson correlations of interval variables or interval by ordinal variables.

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

Table 4

Inter-Rater Reliability for Coded Psychosocial Variables.

Psychosocial Variables	% Agreement		Kappa	
	Ordinal Scale	Presence/Absence	Ordinal Scale	Presence/Absence
Degree of Negative Impact of Exposure to Parental Substance Abuse	80%	87%	.69	.74
Quality of Relationship with Maternal Figure	71%	86%	.58	.69
Quality of Relationship with Paternal Figure	85%	85%	.78	.68
Quality of Parental Supervision of Youth	67%	93%	.56	.86
Quality of Parental Discipline of Youth	80%	93%	.72	.86
Impact of Witnessing Family Violence	73%	80%	.60	.61
Degree of Involvement of Children's Aid Society	100%	100%	1.00	1.00
Severity of Economic Family Problems	71%	86%	.53	.70
Degree of Cooperation/Communication During Testing	87%	93%	.65	.63
Quality of Academic Performance	93%	--	.76	--

Table 4 continued

Inter-rater Reliability for Coded Psychosocial Variables.

Psychosocial Variables	% Agreement		Kappa	
	Ordinal	Presence/ Absence	Ordinal	Presence/ Absence
Frequency of Truancy	87%	--	.76	--
Seriousness of Externalizing Problems	67%	100%	.44	1.00
Seriousness of Internalizing Problems	67%	93%	.46	.63
Severity of Youth's Substance Abuse	93%	--	.89	--
Degree of Association with Delinquent Peers	67%	100%	*	1.00
Quality of Youth's Social Skills	80%	88%	.49	.82
Youth's Capacity for Empathy	73%	91%	.58	.74
Youth's Capacity for Self-Control	60%	73%	.40	.25
Youth's Capacity to Benefit from Treatment	73%	91%	.58	.81
Degree of Personal Abuse Experienced	73%	87%	.60	.73
Risk of Re-offending	100%	--	1.00	--
Youth's Living Situation at Time of Offence	93%	--	.89	--

\* Kappa could not be calculated as number of non-empty rows was one as the item was not recommended as coded by one rater or was always recommended as coded by one rater.

-- Not applicable because Kappa value was acceptable when coded with the ordinal scale.

Table 5

**Frequency of Coded Mental Health Factors.**

Mental Health Variable	Frequency (%; $N = 76$ )	
Impact of Exposure to Parental Substance Use	44 (57.9%)	no use/no current impact
	32 (42.1%)	moderate/severe impact
Quality of Maternal Relationship	39 (51.3%)	adequate/good relationship
	35 (46.1%)	poor/very poor relationship
	2 (2.6%)	not specified
Quality of Paternal Relationship	28 (36.8%)	adequate/good relationship
	41 (53.9%)	poor /very poor relationship
	7 (9.2%)	not specified
General Quality of Parental Supervision	36 (47.7%)	adequate/good supervision
	40 (52.6%)	poor/very poor supervision
General Quality of Parental Discipline	33 (43.3%)	appropriate/consistent discipline
	43 (56.6%)	poor/very poor supervision
Children's Aid Society Involvement***	52 (68.4%)	no involvement or action
	24 (31.6%)	supervision or removal from home
General Severity of Economic Problems*	6 (7.9%)	no/only mild financial difficulty
	18 (23.7%)	moderate/severe financial difficulty
	52 (68.4%)	not specified
Rating of Academic Performance***	4 (5.3%)	above average
	11 (14.5%)	average
	61 (80.3%)	below average
Rating of School Attendance***	29 (38.2%)	never truant
	6 (7.9%)	occasionally truant
	41 (53.9%)	often truant

Table 5 continued

Frequency of Coded Mental Health Factors.

Mental Health Variable	Frequency (%; N = 76)	
Presence of Externalizing Problems***	8 (10.5%)	no externalizing problems
	68 (89.5%)	some degree of externalizing
History of Personal Substance Use	24 (31.6%)	no use
	26 (34.2%)	experimentation/non-chronic use
	26 (34.2%)	problematic/severe use
Association with Delinquent Others***	7 (9.2%)	no delinquent peers
	44 (57.9%)	delinquent peers
	25 (32.9%)	not specified
Rating of Social Skills**	26 (34.2%)	good/moderate social skills
	40 (64.4%)	poor social skills
	1 (1.3%)	not specified
Rating of Capacity for Empathy	35 (46.1%)	good/moderate empathy
	27 (35.5%)	poor empathy
	14 (18.4%)	not specified
Capacity to Benefit from Treatment**	22 (28.9%)	good capacity
	40 (52.6%)	little or some capacity
	14 (18.4%)	not specified
Severity of Abusive Childhood	40 (52.6%)	no personal abuse experienced
	36 (47.4%)	some degree of personal abuse
Risk of Re-offending***	3 (3.9%)	low risk
	8 (10.5%)	moderate risk
	32 (42.1%)	high risk
	33 (43.4%)	not specified in report

**Note.** Within variable categories were compared used Chi Square analyses at  $df = 1$ .

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

Table 6

**Predictors in Logistic Regression Analysis Predicting Odds of Receiving Custody or Probation as Most Severe Current Disposition (N = 65).**

Predictors	<u>B</u>	<u>S.E. of B</u>	<u>Wald Statistic</u>	<u>Partial r</u>	<u>Odds Ratio</u>	<u>Model Improvement (X<sup>2</sup>)</u>
<b>Step 1</b>						<b>3.57</b>
Age	-.00	.022	.01	.00	1.00	
Gender	.10	.887	.01	.00	1.10	
Ethnicity	-.61	.873	.50	.00	.53	
<b>Step 2</b>						<b>19.33***</b>
Serious Current Offence <sup>1</sup>	-1.31	.917	2.05		.27	
# of Prior Offences	.25	.414	.37	-.03	1.29	
				.00		
# of Current Offences	1.64	.799	4.25*	.18	5.19	
<b>Step 3</b>						<b>15.153***</b>
Quality of Home Conditions	.71	.258	7.63**	.29	2.04	
Substance Use <sup>2</sup>	1.01	.514	3.87*	.17	2.75	

**Note.** Initial -2 log likelihood was 89.97. The overall model was significant ( $X^2(8, N = 65) = 37.84, p < .0001$ ) and -2 log likelihood was reduced to 52.13. The overall correct classification with this model was 86.15% and slightly better in predicting probation cases (87.10%) and custody cases (85.29%).

<sup>1</sup> If one of the current offences were serious it was coded as 1, whereas if all current offences were non-serious they were coded as 0.

<sup>2</sup> Seriousness of substance use problems was coded as 0 = no use; 1 = experimentation/non-chronic use; and 2 = problematic/chronic use.

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



Table 7

Predictors of Length of Probation in Multiple Regression Analysis (N = 51<sup>1</sup>).

Predictors	B	S.E. B	$\beta$
<b>Step 1</b>			
Age	.00	.05	.01
Gender	-.34	1.52	-.03
Ethnicity	.71	1.55	.06
<b>Step 2</b>			
Custody and Probation vs. Probation Only Disposition <sup>2</sup>	-3.44	1.65	-.30*
Serious Current Offence <sup>3</sup>	.41	1.80	.03
# of Past Offences	-.08	.85	-.01
# of Current Offences	-2.53	1.30	-.25
<b>Step 3</b>			
Quality of Home Conditions	.56	.47	.18
Externalizing Problems <sup>4</sup>	-7.23	2.35	-.43**
Substance Use <sup>5</sup>	-.39	1.01	-.05
Capacity for Empathy <sup>6</sup>	-1.24	.98	-.17

Note. Overall adjusted  $R^2 = .39$ .  $R^2 = .07$ ,  $p = .312$  for Step 1;  $R^2_{ch} = .30$ ,  $p = .002$  for Step 2; and  $R^2_{ch} = .16$ ,  $p = .021$  for Step 3.

<sup>1</sup> One case was removed from analysis as a univariate residual outlier.

<sup>2</sup> Whether the youth was disposed to custody as the most serious part of their sentence were coded as 1 whereas probation was coded as 0.

<sup>3</sup> At least one current serious offence was coded as 1. If all offences were nonserious they were coded as 0.

<sup>4</sup> Presence of externalizing problems was coded as 1, and no externalizing problems were coded as 0.

<sup>5</sup> Seriousness of substance use problems was coded as 0 = no use; 1 = experimentation/non-chronic use; and 2 = problematic/chronic use.

<sup>6</sup> Poor capacity for empathy was coded as 1 and moderate/good capacity was coded as 0.

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

Table 8

Percent Agreement Between Recommendations and Final Court Dispositions.

Recommendations	%(n) Agreement for Female Offenders <sup>1</sup>	%(n) Agreement for Males Offenders <sup>2</sup>	% (n) Total Agreement with Court Dispositions
<u>Legal Recommendations</u>			
<u>(n = 85)</u>			
Restitution	--	67% (2/3)	67% (2/3)
Community	40% (2/5)	43% (3/7)	42% (5/12)
Service Order			
Probation	92% (11/12)	98% (44/45)	95% (55/57)
General Custody:	100% (5/5)	100% (8/8)	100% (13/13)
- Open custody	100% (2/2)	--	100% (2/2)
- Secure custody	--	--	--
<u>Mental Health</u>			
<u>Recommendations (n = 118)</u>			
Community	10% (1/10)	54% (6/11)	33% ( 7/21)
Support Team <sup>3</sup>			
General	53% (9/17)	63% (22/35)	60% (31/52)
Counseling:			
- Individual	8% (1/12)	10% (2/19)	10% (3/31)
- Family	0% (0/9)	18% (4/22)	13% (4/31)
- Substance	50% (2/4)	44% (4/9)	46% (6/13)
Abuse			
ASOP <sup>4</sup>	100% (1/1)	75% (15/20)	76% (16/21)
Psychiatric	25% (2/8)	37% (6/16)	33% ( 8/24)
Follow-up			

<sup>1</sup> 82% (18/22) legal recommendations and 36% (13/36) mental health recommendations were followed for female offenders.

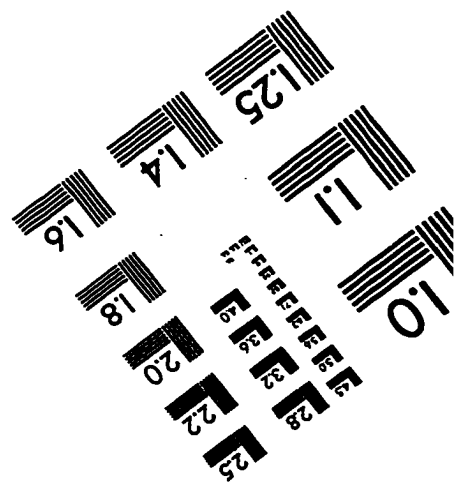
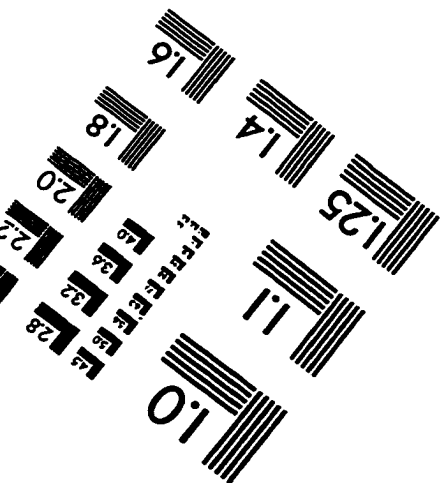
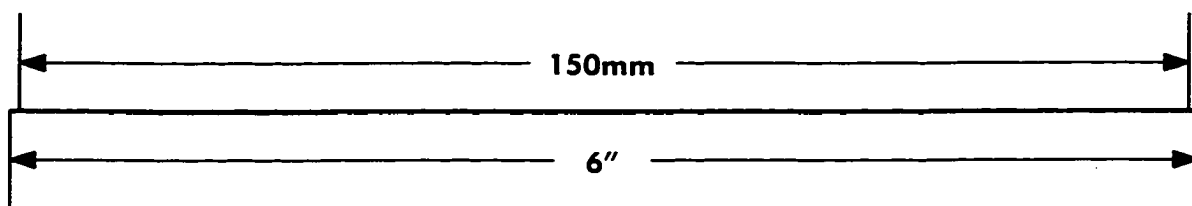
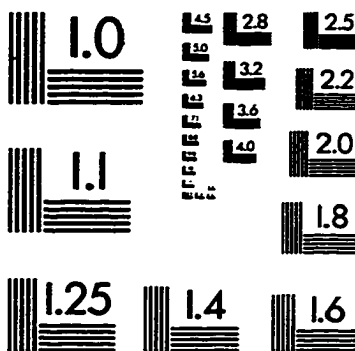
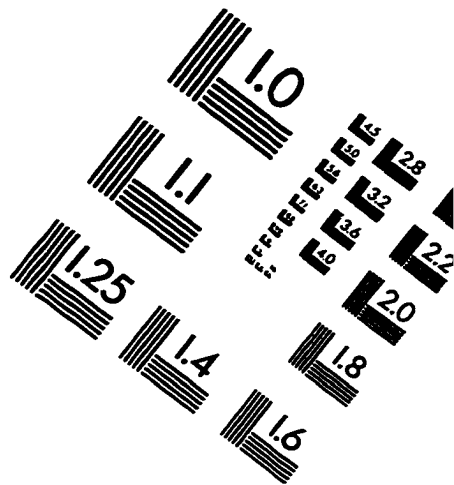
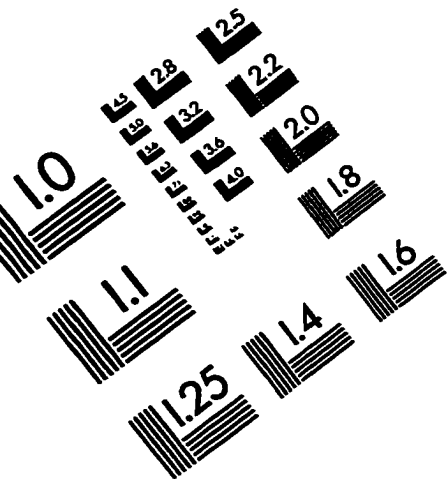
<sup>2</sup> 90% (57/63) legal recommendations and 60% (49/82) mental health recommendations were followed for male offenders.

<sup>3</sup> The percent agreement depended on the gender of the offender ( $\chi^2 (1, N = 21) = 4.68, p = .031$ ) for the Community Support Team recommendation.

<sup>4</sup> ASOP = Adolescent Sex Offender Program.

-- Agreement was not determined, as the mental health team did not recommend the variable.

# IMAGE EVALUATION TEST TARGET (QA-3)



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