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Accountable to what?

Professional orientations towards accountability-based juvenile justice

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Abstract

Formal philosophical and procedural aspects of American juvenile justice have been transformed over the past half-century by ‘accountability’ movements. Yet the meaning of accountability in juvenile justice – specifically who is to be held accountable and to whom – has varied over time making its present application unclear. In this article, we first describe two models of accountability ideals and how each developed. We discuss how traditional rehabilitative ideals were first displaced by ‘system accountability’ reforms emphasizing fairness and youths’ rights, followed by ‘juvenile accountability’ reforms emphasizing punishment and victims’ interests. We then explore how juvenile court judges, lawyers and probations officers in four states prioritize these accountability principles. While decision makers in our sample prioritize a system accountability perspective, especially as this relates to rehabilitative ideals, there is considerable diversity in orientation. Professional roles and racial identities of decision makers significantly shape their prioritization of various accountability goals.

Key Words

accountability • juvenile justice • juvenile responsibility • system responsibility

The juvenile court was conceived as the cornerstone of a clinical and remedial system of juvenile social control. The diffusion of the juvenile court model marked the development of a distinct institution of juvenile justice, where child-welfare and social control interests were blended in an organizing principle of rehabilitation. This juvenile court model was always contested but enjoyed a dominant influence over the first half of the 20th century (Bernard, 1992; Howell, 1997; Feld, 1999). By mid-century, however, criticism of the idea and practice of juvenile justice was mounting. Fueled by advocates critical of the administration of juvenile justice, including apparently inadequate due process protections, concern that juvenile confinement exacerbated problems of crime and delinquency, high recidivism rates among presumably rehabilitated offenders, and...
growing concern about juvenile violent crime, an accountability movement gradually redefined the philosophical, legal, and organizational underpinnings of contemporary juvenile justice systems.

This article examines the historical evolution and contemporary expression of accountability ideals in juvenile courts. The article is organized in two parts. First we describe two models of accountability ideals and their development. We suggest the ‘accountability movement’ actually involved two waves of philosophical and court organizational challenges to rehabilitative ideals. While recent discussions of accountability reform stress the ‘law and order’ wave of juvenile accountability reform (accountability of juveniles), evident since the 1980s, the movement began with liberal-democratic efforts to promote system accountability as early as the 1950s, and continuing into the 1970s. We review these two waves of discourse and policy to establish some empirical basis for defining and assessing ‘balance’ in accountability-based juvenile justice.

The second part of the article builds on this historical discussion by exploring contemporary juvenile court workers’ prioritization of juvenile and system accountability ideals. Using data from a survey of juvenile court workers in several Midwestern states, we test how decision makers relate to four accountability frameworks, two stressing system accountability (system fairness and juvenile rehabilitation), and two stressing juvenile accountability (just deserts punishment and victims’ rights). We also consider the professional and personal status characteristics associated with variation in accountability orientations. This empirical component of our article allows us to look beyond rhetorical and formal policy aspects of accountability reforms to consider what ‘accountability-based’ juvenile justice means to juvenile court workers, who holds various accountability ideals, and how this relates to the balance of multiple accountability ideals in contemporary juvenile justice.

WHO IS ACCOUNTABLE, AND TO WHAT? TWO MODELS OF ACCOUNTABILITY-BASED JUVENILE JUSTICE

Accountability ideals signify principles and processes of societal regulation. These ideals can emphasize any number of regulatory priorities, but generally stress the responsibility of actors and institutions to expressed or presumed interests of societal stakeholders (e.g. students, consumers, victims, voters, etc.), and consequences for failing to honor responsibility. At an institutional level accountability ideals emphasize legitimacy of authority, procedure and standards, and decisive action in the event of their violation or failure. At an individual level the focus is personal responsibility, where to be held accountable is to be made answerable for one’s behavior. The concept is ubiquitous in popular discourse, public policy and business, in part for this unimpeachable core principle of regulated responsibility (Leiken, 1997; Adserà et al., 2003). Accountability ideals essentially imply progress and improvement, making them especially germane to contexts of social reform, somewhat irrespective of their ideological or substantive nature.

The regulatory, flexible and vague premises of accountability discourse are quite evident in the past half-century of American juvenile justice, where distinct reform movements have commonly promised new levels of responsibility, effectiveness, and achievement in this context of social control. Yet given the vagaries of accountability
discourse, and specific philosophical thrusts of these waves of juvenile justice reform – from an early emphasis on system responsibility to a later focus on the responsibility of juveniles – it is unclear what is specifically meant by ‘accountability-based’ juvenile justice, and how potentially overlapping or distinct accountability frameworks coexist and are expressed within actual juvenile justice systems today.

**System accountability**

In the second half of the 20th century the founding principles of American juvenile justice became subject to insurmountable skepticism. By the 1960s, a chorus of mainly liberal critics questioned the appropriateness of rationalizing juvenile confinement with a vague and apparently unsuccessful goal of rehabilitation, as mounting empirical evidence pointed to several failures of institutionalization, including: punitive and abusive practices, high rates of recidivism, and a positive correlation between prior institutionalization and both the occurrence and severity of subsequent delinquent behavior (Cullen and Gilbert, 1982; Feld, 1999). Declining confidence in the State's ability to reform offenders pervaded penological discourse for both adults and juveniles (Allen, 1981). In *The culture of control* David Garland (2001) describes this shift from a penal-welfare paradigm, in which academics, the public, and policy makers expressed great confidence in the State's ability to rehabilitate offenders through correctional intervention, to a crisis of penal modernism, in which each group of stakeholders lost confidence in discretionary and utilitarian correctional efforts. Criticisms of rehabilitation took several forms, including attacks at discretionary state power as discriminatory and unjust (e.g. American Friends Service Committee, 1971), and a growing number of empirical studies that cast doubts on the efficacy of rehabilitation (the most famous of which was Martinson, 1974).

Though it profoundly shaped consequences for both adults and youth, this declining confidence in the rehabilitative ideal had particularly dramatic effects on the juvenile court, since rehabilitation was the organizing principle on which the court was based (at least rhetorically – see Platt, 1977). Additionally, whereas the crisis of penal modernism had somewhat of a unidirectional effect in criminal court by allowing punitive policies to take hold, in the juvenile court this paradigmatic shift had, at least initially, a positive force: a push for greater rights for juvenile court defendants. Indeed the loss of faith in rehabilitation created demands that the juvenile justice system take greater responsibility for its extraordinary authority and power (Olson-Raymer, 1993).

The most significant expression of this skepticism and concern was a series of Supreme Court decisions challenging the constitutionality of the juvenile court model. It is worth noting that the earliest Supreme Court decision forcing greater juvenile justice system accountability was not specifically focused on due process in legal proceedings, as institutional histories typically contend, but rather, addressed the civil rights of its racially diverse stakeholders. In its landmark *Brown v. Board of Education* (1954) ruling against the ‘separate but equal’ doctrine of racial segregation, the US Supreme Court forced long segregated juvenile justice systems nationwide, and in the US South especially, to racially integrate juvenile courts and reformatories. Several states unsuccessfully resisted the application of *Brown* to their juvenile justice systems, arguing and perhaps foreshadowing that these were penal rather than educational institutions, and therefore immune from the ruling (Manella, 1964). Higher courts consistently
rejected these claims, holding that juvenile justice systems were indeed responsible for providing equal, integrated rehabilitative opportunities to White and non-White youths, enforcing what proved just the beginning of Supreme Court regulations of juvenile justice administration (see State Board v. Myers, 1961; Singleton v. Board, 1966; Major v. Sowers, 1969).

A more direct wave of system accountability reform emerged simultaneous to these civil rights cases, challenging juvenile courts to recognize other civil rights of those youth and families before them. In a series of cases in the 1960s and 1970s, the Supreme Court ruled that youthful offenders subject to institutionalization required greater protection of their constitutional right to due process. While earlier courts sanctioned the authority and informality of the juvenile court (i.e. Ex Parte Crouse, 1838; Ex Parte Sharpe, 1908), underwriting a system of juvenile social control rooted in the image of a well-intentioned parental state, beginning in 1966 (Kent v. United States, 1961) the Supreme Court rejected claims that due process protections were unnecessary and counterproductive in this allegedly non-adversarial and non-punitive context of social control.

In this climate of decreasing institutional legitimacy, with appeals for the extension and enforcement of democratic principles mounting in broader civil rights struggles, the court ruled that administrators of juvenile justice should be held to higher standards of procedural formality, consistent with constitutional rights. In the decade between 1966 and 1975, Supreme Court decisions granted several due process protections to youthful offenders in juvenile court proceedings, including: the right to a formal hearing, legal representation, the cross-examination of witnesses, protection against self-incrimination, and a higher burden of proof on the state (Siegel and Senna, 1997; Feld, 1999). None of these rulings directly challenged the goal of rehabilitation; rather, they subjected the juvenile court and this traditional organizing principle to a higher standard of responsibility by limiting the court’s ability to respond subjectively to youth because of their age or race, without regard for constitutional rights. It is in this sense, as Rossum and colleagues (1987: 12) also note, that these US Supreme Court rulings ‘can be understood as attempts to establish [juvenile justice] system accountability’.

The Supreme Court was not alone in promoting juvenile justice system accountability ideals. Related criticisms and interventions premised on protecting the rights and interests of youth surfaced in The challenge of crime in a free society, the report of President Lyndon Johnson’s Commission on Law Enforcement and Administration of Justice (President’s Commission, 1967). The Commission concluded that, ‘the great hopes held for the juvenile court have not been fulfilled. It has not succeeded in rehabilitating delinquent youth, in reducing or even stemming the tide of delinquency, or in bringing justice and compassion to the juvenile offender’ (cited in Armstrong and Altschuler, 1982: 16–17). Left unchecked, the report claimed, the rehabilitative ideal led to excessive reliance on a reformatory model of intervention and the warehousing of increasing numbers of delinquents in institutions scarcely distinguishable from adult jails and prisons. The Commission challenged states to develop more effective and fair juvenile justice systems recommending decriminalization, due process protections, de-institutionalization, and diversion reforms which emerged across jurisdictions through the early 1970s (Armstrong and Altschuler, 1982). The Juvenile Justice and Delinquency Prevention Act of 1974, for example, prohibited detention or incarceration of
youth accused only of status offenses. In line with the Supreme Court rulings, this legislative effort signaled intentions to protect the constitutional rights and developmental needs of young offenders, largely by holding justice officials more responsible for the fair and effective use of these systems of social control.

This initial wave of reform resulted in an ideal or model we summarize as ‘system accountability’, with two distinguishing characteristics. First is the idea that juvenile justice systems remain responsible for helping court-involved youth realize their developmental potential (e.g. by addressing needs and avoiding their stigmatization or alienation). However, recognizing the potential for such a rehabilitative effort to be abused or practiced unfairly (i.e. in a discriminatory or overly coercive manner), system accountability ideals also prioritize due-process reforms in juvenile justice. This dual-vision of system accountability to juveniles’ ‘best interests’ marked a transitional period of mid-century juvenile justice reforms from an earlier period of highly discretionary rehabilitative ideals to the emergent ‘culture of control’ of the late 1970s (Garland, 2001), which substantially reframed accountability-based juvenile justice, as we explain further below.

**Juvenile accountability**

By the late 1970s calls for accountability in the administration of juvenile justice evinced a significant ideological shift. On this increasingly conservative political landscape, a new and more direct wave of accountability reformers challenged the rehabilitative ideal based on a radical reorientation toward child-welfare and criminal culpability considerations in juvenile social control. The fall of the penal-welfare paradigm left an ‘ideological vacuum’ (Garland, 2001: 62) allowing advocates of greater punishment to broaden and amend accountability concerns in juvenile justice. In the juvenile court context, these advocates called for holding children and adolescents more responsible for their behavior. To this end, state legislatures began revising purpose clauses of juvenile justice statutes to include greater emphasis on offender accountability, often by displacing the traditional focus on ‘the best interest of the child’ with language emphasizing justice, punishment, and public safety (Forst and Elin-Blomquist, 1992; Feld, 1999). Reviewing these changes, Elin-Blomquist and Forst (1993: 42) found that, ‘while the emerging terminology has been diverse, . . . an interest in treating youths as responsible actors can be discerned as a unifying theme of the reformed juvenile codes.’

The State of Washington was first to formally establish juvenile accountability ideals when legislators in that state passed the Juvenile Justice Act of 1977. The act was intended to ‘provide punishment commensurate with the age, crime, and criminal history of the juvenile offender’, and thus, ‘make the juvenile offender accountable for his or her criminal behavior’ (cited in Elin-Blomquist and Forst, 1992: 2). In 1985 the administrator of the federal Office of Juvenile Justice and Delinquency Prevention, Alfred Regnery (1985: 65), clarified and endorsed this new thrust in an article entitled, ‘Getting away with murder: Why the juvenile justice system needs an overhaul’, arguing:

[T]he juvenile justice system, which is supposed to act only in the ‘best interest of the child,’ serves neither the child, his victim, nor society. Juvenile crime rates since the 1950s have tripled, yet the theories and policies we use to deal with such crime fail to hold offenders accountable and do not deter crime. At best, they are outdated; at worst, they are a total failure, and may even abet the crimes they are supposed to prevent.
An appointee of President Ronald Reagan, Regnery proposed several policy recommendations, including a reduction of ‘the traditional distinction between juveniles and adults [since] criminals should be treated as criminals’. Echoing calls for just deserts punishments for adults (see van den Haag, 1975), he wrote that there was ‘no reason that society should be more lenient with a 16-year-old first offender than a 30-year-old first offender’ (Regnery, 1985: 68). Consistently referring to juvenile offenders as ‘criminals’, Regnery symbolically subverted traditional goals of protecting delinquents from stigmatizing labels and procedures of social control, further indicating a shift in emphasis from responsibility to youth, toward the accountability of youth.

Other advocates of juvenile accountability ideals argued that members of the allegedly new and more dangerous breed of youthful offenders were not only incorrigible, and thus inappropriate candidates for treatment, but undeserving of child-welfare initiatives. In this more overtly politicized account, which one observer describes as the ‘Willie Hortonization’ of juvenile justice, images of a dangerous and depraved, parent-less, amoral, and ‘adult-like’ child abound (Feld, 2000). Such imagery is prominent in a speech Governor John Engler (R-MI) delivered to the Prosecuting Attorneys of Michigan at the annual Mackinac Conference, in 1995. Introducing a ‘Comprehensive Plan’ to reform the State’s juvenile justice system, the Governor promised he would empower prosecutors to punish young offenders who traditionally enjoyed some immunity from their reach. Among his proposals were reforming welfare by ‘requiring work’, and ‘getting rid of the guns and knives in our schools by throwing out the young punks who bring them’ (Engler, 1995a).

Consistent with prominent conservative discourse on culture, poverty, and welfare (Banfield, 1970; O’Connor, 2001), Engler’s accountability rhetoric drew a sharp line between **deserving** and **undeserving** youth. In his ‘State of the State’ address later that year, the Governor explained that,

> As a society, we need to make sure our young people are learning what it means to be responsible. Unfortunately, through no fault of their own, some of Michigan's children are having a tough time of it . . . [and] are at risk even at home. Unfortunately, there are young people who put the rest of us at risk. They have no concept of personal responsibility, and no compunction about preying on others. Our message to these thugs and punks must be unambiguous. They not only forfeit their childhood; they forfeit their right to privacy and special treatment. . . . No longer will acts of ‘youthful indiscretion’ be erased from their records, while leaving permanent scars on their victims. The public is demanding – and I concur – that young punks be treated as adults. (Engler, 1995b)

Juvenile accountability rhetoric in Michigan reflected and reinforced other academic, professional, and political discourses on the growing threat of juvenile delinquency in the 1980s and 1990s. Sensational forecasts of ‘[juvenile] super predators flooding the nation's streets’ (DiIulio, 1995: 23) gained wide visibility in popular media, mixing with less inflammatory evidence of serious juvenile crime problems to shape public and political reflection on the regulatory measures needed to diffuse an ominous ‘teenage time bomb’ (Zoglin, 1996; also see Bennett et al., 1996). Public opinion data suggest much of the public was persuaded that traditional rehabilitative ideals had limited utility in this moment of apparent crisis. In 1993, a poll by *USA Today*, *CNN*, and *Gallup* found widespread support for more punitive juvenile justice policies, with 73 percent of adults
surveyed favoring treating juveniles who commit violent crimes the same as adults (cited in Howell, 1997: 47).

In 1997 majority leaders of the Republican-controlled Congress proposed the Violent and Repeat Juvenile Offender Act (S.10) and similar Juvenile Crime Control Act (HR.3), intending to institutionalize the conservative philosophical and policy turn of the accountability movement. The sponsors of S.10 identified the primary goal of the legislation as, ‘[ensuring] that young people be held accountable for their criminal or delinquent acts from the start, and . . . that accountability stand as a central feature of the Federal juvenile justice system in prosecuting violations of Federal law.’ A second goal was, ‘to ensure that the most serious juvenile criminals – those young people who commit adult crimes, such as murder and rape – are punished as adults’, and that, ‘the records of crimes and delinquent acts are maintained and appropriately made available for the protection of society’. The final goal of this legislation was to improve access to federal aid for state and locally based efforts to ‘address violent youth crime’, efforts including, ‘[the] prosecution, incarceration, and treatment of juvenile criminals, innovative and effective prevention efforts, and the maintenance, improvement, and distribution of juvenile criminal records’. The Act clearly frames accountability as a focus on the responsibility of young offenders, in the form of more certain and severe punishments, and limited protection against future social stigma through exposure of their offense history information. ‘Records of criminal or delinquent acts committed by juveniles should not be destroyed simply because the offender reaches adulthood’, the sponsors argued, ‘[since] members of society have a right to know who among them are repeat and violent offenders’.

Neither of the 1997 Senate bills nor the related Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999 (S.254) became law, yet they clearly marked and propelled the retributive shift and overt politicization of ‘accountability-based’ juvenile justice.

In this political context, Governor Engler of Michigan signed a 21-bill package establishing ‘responsibility, deterrence, accountability and punishment [as] basic components of Michigan’s juvenile justice system’, making this one of the most retributive juvenile justice systems in the country (Engler, 1995a). The Governor also successfully lobbied for construction of a maximum-security ‘Punk Prison’, a privately operated facility for serious juvenile offenders, which opened in 1999. It is worth noting that there were never enough seriously violent youth to fill the ‘Punk Prison’, and its cells inevitably filled with less serious delinquents, but the politicization of juvenile accountability rationalized this costly if brief experiment in retributive juvenile justice. Governor Engler’s Democratic successor closed the facility in 2005 (Detroit Free Press, 2005).

In summary, two waves of reform define the accountability movement in juvenile justice. An initial wave of what we describe as ‘system accountability’ reform prioritized the legitimate and responsible use of authority in the pursuit of juvenile rehabilitation, and is most evident in efforts to establish juvenile due process protections in juvenile court proceedings, and efforts to limit the use of confinement. Importantly, this initial expression of accountability-based juvenile justice remained centered on serving juvenile’s best interests, but included system fairness as an element of these interests. A subsequent wave of reform we label ‘juvenile accountability’ shifted attention from socio-legal responsibility toward youth, to the socio-legal responsibility of youth. This
retributive turn includes two corresponding elements: the pursuit of victims’ rights and just desert punishments. As we illustrate above, these two ideas are central components of the emergent culture of control, and are often invoked in such a way that suggests their opposition to earlier rehabilitative and system accountability goals.

Though it is not apparent in the law and order political discourse on accountability-based juvenile justice of the 1990s (Simon, 2007), earlier system accountability reforms would presumably co-exist with later juvenile accountability agendas to provide a more balanced system. Indeed, more moderate recent characterizations of accountability-based juvenile justice stress that, ‘[it] imposes a whole new set of expectations and demands not only on the offender but also on the juvenile justice system’, challenging ‘individuals and institutions that make up the juvenile justice system [to] never lose sight of their accountability to the public at large’ (Griffin, 1999: 2). With this historically established concept and expectation of balance in mind, we turn now to exploring the actual balance of official and self-reported accountability ideals in contemporary juvenile courts.

THE PRESENT BALANCE OF ACCOUNTABILITY-BASED JUVENILE JUSTICE

A half-century of accountability-related reform in juvenile justice underlies the potentially balanced understanding and praxis of ‘accountability-based’ juvenile justice today. Largely originating in the appeals and decisions of external reformers, public officials, and higher courts, these ‘system’ and ‘individual’ accountability ideals have taken complex and vague form in law and policy, leaving considerable discretion to individual court workers charged with their application. In this section we explore how states have institutionalized accountability-based juvenile justice reforms, and what prior research finds regarding the balance of system and juvenile accountability ideals in contemporary juvenile justice. Finally, we examine responses to a recent survey considering how juvenile court actors relate to system and juvenile accountability ideals, exploring factors associated with these accountability orientations, and what these suggest about the balance of accountability-based juvenile justice in contemporary juvenile courts.

There are several reasons to suspect that earlier ‘system accountability’ considerations are overshadowed in contemporary juvenile courts. First, while clearly emphasizing the formal rights of young offenders and dependants, these reforms were not explicitly characterized as ‘accountability-based’ initiatives, and therefore may not be considered germane to this organizing principle. Second, system accountability reforms are more temporally and culturally distant, the products of a unique and long-passed era of intense, popular and official concern about issues of institutional legitimacy, civil rights, and democratic governance. Many contemporary juvenile justice officials and court workers are likely personally unfamiliar with this period, and its cultural and political movements (Ward and Kupchik, forthcoming). Finally, more so than juvenile accountability, system accountability ideals essentially challenge juvenile court officials to regulate themselves rather than others, and might therefore be more readily dismissed.

In theory, however, contemporary accountability-based juvenile justice ideals would integrate the preceding half-century of cultural and legal turns in the conceptualization of responsibility in the context of juvenile justice. While there have been distinguishable
waves of accountability reform, these were never explicitly in conflict with each other, and the legal formality of the early wave (i.e. US Supreme Court rulings emphasizing the rights and interests of juveniles), would seem to make this a more durable body of reform, somewhat irrespective of subsequent cultural and policy turns. The two waves of accountability reform have clearly challenged juvenile justice systems to recognize their responsibility to the youth and broader publics they serve. As the Office of Juvenile Justice and Delinquency Prevention points out in its description of the accountability ideal, ‘a real commitment to meaningful, appropriate, flexible, and consistent sanctioning . . . imposes a whole new set of expectations and demands not only on the offender but also on the juvenile justice system.’ In this connection, ‘the individuals and institutions that make up the juvenile justice system [should] never lose sight of their accountability to the public at large’ (Griffin, 1999: 2).

Moreover, when states have established court reforms around the idea of accountability, they have framed the ideal in such sweeping terms that its specific requirements as an organizing principle are rather unclear, leaving open the possibility that decision makers will embrace system and juvenile accountability ideals (Elin-Blomquist and Forst, 1993). One review of accountability reforms in juvenile codes finds the reform variously associated with philosophy of ‘just deserts’, principles of ‘restorative justice’, and vestiges of the rehabilitative ideal (Umbreit, 1995). For example, the California legislature revised the purpose clause of its juvenile justice statute in 1984 to require that:

\[\text{in conformity with the interests of public safety and protection, [juvenile offenders shall] receive care, treatment and guidance which is consistent with their best interest, which holds them accountable for their behavior, and which is appropriate for their circumstances. This guidance may include punishment that is consistent with the rehabilitative objectives of the [juvenile court]. (cited in Forst and Elin-Blomquist, 1993: 31)}\]

While California’s revised statute specified that punishment cannot be retributive in purpose and design, this restriction was not evident in other states (Elin-Blomquist and Forst, 1992). Considering this ambiguity in law and variation across courts, outside of formal policy requirements (i.e. mandated juvenile transfer), the understanding and application of accountability ideals may vary among court workers, perhaps in relation to their court roles and other status characteristics.

The limited extant research on the institutionalization of accountability-based juvenile justice provides some support for our speculation that system accountability ideals are overshadowed by an emphasis on holding youth responsible. A 1995 national survey of more than 8000 juvenile justice professionals (including judges and attorneys, probation officers, police, criminologists, and others) gives cause to be somewhat skeptical of accountability-based system administration. Rossum (1995: 922–23) finds that although respondents believe that juvenile crime is a serious problem that is handled poorly, they resist change toward system accountability, and prefer to maintain a more offense-based system that holds juveniles, rather than themselves accountable:

\[\text{Respondents as a group favor reforms fundamentally at odds with those sought by the Supreme Court in Gault and subsequent cases, in that they are more strongly offense-oriented than favorably disposed toward procedural formality . . . Unlike the justices who sought to create a juvenile justice system that is informal and offender oriented, the respondents are willing to accept juvenile courts that are more offense-oriented, so long as their own discretion is preserved.}\]
Rossum (1995) finds that opposition to procedural formality is strongest among those categories of respondents most invested in the use of discretion during delinquency case processing – judges, attorneys, probation, and parole officers – and less likely among relatively more objective respondents (e.g. criminologists). ‘Put in the least flattering light,’ he concludes, juvenile justice practitioners ‘are more willing to hold juveniles responsible for their acts than they are to hold themselves accountable for what they do to these juveniles’ (Rossum, 1995: 923).

Based on Rossum’s research, it appears that juvenile court decision makers are more likely to prioritize a juvenile accountability perspective rather than a system accountability ideal. It remains unclear however whether these patterns are consistent across different types of juvenile court workers. For example, aside from the significance of their formal roles, we have limited perspective on how status characteristics such as age, gender, and race/ethnicity, or other professional characteristics (e.g. job tenure) of juvenile court workers are associated with accountability ideals. Rather than considering how juvenile court workers understand and prioritize goals of the court, much of the prior research focuses on support for punitive policies among the public at large (e.g. Bobo and Johnson, 2004; Mears et al., 2007) or among court workers (e.g. Cullen et al., 1993; Davis et al., 1993). Prior work illuminates how court workers are socialized to adopt particular goals and strategies that correspond to their professional role, and that prosecutors will hold more punitive goals than defense attorneys or judges (Heumann, 1978; Kupchik, 2006; see also Feeley, 1983), but results regarding the influence of court workers’ age, race/ethnicity, and gender are inconsistent, and many fail to find significant effects of court worker characteristics on court outcomes, once case characteristics are taken into account (e.g. Kruttschnitt, 1985; Steffensmeier and Britt, 2001). One recent study on attitudes toward treatment and punishment goals in juvenile court by Ward and Kupchik (forthcoming) finds that women favor treatment more and punishment less than men, and that Black Americans favor treatment more than Whites. Yet it is unclear whether these prior studies help predict the extent to which juvenile court workers prioritize one model of accountability over another. Exploring this issue will be useful to understanding the present balance of accountability-based juvenile justice, and how this relates to role and status distinctions among juvenile court workers, insights which should prove useful to future research and policy related to accountability-based juvenile justice.

ACCOUNTABILITY IDEALS IN 12 COURTS: WEIGHING SYSTEM AND JUVENILE RESPONSIBILITY

Nearly a half-century of reforms premised on increasing ‘responsibility’ in American juvenile justice leave the current meaning and practice of accountability-based juvenile justice unclear. We note two distinct though potentially coexisting foci behind these regulatory efforts, namely, increasing system and individual (juvenile) accountability, as constituting elements of a balanced accountability ideal.

Given recent calls for juvenile accountability, the larger culture of control (Garland, 2001) of which this is a part, and perhaps the relative appeal of authorities holding others rather than themselves responsible for their actions Rossum, 1995: 923), there is reason to expect court workers will prioritize juvenile accountability over system
accountability ideals. Further, research on ‘courts as communities’ and on local legal culture consistently shows that court actors in both juvenile and criminal courts collaborate in workgroups and, over time, develop shared expectations and perceptions of offenders and offenses (e.g. Sudnow, 1967; Emerson, 1969; Eisenstein and Jacob, 1977; Eisenstein et al., 1988; Savelsberg, 1992; Dixon, 1995; Ulmer and Kramer, 1996, 1998; Ulmer, 1997). This suggests that externally imposed legislative and policy initiatives, such as accountability ideals, will not alter professional orientations and behavior in the manner specifically prescribed, but rather, that these reforms will be filtered according to characteristics of individual court workers and local court organization (Heumann and Loftin, 1979; Feeley, 1983; Savelsberg, 1992; Singer, 1996; Engen and Steen, 2000; Kupchik, 2006). Indeed, despite substantial formal shifts toward punitive policies in juvenile court over the last few decades, several studies find that the rehabilitative ideal is still prominent in contemporary juvenile courts (Cullen et al., 1983; Sanborn, 1994; Kupchik, 2005). This may be especially true given the particular ambiguity or flexibility in the meaning of accountability; in the absence of a clearly articulated redirection of the court’s organizing principle, juvenile court workers may retain a traditional focus on rehabilitation.

The remainder of this article examines how personal and professional status characteristics relate to the prioritization of system and juvenile accountability ideals in 12 juvenile courts. We conclude with consideration of implications of our historical and empirical analysis for the challenge of balancing accountability in contexts of juvenile social control.

Data and methods

To explore the factors associated with preference for system or juvenile accountability, we analyze responses to a survey of juvenile court professionals assessing their prioritization of competing accountability definitions. The data were obtained through a self-administered survey of decision makers in 12 Midwestern juvenile courts (4 states; 3 courts in each). Specific courts were selected according to the size of their caseload and jurisdiction. We selected a court from a large metropolitan area, a mid-size city, and a small mixed-metropolitan area in each state, to introduce variation in the kinds of court organizations surveyed. In each court, probation officers, judges and referees, prosecutors, and defense attorneys were surveyed regarding general orientations toward case processing, and specific views on the importance of various models of accountability-based juvenile justice. While these respondents process and manage a range of juvenile cases (i.e. dependence, neglect, custody, and delinquency), the survey focused specifically on their orientations toward delinquency case processing.

Our non-random sample was obtained through the assistance of court administrators in each court. These liaisons provided initial entrée to the court by arranging meetings with potential respondents, typically with large groups of probation officers, small groups of prosecutors, and individual judges. The administrators did not compel participation, but their introduction provided an audience to introduce the study and invite voluntary and confidential participation. Several decision makers were unable to attend these meetings, including defense lawyers, who in every case were private lawyers contracted by the court. Court administrators also provided complete lists of current court personnel and their contact information, to facilitate surveying those who could
not attend meetings, and assess the representativeness of our data. Respondents we could not meet with were surveyed by mail. Our final sample includes 665 surveys, which represents a response rate of 66 percent of all eligible respondents (the populations of each professional group).  

We include several personal and professional characteristics of survey respondents in our analyses of accountability orientations. Personal characteristics we consider include age, sex (0 = male; 1 = female), parental status (coded 0 = not a parent; 1 = parent), and race/ethnicity. Due to low response rates on race/ethnicity categories other than non-Hispanic White and Black American, we measure race as a dummy variable indicating that the respondent is Black. Professional characteristics considered include occupational role (dummy variables indicating probation officer, prosecutor, judge, and defense attorney) and years of experience in the respondent’s current position. Table 1 includes summary statistics and frequencies of each variable we include.  

Our dependent variables are based on a measure of how professionals prioritize competing applications of the accountability ideal in juvenile justice administration. Respondents were asked to indicate which among four definitions of accountability they consider ‘most important’ in juvenile justice administration. The response options for this question allow us to consider how strongly respondents identify with system accountability and juvenile accountability. As illustrated in Table 2, suggested definitions emphasize distinct accountability relationships implied in the principles of rehabilitation, just deserts, victims’ rights, and system fairness, respectively. We use this ‘forced choice’ response option, whereby respondents must choose a single definition as most important, because preliminary analyses find that respondents, overall, value each of these goals (see also Ward and Kupchik, forthcoming). That is, most respondents agree that rehabilitation and system fairness and victims’ rights and just deserts punishments are important. Thus, the forced choice question asks them to prioritize among historically established goals of accountability-based juvenile justice.

We operationalize prioritization of the ‘system accountability’ ideal as support for the view that the juvenile court should focus on ensuring the fair treatment of juvenile justice.

### TABLE 1 Descriptive statistics (N = 501)

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<td>38.92</td>
<td>10.09</td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>46.49</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black American</td>
<td>21.16</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parents</td>
<td>55.60</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Job Tenure (months)</td>
<td>102.61</td>
<td>92.98</td>
<td></td>
</tr>
<tr>
<td>Judge</td>
<td>11.18</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prosecutor</td>
<td>4.79</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Defense Attorney</td>
<td>10.38</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Probation Officer</td>
<td>73.65</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Note: Percentages reported are for valid data only (missing case excluded).*
offenders, or on efforts to rehabilitate youth. As we have noted, although the rehabilitative ideal was questioned in the first wave of accountability reform, this challenge was rooted in concerns about the misuse of coercive state power and institutionalization, but did not fundamentally object to the goal of serving the best interests of youth. Rather, Supreme Court and legislative efforts in the 1950s, 1960s and 1970s sought to maintain ‘the best of both worlds’ for the juvenile court, by supporting rehabilitation and legal protections (i.e. civil rights and due process), rather than abandoning rehabilitative ambitions (Bernard, 1992). Finally, we operationalize prioritization of the ‘juvenile accountability’ ideal as the response that courts should focus on recognizing victims’ rights, or on administering punishments justly deserved, since these emphasize holding youth responsible for their victimization of others and violation of law, two primary concerns of the second (retributive) wave of accountability reform.

Analyses are carried out in three stages. First, we use bivariate tests of significance to determine how characteristics of decision makers are related to orientations toward accountability ideals. Second, we estimate a logistic regression equation to consider whether individual decision maker characteristics influence the prioritization of juvenile accountability over system accountability; for this model, we operationalize juvenile accountability as viewing either just deserts or victims’ rights as most important. Third, we estimate multinomial logistic regression models to explore how decision maker characteristics are related to prioritization of each of the four elements of these two broad accountability ideals. Multinomial logistic regression estimates the likelihood of a respondent choosing one category as opposed to a comparison category of the dependent variable, and the statistical effect of each independent variable on this likelihood. Since it is the most deeply rooted goal of the juvenile court, historically, we use the category of rehabilitation as our contrast, meaning that the coefficients in the models tell us how the independent variables affect the odds of a respondent selecting one of the remaining accountability options (victims’ rights, just deserts, or system fairness) relative to the odds of selecting rehabilitation as the most important definition of accountability. We estimate the logistic and multinomial logistic models with robust standard errors for county; this procedure adjusts the standard errors to account for the fact that cases within counties will be similar to one another. We also include county

---

**TABLE 2 Accountability definitions**

<table>
<thead>
<tr>
<th>Definition</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Accountability should be to the community and especially the <em>youthful offender</em>, emphasizing ideals of prevention and rehabilitation. (Coded: Rehabilitation)</td>
<td>44</td>
</tr>
<tr>
<td>B. Accountability should be to the community and especially the <em>law-abiding public</em>, emphasizing ideals of safety and punishments that are ‘just deserts’ for individuals who commit crimes. (Coded: Just Deserts)</td>
<td>13</td>
</tr>
<tr>
<td>C. Accountability should be to the community and especially <em>victims</em>, emphasizing ideals of material and emotional <em>restitution</em>, community restoration, and civil society. (Coded: Victims’ Rights)</td>
<td>22</td>
</tr>
<tr>
<td>D. Accountability should be to the general community, emphasizing ideals of equal justice and basic fairness within the justice system. (Coded: System Fairness)</td>
<td>20</td>
</tr>
</tbody>
</table>
fixed effects, which control for county-level variation. All analyses are executed using STATA SE9 software.

**Bivariate findings: prioritization of accountability ideals**
A consideration of bivariate relationships suggests that attitudes toward the issue of accountability vary substantially according to characteristics of juvenile court professionals. As shown in Table 3, respondents in the full sample tend to prioritize system accountability, as the most common response is that rehabilitation is the most important definition among competing applications of the ideal. This was followed by support for definitions prioritizing fairness within the justice system, and then by victims’ rights. Respondents were least likely to prioritize the accountability ideal based on the principle of just deserts, a finding which suggests that the emphasis on this definition in public discourse and policy may be met with ambivalence (see Kupchik, 2006).

Only two status characteristics are related to professional orientations toward the accountability ideal in the bivariate analyses. First, occupational role is strongly related to prioritizations of competing ideals, and these attitudes appear to correspond with the responsibilities of respective positions (Table 3; Chi-square = 48.87, \(p < .001\)). While probation officers, judges, and defense counsel prioritize the rehabilitative definition, prosecutors prioritize the interests of victims, and are least likely to support rehabilitation. With the notable exception of prosecutors, the just deserts model of accountability finds little support among decision makers. Defense counsel are predictably concerned with the interests of their clients, as shown by their almost exclusive support for definitions emphasizing rehabilitation and system fairness.

Additionally, respondents’ racial backgrounds are significantly related to their prioritization of accountability ideals (Chi-square = 24.40, \(p < .001\)). As shown in Table 3, respondents are generally identical in their prioritization of rehabilitation, as a plurality of each racial category considered this definition most important. However, while the largest proportion of remaining non-Black respondents prioritized victims’ rights, a larger proportion of remaining Black respondents (33%) prioritized system fairness. Interestingly, though support for the just deserts definition is generally low,

<table>
<thead>
<tr>
<th>ROLE^a</th>
<th>RACE^b</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROB. OFFICER</td>
<td>JUDGE</td>
</tr>
<tr>
<td>System Fairness</td>
<td>19</td>
</tr>
<tr>
<td>Victims’ Rights</td>
<td>22</td>
</tr>
<tr>
<td>Just Deserts</td>
<td>15</td>
</tr>
<tr>
<td>Rehabilitation</td>
<td>45</td>
</tr>
</tbody>
</table>

^a Chi-square = 48.87 (\(p < .001\)).
^b Chi-square = 24.40 (\(p < .001\)).
Black respondents are slightly more likely than White respondents to prioritize this definition. While we might speculate that higher rates of victimization among Black Americans (Kennedy, 2000) explain this more retributive orientation, the finding that Black professionals were least likely to prioritize victims’ rights casts some doubt on this interpretation. Multivariate models should help clarify the basis of these trends.

**Multivariate findings**

We report the results of our initial logistic regression in Table 4, listing the log odds (B) and the odds (Exp(B)) of prioritizing one of the two juvenile accountability goals rather than one of the two system accountability goals. The purpose of this model is to establish trends in favoring juvenile accountability rather than system accountability, before considering distinctions among the individual accountability ideals in the following model. The results show that Black court workers in our sample are less likely than others to select juvenile accountability as more important, prosecutors are more likely than probation officers to select juvenile accountability, and defense attorneys are less likely than probation officers. In sum, this model suggests that Black workers and defense attorneys favor an earlier emphasis on system accountability, whereby rehabilitation and system fairness were stressed rather than explicit punishment. In contrast, and as one would expect, prosecutors favor a juvenile accountability model.

The results of the multinomial logistic models, presented in Table 5, mirror the results of the logistic regression but add greater complexity to the results from Table 4 by identifying significant predictors of support for each accountability ideal that we discuss above, relative to the selection of rehabilitation. The coefficients for the models in Table 5 indicate the extent to which the independent variables are associated with the odds of respondents prioritizing either victims’ rights, just deserts, or system fairness.

### TABLE 4 Logistic regression of prioritizing juvenile accountability over system accountability on individual and professional characteristics

<table>
<thead>
<tr>
<th></th>
<th>B</th>
<th>EXP(B)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Individual characteristics</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Age</td>
<td>0.01</td>
<td>1.01</td>
</tr>
<tr>
<td>Female</td>
<td>−0.21</td>
<td>0.81</td>
</tr>
<tr>
<td>Black American</td>
<td>−0.80</td>
<td>0.45***</td>
</tr>
<tr>
<td>Parents</td>
<td>−0.02</td>
<td>0.98</td>
</tr>
<tr>
<td><strong>Professional characteristics</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Job tenure</td>
<td>0.00</td>
<td>1.00</td>
</tr>
<tr>
<td>Position (contrast: probation)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Judge</td>
<td>−0.26</td>
<td>0.77</td>
</tr>
<tr>
<td>Prosecutor</td>
<td>1.32</td>
<td>3.75***</td>
</tr>
<tr>
<td>Defense Attorney</td>
<td>−1.95</td>
<td>0.14***</td>
</tr>
<tr>
<td>Constant</td>
<td>−0.53</td>
<td></td>
</tr>
<tr>
<td>Model log psuedolikelihood:</td>
<td>−322.09</td>
<td></td>
</tr>
</tbody>
</table>

* p < .05; ** p < .01; *** p < .001.

**Note**: Fixed effects for county not shown; model includes robust cluster by county adjustments to standard errors.
rather than rehabilitation. Here we present the exponentiated (Exp(B)) coefficients, which tell us the relative odds of choosing each category, relative to the rehabilitation option; a coefficient below 1.0 indicates a negative relationship, and a coefficient greater than 1.0 indicates a positive relationship.

With the exception of race, and, to some extent, sex, demographic variables are not strongly related to prioritizations of accountability. Age and parental status are unrelated to accountability definitions in our models. The odds of women prioritizing just deserts and system fairness over rehabilitation are 45 percent less and 36 percent less than the odds of men making these choices, respectively, but sex is not associated with other differences. Controlling for other relevant variables, Black workers are significantly more likely than their non-Black counterparts to prioritize just deserts and system fairness definitions over rehabilitation, and less likely to favor victims’ rights over rehabilitation. The odds of Black workers prioritizing victims’ rights over rehabilitation are 58 percent lower than for White workers, the odds of Blacks prioritizing just deserts are 7 percent greater, and the odds of prioritizing system fairness are 158 percent greater. These findings support earlier research in the public context which finds that Black Americans are, ‘keyed perceptually to the actions of justice system representatives’, and therefore inclined to possess unique orientations toward justice administration, especially greater concern about system fairness (Young, 1991: 68).

Importantly, occupational role is strongly related to the individual accountability ideals. Compared to the probation officer reference group, judges are less likely to prioritize just deserts, relative to rehabilitation. Prosecutors are much more likely than

---

**TABLE 5 Multinomial regression of accountability priority on individual and professional characteristics (contrast: rehabilitation)**

<table>
<thead>
<tr>
<th></th>
<th>Model 1: Victims’ Rights Exp(B)</th>
<th>Model 2: Just Deserts Exp(B)</th>
<th>Model 3: System Fairness Exp(B)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individual characteristics</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Age</td>
<td>1.01</td>
<td>0.99</td>
<td>0.99</td>
</tr>
<tr>
<td>Female</td>
<td>0.92</td>
<td>0.55*</td>
<td>0.64*</td>
</tr>
<tr>
<td>Black American</td>
<td>0.42**</td>
<td>1.07**</td>
<td>2.58**</td>
</tr>
<tr>
<td>Parents</td>
<td>1.27</td>
<td>1.02</td>
<td>1.59</td>
</tr>
<tr>
<td>Professional characteristics</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Job tenure</td>
<td>1.00</td>
<td>1.00</td>
<td>1.00</td>
</tr>
<tr>
<td>Position (contrast: probation)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Judge</td>
<td>0.86</td>
<td>0.24*</td>
<td>1.90</td>
</tr>
<tr>
<td>Prosecutor</td>
<td>13.67***</td>
<td>8.67***</td>
<td>4.29*</td>
</tr>
<tr>
<td>Defense Attorney</td>
<td>0.09***</td>
<td>0.14**</td>
<td>0.86</td>
</tr>
<tr>
<td>Constant</td>
<td>0.49</td>
<td>0.79</td>
<td>0.39**</td>
</tr>
<tr>
<td>Model log psuedolikelihood:</td>
<td>–568.42</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* p < .05; ** p < .01; *** p < .001.

Note: Fixed effects for county not shown; model includes robust cluster by county adjustments to standard errors.
probation officers to prioritize victims’ rights – the odds of them prioritizing victims’ rights over rehabilitation are over 13 times greater than the odds for probation officers. Prosecutors are also more likely than probation officers to favor just deserts and system fairness. Conversely, defense attorneys are significantly less likely than probation officers to prioritize either victims’ rights or just deserts, relative to rehabilitation; the odds of defense attorneys choosing victims’ rights or just deserts are 91 percent and 86 percent lower than for probation officers, respectively. Finally, judges are somewhat less likely than probation officers to favor just deserts over rehabilitation.

Overall, then, we find that when controlling for other factors, one’s professional role is the most consistent predictor of accountability ideals, and that race also significantly distinguishes priorities in ‘accountability-based’ juvenile justice. It is not especially surprising that court role relates to accountability orientations in the manner we have observed. For example, prosecutors stress the importance of each goal other than rehabilitation, and do so to a much greater degree than other court actors, who are perhaps more responsible than these law enforcement figures to address the question of rehabilitation. Similarly, defense attorneys are less likely than probation officers to prioritize victims’ rights and just deserts, as we might expect of these advocates. The coefficients in Tables 4 and 5 show the odds of prosecutors supporting various accountability ideals relative to probation officers; the vast disparities between coefficients for probation officers as opposed to both judges and defense attorneys are noteworthy. For example, while the odds of prosecutors supporting just deserts rather than rehabilitation are almost nine times the odds for probation officers, the odds of judges and defense attorneys supporting just deserts are substantially less than those for prosecutors. Though these findings are not very surprising, as we argue further below, they do suggest practical challenges as ‘balancing’ accountability is concerned, considering the power of prosecuting attorneys in contemporary juvenile courts.

It is also interesting that Black respondents are significantly less likely to choose victims’ rights, and more likely to choose just deserts or system fairness as the most important definition of accountability, relative to selecting rehabilitation. Considering their comparatively strong disinclination toward victims’ rights and rehabilitation-focused accountability definitions, it appears that Black workers are uniquely invested in the ideal of a fair and impartial arbiter of juvenile social control. Here again, however, the power and in this case apparent marginalization of Black workers in courts we surveyed raises questions about the extent to which these orientations influence court organization, and thus contribute to the balance of juvenile and system accountability ideals.

**DISCUSSION**

In this study we find little indication that a coherent accountability ideal has emerged to effectively reorganize juvenile justice. Our historical analysis suggests that a two-stage and limited philosophical displacement of the rehabilitative ideal occurred, beginning with discourse and policy focused on system accountability reforms in the 1950s, 1960s and 1970s, followed by juvenile accountability reform efforts since the 1980s that mirror the punitive tenor of broader juvenile justice and criminal justice policy reform. But the balance of these reforms is not clearly reflected in the accountability
orientations of juvenile court professionals. Juvenile court workers surveyed here are most inclined to support an accountability ideal that prioritizes rehabilitation. Except for prosecutors, few decision makers responding to this survey indicate significant preference for a juvenile accountability model over a system accountability framework. Shifting juvenile codes, harsh rhetoric and federal incentives to become more punitive in the handling of delinquency notwithstanding, most decision makers appear to remain inclined to advocate traditional rehabilitative principles of juvenile social control.

Not surprisingly, different categories of juvenile justice decision makers express divergent accountability orientations. Distinctions are especially apparent along the contours of professional role and racial background. At first glance, this may be seen as confirmation of a working and advancing system, with workers representing the array of societal interests in the administration of justice, and reflecting the value of diversity. If each decision maker maintains allegiance to a specific group of stakeholders, according to professional roles, we should expect variations in the prioritization of competing accountability ideals. Similarly, the inclusion of minorities and women in justice-related occupations is often promoted on grounds that minorities bring unique sensitivities, concerns and insights to justice processes, likely to bolster the performance and legitimacy of these systems (Ward, 2006). Various oriented decision makers working together in the administration of juvenile justice might produce a system of ‘checks and balances’ where accountability is obtained at all levels, and minority group concerns receive appropriate and much needed attention.

Realities of accountability-related reforms and the organization of decision making in juvenile justice temper this optimistic view. The hallmark of accountability reform has been a liberalization of mechanisms by which juveniles can be severely punished for serious or chronic delinquency and crime. Key to this procedural change has been the ascendance of the prosecutorial role in juvenile justice administration. Due in large part to the determinate nature of formal charges in the context of mandatory and determinate sentencing, and frequent ability to determine the specific jurisdiction (i.e. juvenile vs adult) of court proceedings, prosecutorial decisions carry tremendous weight in contemporary accountability-based juvenile justice systems. This uneven distribution of decision-making authority is very important, since we find a substantial role conflict among our respondents, in that prosecutors diverge sharply from other court workers in how they prioritize accountability goals. If our findings on the accountability ideals of decision makers are representative of practice, this uneven participation will likely diminish the prospects for a balanced accountability ideal in the administration of juvenile justice, and particularly diminish attention to issues of system accountability, especially in promoting rehabilitation and system fairness. The concentration of minority professionals in the lower ranks of the justice workforce (in our sample among probation officers), and their under-representation among more influential judges and prosecutors (Ward, 2006), may also limit attention to system accountability issues in juvenile court organizations.

Even if we assume the existence of coherent and balanced accountability ideals, institutionalizing accountability-based juvenile justice presents its own problems. In a case study of California’s juvenile justice system, for example, Elin-Blomquist and Forst (1993) discovered a complex model of ‘accountability-based’ sanctions intended to standardize case processing and promote acceptance of responsibility in several ways.
The system operationalized accountability by developing policies of determinate sentencing, requirements that youth successfully complete prescribed programs and, finally, requirements that adjudicated delinquents ‘deal with their commitment offense’ before being released. In theory this was a comprehensive strategy for assuring proportionality in sentencing and the acceptance of responsibility. In practice these policies resulted in increased and often unwarranted reliance on institutionalization, as youth remained confined awaiting entry to often full but mandated treatment programs. Researchers further questioned the system accountability of this arrangement based on the finding that youth often failed to satisfy the ‘subjective and vague’ requirement of dealing with their commitment offense. If the [parole] board wanted to keep a youth confined for purposes of public protection through incapacitation,’ beyond what was provided by the original sentence, ‘the board merely claimed the youth’s [coming to terms with their offense] lacked sufficient sincerity and continued confinement was warranted.’ Researchers concluded that ‘the operationalization of accountability . . . resulted in subjecting juveniles to higher standards of conduct and personal responsibility than are applied to adult felons’ (Elin-Blomquist and Forst, 1993: 34–40).

Adverse consequences of these imbalanced juvenile accountability ideals are likely borne disproportionately by minority youth, as this group is predominate among institutionalized youth in the United States. This is especially ironic and troubling considering that one of the earliest accountability-related reforms in juvenile justice, the ruling against racial segregation in public institutions including juvenile courts and reformatories, was intended to bolster system accountability to non-White youth and community stakeholders. Now not only integrated but disproportionately represented in juvenile justice systems (Leiber, 2003), minority youth appear to bear the brunt of the subsequent turn toward individual accountability ideals.

This was dramatically reflected in a personal conversation with a senior prosecuting attorney in one of the large urban courts surveyed in this research. After completing the questionnaire used in this study, a senior White male prosecutor suggested that he could easily explain what was ‘really going on’ with juvenile justice today. The basic problem, he explained, is that delinquents today are ‘amoral’, whereas delinquents in eras past were ‘immoral’. The implication was that delinquents today have souls that are, for whatever reason, unsalvageable. We asked how he determined which youth represent this new and decidedly incorrigible breed of amoral delinquents. To our surprise and disappointment, considering our interest in the balance of individual and system accountability ideals, which include rights to due process, the prosecutor indicated matter-of-factly that he could, ‘see it in the eyes’. In a court serving a large Black community, and in light of research on racialized notions of juvenile culpability (Bridges and Steen, 1998), one wonders if this powerful court actor also sees amorality in the skin. Whatever the case, as is clear from this example, if we are genuinely committed to an accountability ideal for juvenile justice, we must at least hold decision makers as responsible for their choices and actions as we intend to hold youth responsible for their deeds.

The goal of this article has been to outline the development of two models of accountability, and offer an initial, exploratory analysis of how juvenile court workers prioritize these multiple accountability goals. Though we offer a much-needed inquiry into the historical development and contemporary expression of accountability-based
In this paper, we study the importance of personal and professional status characteristics in shaping accountability orientations among juvenile court workers. We find that these factors significantly differentiate accountability orientations. Despite these limitations, our analyses clearly suggest the importance of looking beyond the rhetoric of accountability-based juvenile justice to consider what accountability means to practicing juvenile court workers. We find that personal and professional status characteristics significantly differentiate accountability orientations.
There is considerable variety and perhaps some welcome disagreement over the importance of accountability-based juvenile justice, and still strong support for rehabilitative ideals. We find some reason to be concerned that historically established interest in promoting system accountability, indeed, as a check to the rehabilitative agenda, is not consistently emphasized, especially by more influential court workers. Future research and policy should examine whether and how accountability-based juvenile justice can balance historically established interests in juvenile rehabilitation, punishment, and justice.

Acknowledgements
An earlier version of this article was presented at the Annual Meeting of the American Society of Criminology (Nashville, TN, November 2004).

Notes
1 One or another party can as easily issue the promise of a new standard of responsibility, an 'age of accountability' where new levels of efficiency, achievement, and satisfaction will emerge in the wake of a new regulatory regime. Accountability in education, for example, was a corner-stone of one of President George W. Bush's first policy initiatives, No child left behind (see Bush, 2001).
2 For additional analyses of how court workers' perspectives and interests shape court reform, see Feeley (1983) and Singer (1996).
3 These data were originally obtained through a project funded by the National Institute of Justice (98-JB-VX-0112) to examine, 'The use of structured decision making to achieve accountability-based sanctions'. The survey was administered between June 1999 and June 2000.
4 Despite the assistance of court administrators, the response rate was hindered by several factors. Response rates are relatively low among judges and defense attorneys, actors with whom court administrators have less influence. Consequently, survey response rates varied between individual courts and categories of decision makers within courts, and our data therefore represent a non-random sample.
5 Due to missing data on our dependent variable and race/ethnicity responses, our final sample was $N = 501$. This includes cases in which we imputed missing values for age ($n = 12$), sex ($n = 2$), parental status ($n = 10$), and job tenure ($n = 34$). To impute these values we used the impute function in STATA, with other relevant independent variables as predictors of the missing values.
6 For the sake of parsimony, and because we are considering general trends rather than contextual distinctions, we do not focus on the effects of court context in this article. Yet a sizable literature suggests that court context can substantially shape how court workers approach, manage, and dispose of cases (e.g. Eisenstein and Jacob, 1977; Eisenstein et al., 1988; Dixon, 1995; Engen and Steen, 2000). Therefore, to factor out county-level variation and better isolate distinctions among court workers' views of accountability that are related to individual and professional characteristics, we include county fixed effects as a methodological adjustment. Because this is a methodological adjustment rather than a test of theory, we do not report coefficients for the county fixed effects variables.
7 As we state in the discussion, it is important to note that this result may be partially due to a very broad definition of rehabilitation that was presented to survey respondents.

8 As an anonymous reviewer noted, juvenile court workers are often selected or self-selected to work in juvenile courts because of their wishes to achieve goals other than (or in addition to) just deserts.

9 Of course, since the courts cover entire counties, some cases that come to the courts may originate in rural areas outside of the county seats. Though this might suggest variation in cases and juveniles who face the court, all court workers surveyed work in the cities housing the courts.

References


**Cases**


*Ex Parte Crouse* (1838).

*Ex Parte Sharpe* (1908).


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