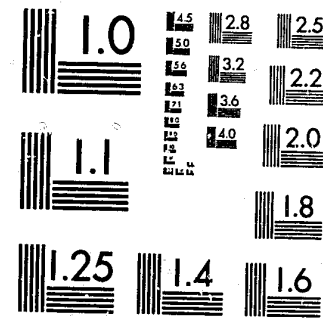


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SANCTION SENSITIVITY:
A THEORY OF SPECIFIC DETERRENCE OF DELINQUENCY

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ABSTRACT

The way a juvenile responds to the first police encounter is a function of three streams of variables: (a) characteristics of the juvenile, which we call Sanction Sensitivity, that relate directly to police sanctions, (b) etiological factors and police contacts which help produce the first arrest encounters, and (c) variables affecting the arrest and disposition decisions of the police. Our theory concentrates operationally on sanction sensitivity and the police decisions. In interaction with those arrest and disposition decisions, we posit two forms of Sanction Sensitivity, which in turn predict to different intervening processes and lead alternatively to inhibition and generation of further delinquency and arrests. The two forms of Sanction Sensitivity are (a) Inhibitory, and a function of variables often identified in deterrence research, and (b) Generative, a function of variables often identified in labeling theory. The means by which these two patterns yield differential responses to first arrest encounters, and thus to decreased and increased recidivism, is illustrated in arrow charts and a path diagram accompanying the presentation.

In this paper, we propose a conceptual scheme concerning juvenile responses to initial police sanctions. It is important to keep in mind that this scheme is now emerging from our preliminary work; not only is it subject to modification, but modification is an explicit purpose of our proposed research. Also, it is important to keep another point in mind. Because of our concentration on the crime control aspects of early official sanctioning, this conceptual scheme is not put forward as an etiological framework in the usual tradition of delinquency theories (e.g. Elliott et al., 1979; Hirschi, 1969). Rather, we are concerned with understanding variables operational in the sanctioning and the post-sanctioning deterrence arena, i.e. at the point in the justice system where police may have their greatest impact on truncating developing careers of delinquency.

The three dominant paradigms of responses to juvenile misbehavior--paternalism, liberationism, and the recent neo-classical perspective--serve to remind us that any approach to the handling or treatment of juvenile offenders is enmeshed in broader contexts of philosophy, politics, and views of life. The search for effective responses will be improved to the extent that we understand and account for these contexts. This point is particularly germane now because current thinking is moving away from Paternalism and into a bifurcation stressing Liberationist and Neo-Classical approaches. The former--Liberationism--has been poorly supported by data during its expansionist period. The failure of most diversion programs, in particular, is forcing us to look more carefully at the more punitive alternatives.

This, in turn, has led us to consider, as the epitome of the Neo-Classical approach at the juvenile level, the issue of early official sanctions for juvenile offenses, the so-called slap on the wrist in the form of initial

juvenile arrests. Briefly, here is the quandary we may be in;

a. Our review of relevant psychological literature (see Moffit, 1982) suggests that effectiveness of negative sanctioning depends heavily on such issues as temporal contiguity between act and sanction, on contingent punishment where the actor has some sense of the risk associated with the act, and on the substantive identity of the act as committed and the act as defined for punishment.

b. The very nature of police response to delinquent acts conflicts with these principles. Temporal contiguity is usually absent, there is a poor relationship between acts and risk of detection and sanction, and act identity is often altered in the period between act and sanction. All this suggests that early police sanctions cannot be effective. The pivotal case is at the time of the first arrest.

c. Yet the common finding is that 50% of first arrests are not followed by further arrests. This 50% drop-off rate suggests the likelihood of significant characterological differences between one-time and multiple offenders related directly to being deterred by police-associated sanctions.

But our review of the criminological literature suggests that an equally likely result of early sanctions is the initiation of the labeling process and the creation of even more delinquency. With both deterrence and generation of delinquency as likely outcomes of current arrest and disposition practices, it is difficult to suggest theoretically based guidelines for police activity with juveniles (Pancieria, 1982).

Deterrence and labeling seem to be opposite sides of the same coin. Our situation, as outlined above, yields a double paradox; the prerequisites of deterrence are defeated by the structure of the juvenile justice system, yet the results of early sanctioning by that system indicate that the coin has landed with both sides face up!

There are some implications to be derived from such a message. The first, of course, is that we have a lot of thinking and research to do in order to understand what is going on and what might go on. Second, it may be that several academic and practitioner blind men have been handling different appendages of the delinquency elephant. Different perspectives, emphasizing different categories of delinquents, may have fostered the appearance of more conflict, of a greater paradox, than need be the case.

The Early Sanctioning Conceptual Scheme

In the following pages, we present various facets of our emerging Conceptual Scheme. The scheme itself, and the exposition required, is quite complex. In order to deal with this complexity, we present a series of related arrow diagrams.

Figure 1 tells the following story:

1. The way a juvenile responds to the first police/juvenile encounter is a function of three streams of variables. These are (a) characteristics of the juvenile, which we call sanction sensitivity, that relate directly to police sanctions; (b) etiological factors and police contacts which help produce the first arrest encounters; and (c) variables affecting the arrest and disposition decision of the police. Our conceptual scheme concentrates operationally on (a) and (c), that is the sanction sensitivity and police sanction streams, with the more commonly studied etiological stream constituting, for now, a set of unmeasured exogenous variables.
2. We posit, with respect to sanction sensitivity, two forms of this construct which predict (as the arrows indicate) to two different intervening constructs.
3. We are now willing to speculate on principal causal relationships, as indicated by the arrows. Note that the model is recursive, which is appropriate to our current interest in developing causal models for the simple

dichotomy between one-time-only and repeat offenders. In this case, juveniles with more than two arrests are treated like those with only two arrests. In the future, sanction sensitivity models designed to deal directly with multiple repeat offenders or "career" delinquents must be non-recursive; they must incorporate feedback loops from immediate and subsequent responses back to sanction sensitivity, from disposition back to police role enactment, and from new arrests (which then become priors) back to sanction sensitivity.

But for now, referring only to the issue of responses to first arrest, the sequence illustrated in Figure 1 indicates that two forms of sanction sensitivity interact with police sanctions to yield changes in a sequence of intervening variables of a behavioral and cognitive sort which in turn produce a cessation or continuation of arrests. The intervening processes, temporarily ordered, are youth immediate and delayed responses to the sanctions in the police encounter, a net inhibitory or generative effect, and a level of further delinquent behavior. Other factors and causal paths are acknowledge in Figure 1, including exogenous etiological variables and professional organizational variables affecting police arrest and sanctioning practices. We have also provided Figure 2, the full view of the conceptual scheme with a listing of relevant categories of variables. However, time precludes our dealing with Figure 2 today, so let's move on.

We turn briefly, then, to Figure 3. This figure highlights, for selected components of Figure 2, major variables which contribute to ("cause") the components specified.

We have isolated four components for which, both conceptually and empirically, we can justify the listing of causal or contributing variables exogenous to each of the constructs. The four lists are illustrative, but, quite obviously, not exhaustive. Indeed, one of our proposed future analyses will search specifically for other variables directly predictive of sanction

sensitivity. As noted earlier, principal supportive work in this area is that of Elliott, Klein, and Mednick, but other summary works include Jensen on SES (1972), Datesman and Scarpitti (1975), Klein (1980), Feldman (1977), Robins (1966), and Hirschi (1969) on family discipline.

With respect to police role, especially juvenile policing, the relevant work is principally our own (Klein, 1974; Klein and Little, 1980; Klein, 1982; Little, 1982), although more general research is relevant to the juvenile area (c.f., Wilson, 1968; Rovner-Piecznick, 1978; Sundeen, 1974; McEachern and Bauzer, 1967).

In the area of police sanctioning decisions, a considerable literature has now evolved which designates important correlates and even suggests the relative contributions between some of these. Prominent among these studies are Piliavin and Briar on juvenile attitudes (1964), Black and Reiss on victim attitude (1970), McEachern and Bauzer on demographic variables (1967), a veritable host of studies on the nature of the offense, and Butcher on co-subjects (unpublished). Our current grant is yielding data on the impact of State and case law and of court policy.

Finally, the suggested list of contributors to Immediate Youth Responses to the Encounter includes items not well documented in the literature but which we hypothesize as highly pertinent. We will be searching for such variables in available data sets, as well as in our future observations of the police/juvenile encounters.

Figure 3 can be viewed as one set of conclusions we have reached over the past year. That is, the analysis of our Danish cohort data so far, our bibliographic research, and our staff discussions have led to some firm opinions that these variables should be given a prominent place as causal variables in the Conceptual Scheme.

These Figures are complex because they contain not only an idea system, but also some of our current thinking with regard to analysis, causal variables, and some measurement components. This is an evolving scheme, and we now fully anticipate that our future research will see it both modified and more fully specified. What will not change, if we are to continue in the direction we have chosen, are (1) the double focus on juvenile characteristics and police propensities, (2) our concentration within the former on sanction sensitivity rather than delinquency potential, and (3) our focus on the arrest situation as the pivot around which we will investigate the issues of early sanctioning.

The Investigative Paradox

It is important to reiterate the basic question that motivated this line of research, and the partial answer which has emerged thus far. The Rehabilitation Panel of the National Academy of Sciences asked us what is known about the effectiveness of early sanctioning. Since the answer was patently clear--very little is known--the Panel's inquiry was altered to ask, what are the issues which must be covered in order to approach such a question?

The Conceptual Scheme should be seen as a step in specifying these issues. Further, our work has now led us to a partial answer to whether or not early sanctioning is an effective deterrent; that answer is that the nature of police practice is so contrary to established principles of learning that deterrence through early sanctioning seems a most unlikely proposition.

And yet, there is some evidence that deterrence of this sort may indeed take place. Further, there is also evidence that early sanctioning may actually generate further arrests. Thus in an intellectual context which argues for no effect, there is contrary evidence for opposite effects. As a result, we entertain a complex hypothesis.

The hypothesis is that there are two directive streams of inhibitory and generative processes at work among those juveniles who are affected by early sanctioning. In Figures 1, 2, and 3, this is suggested by the dotted line through sanction sensitivity. These two streams correspond to deterrent and labeling effects, and, at the extreme, we suggest, to two different sets of youngsters. For one set, sanction sensitivity refers to the behavioral level rather directly: arrest and disposition deters the future behavior which might result in future arrests, although this may be mediated by immediate responses to the arrest situation. For the other set, sanction sensitivity leads to two types of labeling effects. The first is a shift toward a negative self-concept which in turn results in future misconduct and therefore subsequent arrests. The second is a set of behaviors, not necessarily delinquent, which leads to greater visibility to the authorities who, in turn, react to the prior arrest and disposition with a propensity toward further arrest (Klein, 1978; Lincoln et al., forthcoming). In these two branches of the second set of youngsters, the reader will recognize the internal-change and the societal-reaction versions of labeling theory, a recognition that it takes two, suspect and officer, to make an arrest.

Essentially, then, we are suggesting two types of sanction-sensitive youngsters, those who learn to desist or reduce their arrestable behavior (or at least to hide it) and those who become more susceptible to further arrests. The theoretical perspectives suggesting this dichotomy are illustrated in Figure 4.

The labeling perspective posits a positive relation (+) from sanction sensitivity to recidivism, i.e., additional arrests, and that path b/e will be a better predictor than path a. The deterrent perspective posits a negative (-) relation from sanction sensitivity to recidivism, i.e., a cessation of arrests, and that path d will be a better predictor than path c/e. The seeming conflicting perspectives can both be entertained if indeed they correspond to different kinds of youngsters, juveniles for whom one might hypothesize orthogonal sets of operative variables.

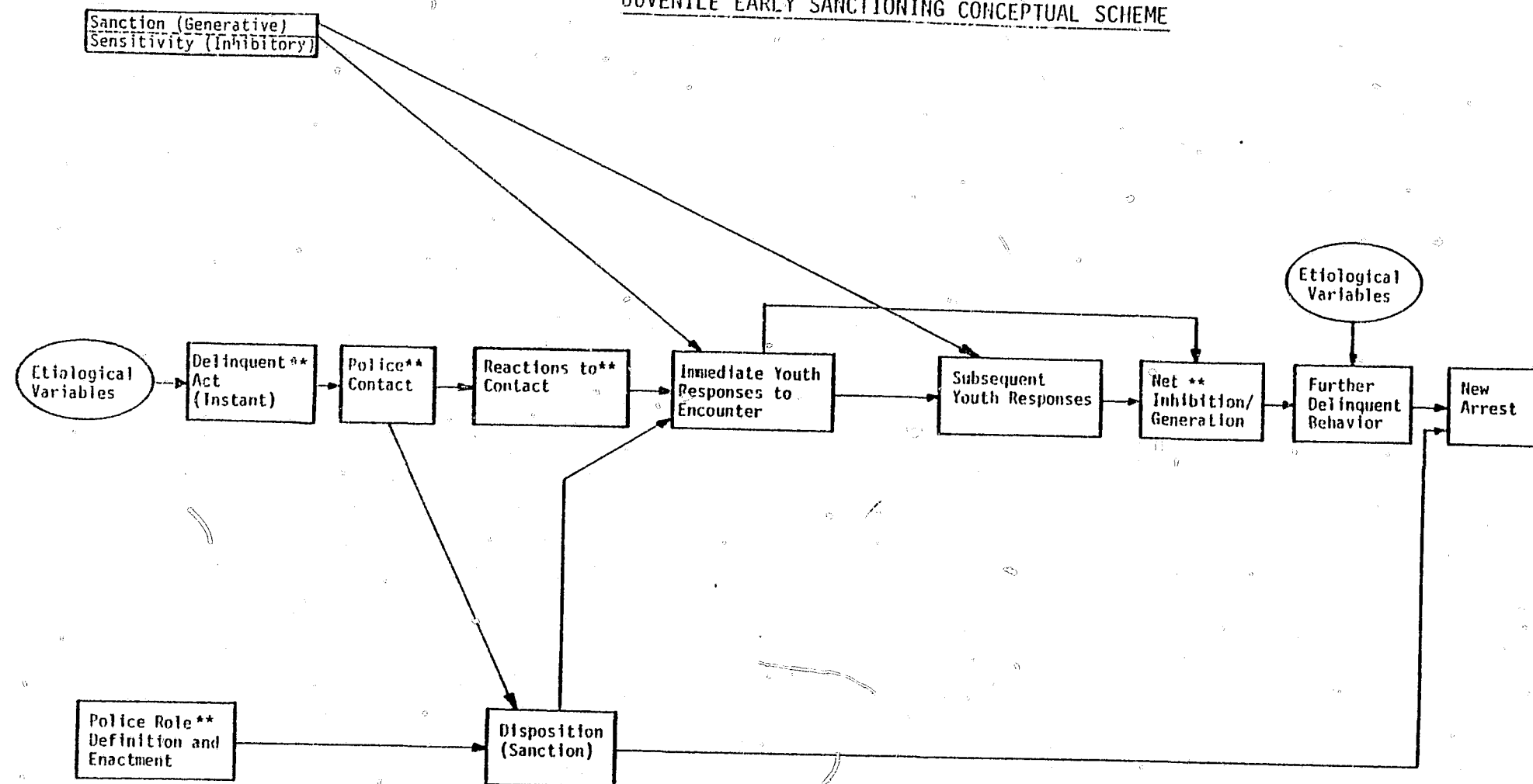
Additionally (see Figure 2) we can test whether any mediation of the recidivism effects is brought about by different intervening processes, subsequent youth responses in the case of labeling (generative) process and immediate responses in the case of the deterrent (inhibitory) process.

By way of illustration, let us assume arbitrarily that first-time arrestees will consist of half of inhibitable and half of generatable recidivists. The former are unlikely to be re-arrested. The proportion of recidivists of the inhibitable type--high IQ, ^{fast brain activity, high IQ, high IQ} slow alpha wave, older juveniles for example--will be increasingly lower as the number of rearrests increases. But the proportion of generatable recidivists will increase (even as their absolute numbers go down via change, reformation, incapacitation, etc. (see Gibbs, 1975, Chapter 3). That is, those whose sanction sensitivity is most directly related to self-concept changes and to behavioral visibility will increasingly constitute the cohorts of second, third, fourth, to nth multiple recidivists. Figure 5 illustrates this progression.

As the absolute numbers of re-arrested juveniles decreases, the proportions of inhibitable and generatable arrestees will become more unequal. If data from our future research is generally supportive of the Conceptual Scheme, and

if in particular our conceptions revolving around sanction sensitivity are confirmed, then we believe that important hypotheses such as that above will be both logically entertainable and empirically testable. Such tests would be important to continuing the process of developing specific deterrence theory.

FIGURE 1: PRINCIPAL CONSTRUCTS OF THE
JUVENILE EARLY SANCTIONING CONCEPTUAL SCHEME



KEY

- - No precursors specified; this is not an etiological scheme
- ** - Excluded from analytical aims
- - Causal directions
- - Major category of variables in conceptual scheme

Figure 2: JUVENILE EARLY SANCTIONING CONCEPTUAL SCHEME:
Constructs, Contributing Variables, and Indicators

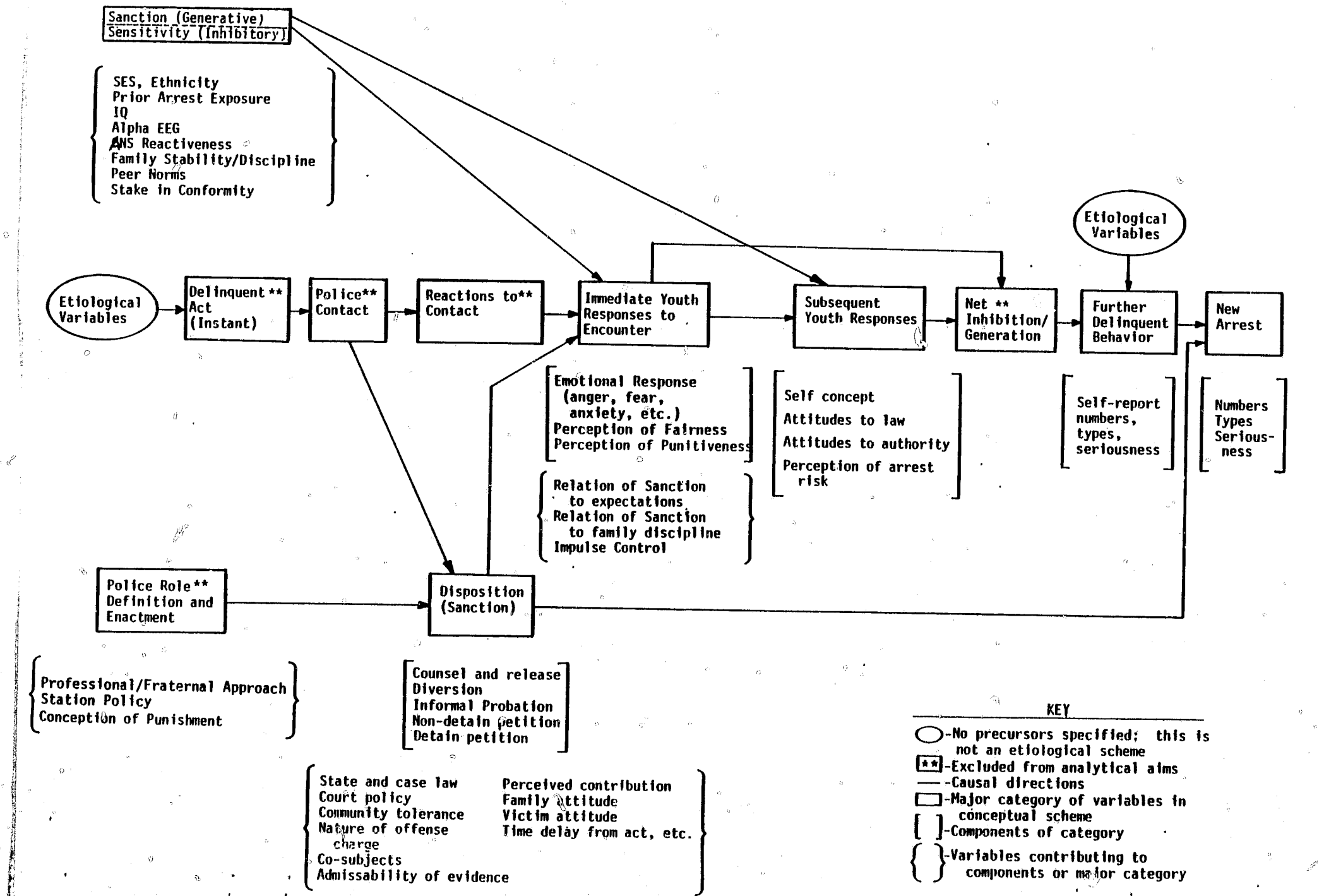
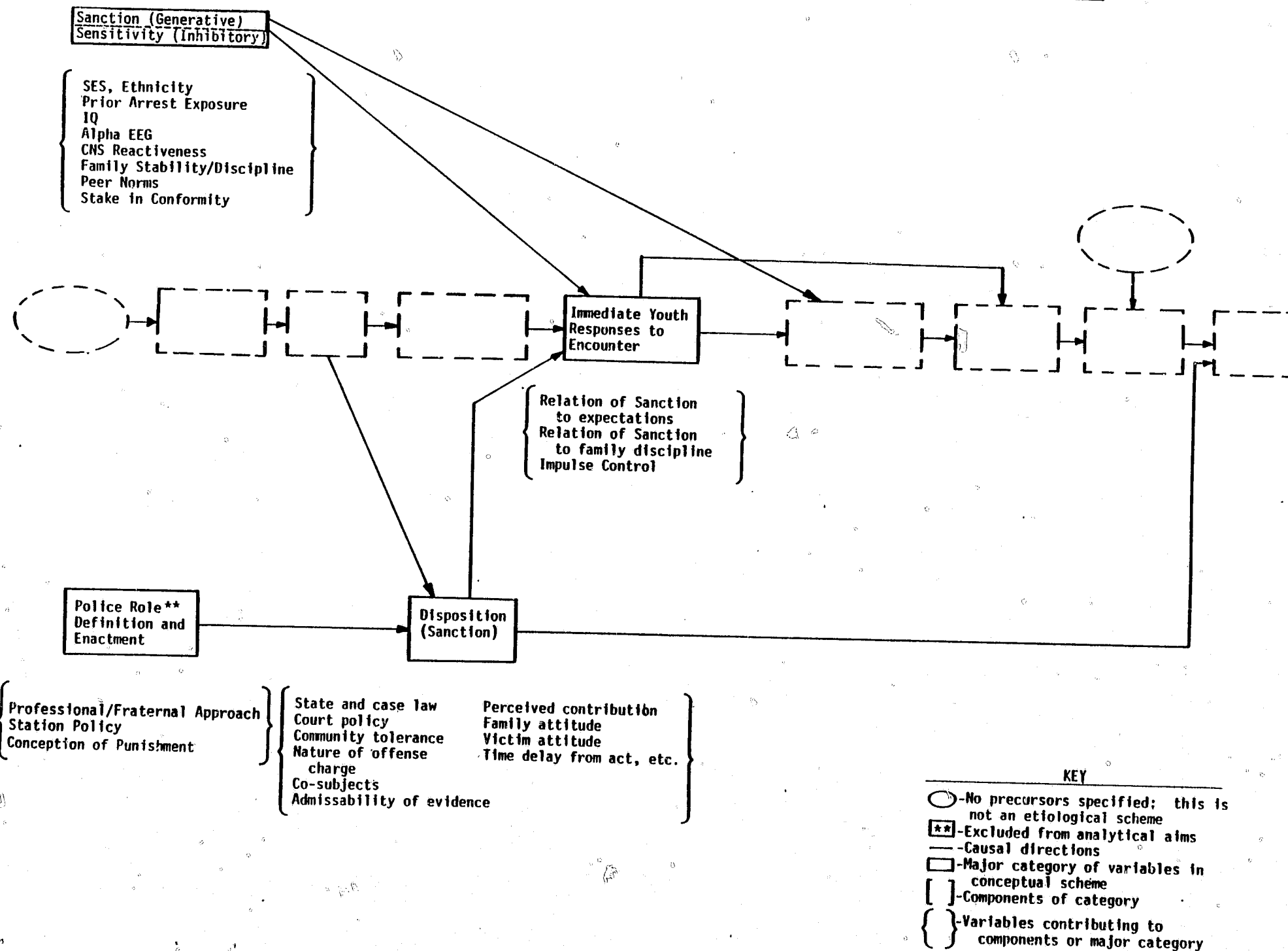


Figure 3: VARIABLES CONTRIBUTING TO SELECTED SCHEME CONSTRUCTS



Sanction (Generative)
Sensitivity (Inhibitory)

- SES, Ethnicity
- Prior Arrest Exposure
- IQ
- Alpha EEG
- CNS Reactiveness
- Family Stability/Discipline
- Peer Norms
- Stake in Conformity

Immediate Youth Responses to Encounter

Police Role**
Definition and Enactment

Disposition (Sanction)

- Relation of Sanction to expectations
- Relation of Sanction to family discipline
- Impulse Control

- Professional/Fraternal Approach
- Station Policy
- Conception of Punishment

- State and case law
- Court policy
- Community tolerance
- Nature of offense charge
- Co-subjects
- Admissability of evidence
- Perceived contribution
- Family attitude
- Victim attitude
- Time delay from act, etc.

KEY

- - No precursors specified; this is not an etiological scheme
- **- Excluded from analytical aims
- - Causal directions
- - Major category of variables in conceptual scheme
- - Components of category
- { } - Variables contributing to components or major category

Figure 4: Alternative Paths to Recidivism

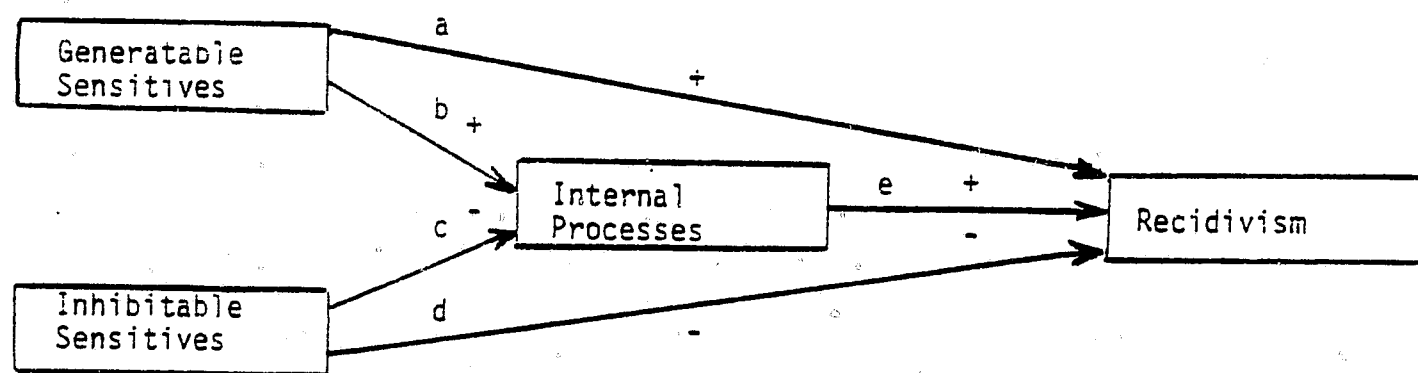
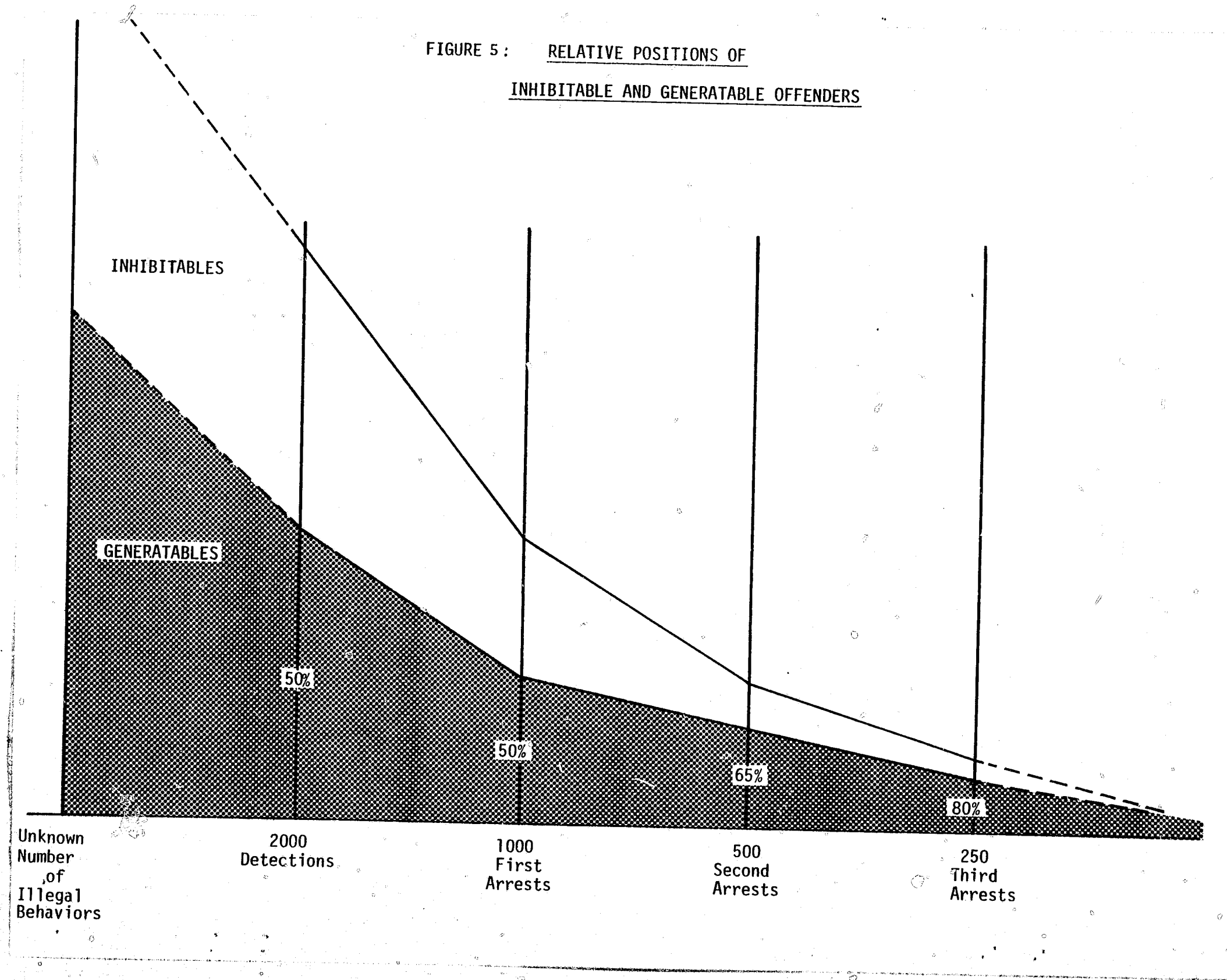


FIGURE 5: RELATIVE POSITIONS OF
INHIBITABLE AND GENERATABLE OFFENDERS



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