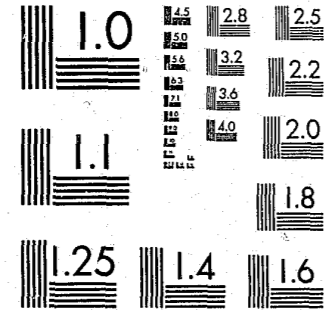


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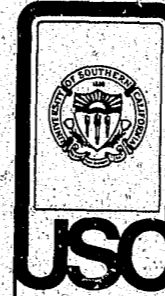
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The Implications of Deterrence and Labeling for
Police/Juvenile Encounters

by
Lawrence Panciera

Section III of the Final Report
of Grant 80-IJ-CX-0055-*:
Exploring Guidelines for Specific
Deterrence Theory: Early Sanctions
in the Juvenile Justice System

Malcolm W. Klein and Sarnoff A. Mednick
University of Southern California
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Abstract

If the juvenile officer turns to social science for guidance on the handling of juveniles, the officer is faced with a contradiction. Deterrence theory implies that a strong response on the part of the officer will reduce the probability of future delinquent behavior. Yet Labeling theory implies that a strong response will increase the probability of future delinquency. Influenced by labeling theory, current police practice often attempts to minimize the possible stigmatizing effect of custody. Recently some researchers have speculated that this concern may result in an erosion of the juvenile's perception of the seriousness of his misbehavior.

A review of the research on the deterrent and the labeling effects of juvenile-police encounters reveals that there is little empirical basis for evaluating how much of either effect takes place and under what conditions. The review does reveal two major limitations of the prior research. It has failed to adequately consider the psychological processes that underly the deterrence and labeling phenomena, and it has failed to control for variables that could mask deterrence and labeling effects. Future research must combine a much more sophisticated theoretical framework and maintain much tighter controls of system and individual difference variables. Given the importance of a correct understanding of deterrence and labeling effects of juvenile police work, there is a great need for new and better research.

The Implications of Deterrence and Labeling for Police/Juvenile Encounters

Introduction

The two major theories that address the impact that the juvenile justice system can have on juveniles who have entered it lead to conclusions that are disturbingly contradictory. The first, deterrence theory, roughly stated, declares that the effectiveness of a juvenile justice intervention increases with the strength or seriousness of the responses to the juvenile. The second, labeling theory, roughly stated, declares that as the strength or seriousness of the system's response to the juvenile increases, there is a decrease in effectiveness. The juvenile justice system and social scientists who study it are posed a difficult problem by this contradiction. Because of the presumed importance of juvenile justice systems actions in the lives of the individual juveniles contacted and for the general welfare of society, a correct choice between the two theories or a proper reconciliation as a guide for police-court action seems vitally important.

Despite the apparent briefness of the police-juvenile interaction (in some cases a matter of a few minutes) there are a number of reasons why arriving at an understanding of how deterrence, labeling and other processes may operate in the police encounter is critically important. For the majority of first-time offenders, police encounters comprise the total experience the youth has with the juvenile justice system. In

addition, it is during these first encounters with the police that juveniles may be most impressionable. Finally, given the nature of juvenile law, there is at least the potential, if not the actuality, of a great deal of discretion on the part of the police. The police, then, have a significant opportunity through the choice of their action to maximize their impact on the youth's future behavior.

The purpose of this paper is to review, in turn, the two theoretical perspectives of deterrence and labeling as well as the empirical literature pertinent to either with respect to the police handling of juveniles. On the bases of the review, the early interactions of police with juveniles will be analyzed to see in what ways police effectiveness can be increased and how these suggestions might be tested.

DETERRENCE

Definitions

Two exhaustive discussions of the concept of deterrence (Zimring and Hawkins, 1973; Gibbs, 1975) have recognized that the term deterrence has been employed in a variety of ways and that the diversity of uses has led to confusion. Therefore an attempt will be made to make explicit the sense of deterrence employed throughout this paper. Deterrence concerns the impact of the threat of negative consequences of actions on the likelihood that a person will perform the action. More particularly, it concerns threats by the legal system on behavior that is considered criminal. Referring to terms employed by Zimring and Hawkins(1973), deterrence can be defined more precisely as the

inhibition of criminal behavior (threatened behavior) by a certain group (audience) in order to avoid certain direct consequences (threatened consequences) threatened by the legal system (threatening agency). The inhibition occurs because an individual fears and wishes to avoid the threatened consequences.

From this definition, it can be seen that deterrence and punishment are related concepts. The term punishment is defined as the infliction of an aversive stimulus by an agent on a person following certain behaviors in order to a)suppress or b)recompense the target behaviors. Deterrence, then, is one type of an effective threat of punishment. It is a type in that it refers only to the effects on delinquent or criminal behavior of the threats and it focuses on the sorts of punishment used by the legal system. It must be an effective use of punishment because the term deterrence refers to an inhibition in behavior whereas punishment need only be an event experienced as aversive and as a consequence of behavior ,it does not necessarily inhibit behavior. Finally, in order for the threat of punishment to be recognized, a threatened person must have experience with direct or vicarious punishment.

Deterrence in the general sense discussed above has been contrasted in the literature with specific or special deterrence. Specific deterrence refers to a)the impact of legal sanctions administered to an individual following criminal behavior on that individual's future criminal behavior and b) the corresponding impact of threats of punishment directed at a particular individual. The first type of specific deterrence occurs when a

legal punishment successfully reduces the disposition to commit a criminal offense in the person punished and the second occurs when a threatened legal punishment reduces the disposition to commit a criminal offense in the person threatened. Zimring and Hawkins have questioned the usefulness of the distinction. "But insofar as this process works by making or attempting to make, individuals more sensitive to future threats because of present punishment, it is really not so much special or individual deterrence as it is a special effort to make individuals more sensitive to general deterrence"(p.73). While they are essentially correct in their relating of the concepts of special and general deterrence, they underestimate the usefulness of having a term referring to the subset of deterrence phenomena that pertain to what the police and courts can do with individual offenders or potential offenders to increase the effect of society's threats on future contemplated criminal behavior. These are the very issues that are most relevant to the concerns of this paper, how the actions of police toward specific juveniles influence those juveniles' dispositions toward future delinquent behavior. The review will consequently emphasize the literature on specific or special deterrence.

The definitional approach taken in this paper underlines the psychological component inherent in the conceptualization of deterrence. The occurrence of deterrence implies that two psychological processes have taken place within the individuals deterred. First of all, in order for deterrence to occur, any objective threats by the legal system must be perceived by the

individual to be deterred. Second, a choice of an alternatives to criminal behavior must be the result of the perceived threat. But this is not a sufficient characterization of the choice. The person's choice in behavior must be an attempt to avoid the future aversive consequences. Deterrence is essentially defined by the motive or reason that a person has for his behavior. With respect to police and juveniles, an officer's encounter with a juvenile delinquent will have a deterrent (specific) effect if subsequent to the encounter, a) the juvenile delinquent has a changed perception of the severity, celerity or certainty of the aversive consequences for delinquent behavior and is b) consequently less likely to commit delinquent acts because the youth has a greater incentive to avoid the negative consequences.

Differences in definitions of deterrence

As indicated in a statement by Erickson, Gibbs and Jensen(1977), there is agreement among the current definitions of deterrence that perceptions are important. On the other hand, differences in deterrence definitions are often determined by what motives for refraining from criminal behavior qualify as deterrence. For example, Zimring and Hawkins include as deterrence cases in which punishment informs a person what is illegal and allows him to correct his behavior out of a pre-existing motive to be a law abiding citizen. Although the perception of which behaviors will be punished is important, the motive for action is not that of fear or avoidance, and thus would not qualify as an instance of deterrence as defined in this paper. A contrasting case is presented by Gibbs' definition of

deterrence. Gibbs considers behavior that has the motive to avoid what he terms extralegal aversive consequences (social condemnation for example) to be unrelated to deterrence. The approach taken in this paper recognizes that there are a variety of aversive consequences and that individuals are differentially sensitive to different types, but a motive to avoid any aversive legal or extralegal consequences would qualify as an example of deterrence.

Each definitional approach might find a particular discussion in which it is most useful. It seems, however, for the purposes of research that seeks to understand when and how deterrence occurs, it is advisable to select a definition which most likely encompasses a family of phenomena that reflect highly similar underlying processes, rather than a family of phenomena that are grouped on the bases of some other shared characteristics such as social ends that are served. In arriving at the definition of deterrence used in this paper, this has been attempted. All instances of deterrence here defined share the two step psychological processes of perception and of choice, and the motive to avoid future aversive consequences.

The police encounter

The first step toward understanding the possible deterrent impact of the police-juvenile encounter is a general description of what occurs in such an encounter that could influence the youth's perception of the aversive consequences of his delinquent actions. What comes to mind immediately is the sanctioning role of the police. Contact with a policeman when a youth is

suspected of doing wrong can itself be an aversive experience. Arrest, being taken away from a place you know to a strange place, the attendant disorientation, detainment and loss of freedom, criticism, imminent threat of future loss of freedom, possible fines, incarceration and a record--some or all of these will likely be experienced by the youth as punishment. Concurrent with these are the extralegal consequences that may arise in home, school or work. What in fact the youth experiences as aversive will depend on the interests in his life that he believes are put in jeopardy by the police encounter. There will obviously be a great amount of individual differences in how punishing the same treatment by the police would be experienced by different youths.

In order for deterrence to occur it is not sufficient nor necessary that the youth experience punishment. It is not sufficient, because the juvenile must in addition learn from the punishment experience that future punishment will be more severe, more certain or quicker than he had previously anticipated. According to a rational choice model, a person performs a behavior when the anticipated reward outweighs the anticipated costs. The person can be deterred from future similar behavior, if he comes to learn that the actual costs are greater than had been anticipated and greater than the anticipated benefit. If punishment teaches either that costs are in fact less than anticipated or, while greater than anticipated, still less than anticipated rewards, the person will see that it still is in his interest to perform the punished act. Insufficient punishment

will not deter unwanted behavior. When less than anticipated by the person punished, it can result in an increased tendency to perform the unwanted behavior. Actual punishment is not necessary, because the police may effectively communicate a threat that future consequences will be much more severe than what the youth has anticipated without actually punishing the youth.

For deterrence, what is ultimately important is not what the youth experiences but what he believes about the future. Again individual differences between the youths play an important role in determining what is learned. The difference from the anticipated punishment in part determines whether what is experienced or learned about the future leads to a perception of greater severity, certainty or celerity. It is possible for two youths to experience the same punishment and yet have one's tendency to commit delinquent acts increase, because the received punishment was less than anticipated, and the second's decrease because the punishment was greater. Also, for deterrence to occur the changed perception of punishment must be great enough to outweigh motivation to commit an act. If the youth's motive is great enough, even an appreciable change in perceived threat will not inhibit the youth. Both differences in the youth's anticipations of punishment and in motivations for delinquency determine the net deterrent impact of a police encounter.

The second step toward understanding the deterrent impact of the police is to consider non-deterrent effects the police might have on juveniles. While the sanctioning functions of the police

are the most dramatic, there are two other functions that can likely affect future delinquent behavior. Police have both educative and reinforcing functions. In their conversations with the youths, police can inform them about opportunities for rewarding activities that are inconsistent with criminal behavior, help youths reassess downward the value of delinquent behavior, reassess upward the value of incompatible non-delinquent behavior and interests, they can act as role models, and they can provide social approval for constructive dimensions to the youths' lives.

There is an additional complication to understanding deterrence in police juvenile encounters. Punishment can have non-deterrent effects on the juvenile. Gibbs (1975) details nine effects of punishment that he distinguishes from deterrence but that can also produce a reduction in delinquent behavior. The two which are most relevant to our analysis are Reformation and Norm Validation. Gibbs distinguishes reformation from deterrence on the basis of motivation. "In the case of reformation, an individual refrains from criminal acts after punishment but not because of the fear of suffering punishment again, whereas the fear of suffering punishment again is the central consideration in specific deterrence"(p.72). The act of punishment stimulates the offender to reevaluate his values and he arrives at a devaluation of his delinquent tendencies. Gibbs describes normative validation as follows. "Individuals refrain from illegal acts not because they fear punishment but because they evaluate the acts negatively, and legal punishments maintain or

intensify those negative evaluations. Stated another way, individuals have internalized the norm...that the law expresses, and legal punishments contribute to that internalization"(p.80). Punishment reinforces one's beliefs that what one is doing or might do is wrong.

From this overview of the police-juvenile encounter, there are three ways in which the police can work toward a reduction of delinquent behavior. The first is through the deterrent effects of punishment, the second is through the non-deterrent effects of punishment, and the third is through the educative and reinforcing functions of the police officer. The distinctions between these influences on juveniles are absolute only on the conceptual level. They are, however, important to bear in mind when considering the juvenile-police interaction and in assessing the research evidence on deterrence. Taking into consideration the counter-productive influences posited by labeling theory to be discussed below, the interplay of all potential influences within the police juvenile interaction, unguided by understanding, may produce far from an optimal balance of the coercive processes. There exists the possibility that instances of police practices might cancel out the effective impact they are having. In evaluating the research on deterrence, they must be considered as rival alternative hypotheses for findings that purport to show a deterrence effect or explanations for findings that fail to demonstrate a deterrent effect.

Empirical literature

Major reviews of deterrence (Zimring and Hawkins, 1975;

Gibbs, 1975; and Tittle, 1981) have clearly described the difficulties in doing deterrence research in general and the lack of conclusive empirical findings. When one focuses on the state of research in deterrent effects of police encounters on juveniles, the conclusions are not more optimistic. Perhaps due to the limited range in the type of sanctions actually employed or manipulated by the police, to the failure of researchers to consider properly differences in the juveniles, and to the failure to control for the overriding effect of confounding factors, the review of the research does not reveal evidence for a dramatic deterrence effect. On the contrary, one wonders if deterrence is taking place at all. Yet there are lessons to be learned from reviewing the existing literature, especially as guides for future research.

Erickson, Gibbs and Jensen(1977) outline three approaches to doing research on deterrence. The first is the examination of the relation between properties of punishment and crime rates among jurisdictions. The research question is, do jurisdictions that punish a certain offense more severely have lower rates of commission for that offense? The second approach considers only a single jurisdiction. It examines the relationship between punishment properties and offense rates for different types of crimes. Within a jurisdiction, does more severe punishment for offenses correspond to the lower crime rates? And third, there is an examination of the relation between perceived properties of punishment and frequency of criminal acts among individuals. Do people who see punishment by the police and courts as more severe

or certain, commit fewer criminal offenses? In addition to the types of research listed by Erickson et al., research exists that examines the recidivism and attitudes of juveniles who had received different degrees of treatment for relatively the same offenses. Do juveniles who are treated more severely subsequently commit fewer offenses?

The fact that rarely if ever is deterrence research conducted as a true experiment (random assignment) poses difficulties in making inferences about causal relations. When studies also approach deterrence in terms of aggregate data, as is the case with the first two types of studies, rather than data more closely tied to individuals, obstacles to valid inferences are even greater. To begin to draw inferences about deterrence from such highly aggregated data requires reliable estimates of true crime rate and potential crime. But highly reliable measures are not available. Even with reliable measures, there could easily be alternative explanations for the finding that higher crime rates are associated with less severe punishment. Tittle (1981) has argued that "...most research has analyzed official statistics for entire political units, but ecological data can never provide information about general deterrence, if deterrence is taken to mean individual suppression of criminal impulses to avoid negative consequences. There is simply no way of inferring from ecological data whether individuals within political units actually perceive the sanction possibilities and act accordingly..."(p.383). The last two types of studies provide a stricter test of deterrence. Findings consistent with the

deterrence hypothesis rule out more plausible rival hypotheses. Consequently, only the last two types of studies will be reviewed; studies that evaluate the impact of police encounters on juveniles and studies that examine the relationship between perceived risk and the probability of delinquent behavior.

The effects of police encounters

The first category of deterrence studies to be examined will be those that evaluated the differential impact of punishments on individuals. Before discussing the specific studies assessing the impact of police encounters, it will be helpful to discuss the general research strategy. The general form consists of contrasting groups, one of which experiences a police encounter intended to have a deterrent effect and a second that does not. All things being equal, the test of the deterrent effect is the relative recidivism of the police deterred group compared to the non-deterred group. The deterred group should have a lower recidivism rate. The degree of the relative advantage is a measure of the strength of the deterrent effect of the police encounter. Unfortunately, the ceteris paribus clause incorporates a number of assumptions that are often not reasonable and which jeopardize the reasonableness of the assessment of the deterrent effect, whatever its outcome. Unless groups' are equivalent prior to the treatment groups contact with police, differences in behavior after treatment could be simply a continuation of preexisting differences.

If we assume that a study has internal validity, there are still limitations on the inferences that can be drawn. If a

particular study fails to demonstrate a deterrence effect for police intervention, the failure applies only a) to the specific type of police encounter found in the study and b) to the specific type of juveniles processed. It is conceivable that different ways of handling by the police or the identical treatment of different types of juveniles would produce deterrent effects. One can not draw conclusions about police effectiveness with youths in general on the basis of the failure of a single program. Different strategies may prove more effective and different youths may prove more deterrable.

Even if a study validly demonstrates decreased recidivism for more severe treatments or punishments, one must consider the possibility that the difference reflects the non-deterrence effects of punishment or the non-deterrence effects of the other police functions of education and reinforcement. For example, severe punishment may provide a greater motivation for the delinquent to consider his situation. This reflection could produce a downward evaluation of the desirability of the illegal gain or an upward evaluation of norm compliance. Either of these reevaluations would decrease the disposition towards delinquency, but neither would be instances of deterrence. There is no way to sort out how the punishment effect was mediated (that there was in fact deterrence) unless there were controls or measures that would permit differential identification of the mediating process.

In summary, an ideal investigative program on deterrence would a) randomly assign juveniles to groups, b) systematically

vary the types of police treatments and juveniles treated and c) employ reliable measures or controls to test for the operation of different mediating processes. Such an ideal set of studies has yet to be done. Short of the ideal, there are a number of studies worthy of review.

Rose and Hamilton (1970) compared the impact on first-time offenders of being cautioned with the impact of being cautioned and subsequently supervised. They randomly assigned offenders to one of the treatments and compared recidivism rates over a 24 month period. Recidivism was measured by the number of convictions for offenses. Comparisons were made in several ways in order to compensate for the fact that those juveniles supervised were in effect given a 6 month treatment versus the short term treatment of simple caution. The comparisons indicated that those juveniles supervised showed no lower recidivism than youths simply cautioned.

Rose and Hamilton pointed out that the specificity of the program limited generalizability and they cautioned against concluding that supervision itself does not help the youth beyond simple cautioning. They noted that there are possible benefits to supervision that would not be picked up by the recidivism measure. They also detailed carefully the characteristics of the youths in the program. The major limitations of the study are that 1) there were no comparisons with a no-police-involvement condition so we can not assess the impact of some police encounter versus none; and 2) there are no measures of the processes of the encounter that would allow a more detailed

assessment of the police-juvenile interaction.

Meade (1973) took a random sample of 500 cases from 8467 juvenile court records. Unlike the Rose and Hamilton study there was no random assignment to treatment, but like that study, he concentrated on first-time offenders. Unfortunately, offense was defined "...in terms of behavior so defined by the state juvenile code and resulting in an official petition before the county juvenile court." Because of the large number of first-offenders who are apprehended but are not processed to the point of a court petition, Meade's sample does not represent adequately the pool of all first-time offenders. In addition, offense in the recidivism measure was counted in the same way. Since many offenses never lead to petitions, his measure of recidivism is distorted by system factors. The sample was dichotomized into cases where a formal hearing took place and cases where "less formal remedial action took place"(p.479). The findings run counter to a deterrent effect. Persons who received a formal hearing were more recidivistic. Because there was no random assignment and because the impact of other processes was not assessed, the significance of the different recidivism rates is ambiguous. Meade himself recognized this in offering one possible explanation for the difference. "It is just as likely that court personnel, on the bases of professional experience and more subjective criteria, were selecting the more chronic offenders for exposure to a formal hearing, and that the total recidivism rate (37 per cent) would be even higher without such intervention"(p.484).

Farrington and Bennett (1981) attempted to compare the effects of police cautioning and court appearances on juvenile recidivism. The authors recognized that their data would not allow them to infer why any observed differences might have occurred. For example, they would be unable to differentiate between individual deterrence, stigmatization or pre-existing individual differences. 705 of the youths were cautioned and 202 were given one of a range of more severe dispositions. Although follow-up periods ranged from 22 months to 33 months, there was no indication that the researchers had controlled for differences in the time periods in their analyses. Rearrest was greater for youths who had a court appearance than for those simply cautioned. This effect was independent of sex, age, race, classes, area and offense seriousness. In a smaller sample of 47 cases the home visit report was studied. With attitude toward offense controlled, cautioning did not have a lower recidivism rate. This finding suggests that juveniles with better attitudes have less of a chance of recidivating and that the lower recidivism among juveniles who were cautioned was due to the fact that a greater percentage of cautioned youths had better attitudes.

Joan McCord (1981) reported on a follow-up of first time offenders who were either processed in some way short of incarceration by the criminal justice system (fines or court hearings) or were released without official processing. A non-random study that attempted to control for correlated variables, McCord found that more severe treatment (official

processing) resulted in lower recidivism. These statistically significant, but not large, differences provide the clearest support in the literature for a deterrent effect. It is impossible, however, to sort out what aspects of the official treatment may have been effective.

Gold(1970) reported on a small sample of 20 matched pairs of delinquents. The sample was taken from a cohort of youths who lived in a Michigan city. One member in each pair had been apprehended. The apprehensions resulted in a range of dispositions. His description of the two groups is somewhat incomplete "All of the 40 youngsters ... had committed at least four offenses in the three years prior to being interviewed, and 20 of them had been caught by the police for at least one offense. Matched with each of these 20 was a youngster of the same sex and age who had committed an undetected offense at about the same time, and who had committed the same number of offenses prior to that time"(pp. 106-107). He found that in eleven pairs the apprehended youngsters committed more offenses, in five pairs an equal number for each group, and in four pairs the unapprehended committed more. Using the same analytic approach on 35 matched pairs from a national sample of 847(1969), he found roughly similar results: in twenty pairs the apprehended committed more, in five pairs an equal number and in ten pairs, the apprehended committed a fewer number. Gold's conclusion that apprehension results in greater recidivism is based on two major assumptions. The first assumption is that apprehension is strictly a random process and that it is not affected by offense

committed. This seems unlikely. The second assumption is that the matched group has in fact controlled all relevant third variables. This assumption is almost assuredly false. The author's conclusion is very tenuous. Even if apprehension did cause the differences, it is still unclear what aspect of the process produced the results.

Thornberry(1971) reported on the proportion of juveniles in a birth cohort of 9,601 males who were arrested again after having been arrested and given one of four possible dispositions. 6515 were handled by the police only, 1,338 were dismissed by an intake worker or judge without probation, 1,094 were fined or put on probation and 654 were institutionalized. He found that for whites, higher SES, and those with a less serious offense that the more severe the disposition, the higher the proportion of juveniles who recidivated. This pattern held up through the first four offenses. This pattern was not true, however, for those who received the most severe disposition, the institutionalized. "The most severe disposition is not followed by the greatest amount of recidivism"(p.99). This tendency was not true for blacks, lower SES and those with a more serious offense. The findings clearly show that there is no overall deterrence effect. This is not to say, however, that deterrence does not occur, but that the net effect of the factors influencing recidivism overwhelms whatever deterrence impact may exist.

The fact that the pattern occurs only for whites, upper SES and less serious offenders suggests that in these cases the

juvenile justice system is able to assign the more severe disposition to the more severe offenders. This difference in system response could be a reflection of an inability of the system to read relevant differences in blacks, lower class and more serious offenders. It seems more likely, however, that there is less variance along relevant variables in the range relevant to recidivism. To put it simply, on average the black, lower class and more serious offender pools present more hard core delinquency. With regard to studying deterrence effects, it strongly suggests that we can not assume that dispositions are randomly assigned and, in fact, that we should assume that the more severe dispositions are given to delinquents more likely to recidivate.

Krause (1978) compares the effect of remand with custody (detention) with remand at home (release to home) on 90 male first offenders. He argues that the youths were effectively randomly assigned, but one can easily doubt the validity of this contention. While the study focus on specific deterrence and first time offenders, it unfortunately (for our purposes) examines the impact of a court disposition and is not readily generalizable to police handling. It found that with a 24 month follow-up, those remanded to home (less severe treatment) were less recidivistic.

Overall the studies reviewed tell us very little about deterrence effects. The heterogeneity of treatment conditions combined in a number of the studies confound the effects of apprehension, custody, petitions, fines, detention and even

institutionalization. Juveniles are rarely if ever randomly assigned to their dispositions. It is an important question whether or not it can be assumed that only random factors determine which youths are arrested. But one conclusion seems reasonable. Deterrence effects, if they exist, are not so powerful to override factors that work contrary to them. In particular, one factor that seems likely is that, as the system works now, the juveniles most likely to recidivate are given the harsher treatment. This fact alone would make it difficult to demonstrate a deterrence effect. There is an important corollary to this conclusion. The interactions observed between treatment and subject characteristics suggests that there are individual differences relevant to deterrence and that a more systematic understanding and recognition of these difference in disposition choice might improve deterrence effects.

There are four deterrence studies that in different ways are, perhaps, relevant to the issue of police deterrence effectiveness. Klemke (1978) compared the questionnaire responses of juvenile shoplifters who had been caught by parents or store personnel with those who had not been caught. The response came from an anonymous survey of high school students. Shoplifting rate was compared over the last nine months. Those apprehended by parents had a higher rate than those not apprehended. The comparison group is simply described as a "matched sample". It is not clear from the article how they were matched. The relation between apprehension by store personnel and recidivism was not statistically significant, but in the same direction. The

analysis is so sketchily presented, it is difficult to evaluate the significance of the findings. It is highly unlikely that apprehension was simply a random occurrence, so there is an unmeasured bias operating. There was no control for possible age differences in the comparison groups. The study is interesting in that it illustrates an interpretive problem in deterrence research. Increased recidivism for those apprehended by parents could be consistent with deterrence theory, if actual parental response was less harsh than had been anticipated.

In a study of juvenile traffic violations, Mecham(1968) managed to assign youths randomly to different conditions. The conditions are court dispositions, but since there was random assignment and dispositions were short of incarceration, it is worth considering. Mecham found that having the youths write a paper on traffic safety produced less recidivism than fines, classes or even restraint from driving. The study demonstrates a measurable deterrent effect for the type of behavior studied. In part the clarity of findings may have been due to the random assignment and the use of first-time offenders.

Wattenberg and Bufe (1963) examined how juvenile officers who apparently are successful in keeping youths from recidivating differ from officers who are less successful. Based on a review of the files of police contacts with boys ten to seventeen years of age, in the period between 1952 and 1959, it was possible to categorize them as repeat offenders (up to the age of 17). The authors state "These data enabled us to determine for each officer the proportion of the boys for whom he was the first

Youth Bureau contact became repeaters on the one hand or remained non-repeaters on the other"(p.472). The authors compared officers who had thirty or more recorded contacts. The data revealed a range of percentages from 28 to 78 non-repeaters for the different officers. Although the authors attempted to demonstrate statistically that differences were not due to chance, it is not clear that different success rates reflect differences in the officers' treatment of juveniles. The youths may not have been randomly assigned to officers. Nevertheless, on the basis of their study, they formed a composite picture of the deterring officer. "In his dealings with juveniles he is calm, manly, firm, and patient. He talks well to them, wording his remarks to their level. He keeps his promises to young people and exerts 'salesmanship' in support of a law abiding course of action.... competence in speaking and writing were highly important. So was willingness to work hard with parents. As to disposition, the key attribute was a tendency to judge cases on their merits as contrasted with a policy of either quickly filing charges with the juvenile court or being reluctant to do so"(p.473).

Murray (1980) reported a study on the effect of supervision, probation, a correctional program and incarceration on subsequent delinquency. He contrasted these dispositions to arrest with no further action. The study has no non-arrest controls so it is impossible to make any inferences about the effect of arrest itself, but it is possible to compare the effect of arrest with more severe dispositions. Moreover, the general plan of the

analysis and some of its findings are pertinent to the purposes of this review. His sample consisted in 1457 males who were born in 1960 in Chicago who had been arrested at least once. Only 309 of the arrested youths reached court. Of those, 60 were not put under any restrictions, 176 were put on supervision, 104 on probation and 45 youths were placed in correctional programs. 62 of the 309 received more than one sanction from the courts. The primary dependent variable was time to next arrest, after sanctioning.

Murray points out immediately that if one examines the data in the same way as is done in most studies, the same general findings are obtained. The more severe the disposition, the sooner the youth is rearrested. He points out, however, that other factors work to mask a potential suppression of delinquency. First of all, age at offense is positively correlated with severity of disposition given for the offense. In addition, delinquents tend to recidivate more quickly as they approach seventeen. In other words, more severe sanctions are given to youths who are more likely to recidivate quickly. A similar set of relationships exist among number of prior offenses, disposition severity and recidivism. Murray further contends that judges assign more severe dispositions to youths who are worse offenders and who are more likely to recidivate (a point raised earlier in this review). These three factors will mask any suppression effect produced by official sanctions. Yet few studies control for age and number of priors and there are no measures that can be used to control completely for the factors

upon which the judge makes his decision.

Aware of these confounding factors, Murray undertook a series of regression analyses, controlling for age, number of priors, sanctions and age interactions with sanctions. He recognizes the methodological problems that limit the conclusions that can be reached from data of this type. He argues, however, that employing a sophisticated analysis, it is reasonable to conclude from the data that more severe dispositions increase the time to next offense. Further, "failure to take the delinquent back to court after rearrest and delay in reaching disposition of pending petitions are followed by faster rearrest."

The findings shed little light on the deterrence effects of arrest alone. If anything, they suggest that simple arrest is not very effective. But the study clearly demonstrates the need for various control variables in police studies and the care needed in assessing the impact of the police encounter.

In general the study has many strong points and is worthy of close attention. Despite the cautions in interpretation discussed by the author, there are two additional points that need to be made explicit. First of all, supervision and probation are taken as instantaneous sanctions, while time until next arrest is measured from when the sentence is pronounced. In other words, the time on supervision and probation are included in the dependent measure. A more conservative conclusion is that supervision and probation inhibit delinquency while they are in effect, not that they have an impact after they are terminated. Secondly, Murray does a hierarchical regression analysis in which

he places age and arrest in the analysis before sanction type. With age and priors controlled, the sanction variables contributed a statistically significant but smaller portion in the R squared. He then discusses the effect of sanctions in terms of time in months based on the beta weights of the regression analysis. But the beta weights in a regression analysis are not partial regression weights, that is they do not estimate the effect of sanctions with age and priors completely controlled. Thus the figures discussed by Murray tend give an inflated picture of the impact of the dispositions.

Perceived risk

The second approach to the study of deterrence is the examination of the relation of perceived risk of arrest and the probability of an offense being committed. This approach more directly addresses the psychological mechanism of deterrence. As discussed above, regardless of what form of treatment effectively changes perceived risk, the deterrence theory requires that perceived risk affects the probability of committing the offense. To be more specific, the theory of deterrence asserts for a specific act, one factor (other factors may and undoubtedly do exist) which can either mask, attenuate or amplify the apparent relation between perceived risk and probability of offense.

There are two considerations to keep in mind when evaluating the studies in this section of the paper. The first is that the relation between perceived risk and offense probability is likely to be curvilinear rather than linear. When the probability of arrest is very low, increases in the probability of arrest will

have little effect on the probability of committing an offense. At some point in the range of arrest probabilities, the perceived risk would be sufficiently great to affect behavior and in this part of the full range of arrest probabilities, increases in perceived risk would dramatically affect behavior. The probability of committing an offense will drop quickly until it is so low that again increases in perceived risk will have little affect on offense behavior. In effect, there is a deterrence threshold for perceived risk which must be passed in order to have a deterrent effect. Further, individuals will surely differ with respect to the point in the range of perceived risks at which the threshold occurs. It is quite likely that this threshold is higher on the scale of perceived risks for hard core delinquents than for non-delinquents or marginally delinquent youths. In that case, finding that a group has both a higher average perceived risk and a higher rate of offense does not necessarily mean that deterrence does not work. While on the surface the finding would seem to disconfirm deterrence theory, when one considers the individual differences in deterrence threshold, it is clear that such group differences are ambiguously related to deterrence theory. Deterrence theory requires only that greater perceived risk results in lower offense probabilities on the individual level. Thus, when examining the differences between groups in the testing of a deterrence hypothesis, it is important to recall that deterrence is fundamentally an individual process.

The second issue is the reliability and validity of measures

of perceived risk. For the sake of research ease it is hoped that there is strong relation between what is said in response to questions and the effective beliefs. But this is an empirical question. It is unfortunately likely that request for general beliefs about risk will be less valid than questions about specific situations, and it is this more general sort of question that is most useful for research on deterrence. Even if it is possible for a youth to give a meaningful response, he may not be motivated to do so. Consequently, failure to obtain a relation between perceived risk and offense probability may be the fault of the measures and not of the theory.

Review of the major studies

In 1967 Claster reported on the differences in risk perception between delinquents and non-delinquents. He tested three hypotheses: 1) that delinquents perceive the police as less effective at arriving at arrest and convictions for offenses than do non-delinquents, 2) delinquents see themselves as more likely to violate the law in hypothetical situations 3) delinquents see their chances for apprehension as less likely for these hypothetical offenses. He compared the two groups on a series of questionnaire items. Delinquents were not significantly different from non-delinquents in their perception of the likelihood of arrest for the six types of crimes presented. There were differences between the two groups in the responses to three hypothetical situations (murder for anger, burglary based on financial necessity, vehicular manslaughter) with response options from "definitely could" to "definitely could not".

Delinquents scored more towards the "probably could" end of the scale. In addition, delinquents saw themselves as less likely to be arrested for one of the three offenses.

There are several limitations that affect the interpretation of the findings. First, the groups were poorly matched, thus one could wonder if the differences reflect differences other than delinquency. Second, the author wishes to infer that the scale assessed the perceived likelihood that delinquents might do each of the three offenses. But the question was phrased could you and not how likely is it that you would do something. It is not clear what these items are measuring. Finally, the study in fact gives no evidence concerning the relationship between the obtained group differences in beliefs and actual behavior. One conclusion that needs to be drawn is that questionnaire items should either have strong face validity or else reasons should be given for apparent discrepancies.

Teevan(1976) reported on a questionnaire given to 191 introductory sociology students. He asked about their perception of the severity and the certainty of punishment for shoplifting and marijuana use and about their personal history of this behavior. He found that across persons higher perceived certainty was associated, statistically significantly but to a small degree, with less frequent repeated use of marijuana. This was not true for shoplifting. There was no statistically significant relation between perceived severity and offense history. If one looks only at those with higher assessed certainty, there is a tendency for perceived severity to be

negatively related to offense history. It was found, however, that having friends punished for an offense and self-reported delinquency are positively related. The sample may not have included much delinquency. There was a restricted range of certainty estimates reported and it was likely true of severity estimates also. With restricted ranges, correlations are lessened. It is interesting to note that having a friend punished still demonstrates a relation. This suggests that either social history has a stronger relation with offense history than does perceived risk, or that it is easier to get valid and reliable measures for social history. Finally, it should be noted that the correlations were between past behaviors and current perceptions. The significance of the temporal gap is unclear, but it may have served to reduce the correlations.

Waldo and Chiricos (1970) found marijuana users tended to have lower estimates of likelihood of arrest than non users when estimating risk for persons in general and for themselves. Those who had a history of at least one petty theft tended to estimate likelihood lower for themselves than those who had no history. But the pattern was not repeated with estimates for persons in general. As with Teevan, personal knowledge of individuals who had committed the offense was positively correlated with offense history. The authors compared estimates of likelihood of arrest for a person like the respondent versus for people in general and found that the respondent-similar estimates were related to offense history. In addition, they explored the issues of the significance of general type of offense mala prohibita and mala

in se, and attempted to examine the influence of severity independent of certainty.

The findings are ambiguous because of the nature of the sample and the skewed distributions of several of the variables. For instance, in the sixth table showing the relation between admitted marijuana use and perceived likelihood of arrest for marijuana possession, 83 per cent of the sample believed that marijuana use would be unlikely to lead to arrest. Only three of the students who reported any use of marijuana stated a 50-50 chance and none stated likely. Of the relatively few persons who estimated the chance of arrest as other than unlikely, almost all had never used marijuana. While it is possible that those who never use it were kept from using it because of the perceived certainty, it is more likely that most of those who never used marijuana did so because of a life style incompatible with its use and were so far removed from it that their view of perceived risk was quite unrealistic. In other words the relationship observed between perceived certainty and marijuana use that appears to support deterrence theory (weakly) may have nothing to do with deterrence, but rather reflects knowledge differences between those who are initiated and those who are not. Again the relation between past offense and personal knowledge of offenders was significant. There remains the problem of understanding the relation between current beliefs and past behaviors.

Silberman(1976)conducted a questionnaire study on college students. Perhaps the most interesting aspect of his study was his analysis and his discussion of it. He took two analytic

approaches. He divided youths into groups on the bases of their delinquency and compared them on different characteristics. He also compared offenses selected to represent a range of severities with respect to the average ratings given them by the youths. When examining correlations over persons, he found a fairly strong correlation (-.53) between condemnation (it is always wrong to do) and delinquent behavior (reported history of nine offenses), and a smaller but statistically significant relations between peer involvement (positive) and perceived certainty of punishment (negative) with delinquent behavior. His analysis across offenses revealed a different pattern. There was a very high correlation between perceived likelihood of arrest and condemnation (.91), between condemnation and per cent committing offense (-.90) and the likelihood of arrest and percent committing offense (-.82).

The difference between the correlations between perceived likelihood of arrest and social condemnation as a function of the form of analysis is difficult to understand. It may be that there is a relation between the two, but that the relation is such that individual differences in one or both measures are effectively error and thus uncorrelated. An examination of the nine offenses that Silberman studied reveals that the less severe offenses (marijuana use, premarital sex, drinking under the age) are, in fact, relatively difficult to detect because they are done in private and usually have no obvious effect. Whereas the more serious offenses (murder, petty theft, vandalism) are done with an effect that would likely be observed and lead to an

investigation. The one exception to this pattern is the use of hard drugs. It may be that measures of perceived risk are on average valid (if biased) measures of objective risk, but that the individual differences do not provide valid measures of objective risk

Again there are limitations to this study. The sample is of college students who are not highly deviant. Most of the reported offenses involved premarital sex, marijuana use, and drunk and disorderly behavior. Using both analytic approaches, there is a negative relation between perceived certainty of risk and offense history. The study finds that social condemnation has a consistently stronger relation with offense history, raising the question how this variable may be involved in any relation between perceived risk and behavior. Once again, peer involvement in delinquent behavior has a stronger relation with behavior than perceived risk on the individual level, but not when offenses are compared.

Erickson, Gibbs and Jensen (1977) have presented data on a sample of high school students. Questions asked about fifteen offenses were; (a) the individual's history in committing the offense, (b) the number of cases out of one hundred that end up in arrest, (c) the number of cases out of of one hundred that end up at a reformatory, and (d) the rated seriousness of an offense. The correlations across offenses were high (as in Silberman's study). The relation between perceived certainty and severity is above .90 and the correlations between frequency of the behavior, perceived severity and seriousness averaged .65. The authors

were struck by the high collinearity between perceived severity and seriousness. There are several questions that the methods of the study raise. What is the significance of the ratio measure of seriousness employed? Estimates of the number of cases out of one hundred are absolute, but the seriousness measure required students to assign a seriousness number value that reflects how more or less serious than petty theft is the offense to be evaluated. So the measure to some extent does not capture how wrong a youth believes offending to be in general. Rather it is a measure of spread of evaluations around the seriousness of petty theft.

Although Erickson et al. briefly discussed the psychometric uncertainties of these types of questions, it must be emphasized that there is little evidence about the reliability and validity or meaning of the responses to questions such as those employed in perceived risk studies. The responses may reflect differential compliance with the demands of the assessment situation. Some students may have very little motivation to treat the questionnaire seriously. The reported beliefs of those who try to respond honestly may have little to do with the psychological dispositions that constitute the phenomenon of perceived risk. There is little research on the relation of stated beliefs about risk to delinquent behavior beyond examining first order correlations. And there is little research connecting statements about perceived risk and other measures of moral beliefs, actions and development.

In a second report, Erickson, Stafford and Galliher (1980) on

a similar sample reported the average perceived seriousness of different groups of youth for different offenses discussed in the previous study. In general they found that youths that had committed the offense, especially if they had been processed by the juvenile justice system, gave lower seriousness scores to the different offenses. The findings are striking and the authors presented a strong argument that experience with the criminal justice system leads to what they call a normative erosion; that is, the juveniles come to see the criminal act as less wrong. They imply that increased delinquent behavior follows normative erosion. Again questions can be asked about the psychological significance of the responses. It is conceivable that the more delinquent youngsters wish to claim that serious offenses are not so serious in order to appear tough or maintain a consistency between their behavior and their stated beliefs. It may not reflect their basic moral evaluations. If the mean differences in perceived seriousness do reflect their respect evaluations of the offenses, the differences may not be great enough to affect behavior. There is also the possibility that persons brought further into the system are disposed to evaluate crimes as less serious. This interpretation, of course, applies only to those juveniles who have been referred to court.

The research on the relationship between perceived risk and and delinquent behavior has consistently demonstrated a negative correlation between current assessments of risk and past behaviors. In general, researchers have taken this consistent finding to be confirmation of the hypothesis that level of

perceived risk determines delinquent behavior. This argument is based on two questionable assumptions. It assumes that a negative correlation between perceived risk and behavior across groups or offenses provides substantial evidence for the deterrence hypothesis. But as indicated above, with a more complex view of the nature of deterrence on the level of the individual offender, either a positive or negative correlation could be obtained in group data when in fact deterrence operates on the individual level. On the other hand, a negative relationship can be observed (as it has often been in the literature) and deterrence might not operate. More delinquent youths may have more accurate estimates and consequently lower estimates of perceived risk because experience as delinquents has made them more knowledgeable (Parker and Grasmick, 1979). Unless we have a greater understanding of why the correlations obtain, demonstrating even a strong relationship between perceived risk and behavior does not provide strong confirmation of the deterrence hypothesis and tells us nothing about what effect increases in perceived risk have on behavior. It has also been assumed that questionnaire responses are a valid measure of the cognitive processes that underly the perception of risk. But if the process is out of awareness and not rationally controlled as is often the case in fear responses, a person may not be able to report validly the sense or perception of fear that influences his behavior.

LABELING THEORY

The second theoretical perspective is labeling theory. Since this perspective applies to any type of deviant behavior, general

statements of the theory tend to reach a high level of abstraction. Moreover, it has been argued that labeling theory is so imprecise in its formulation (a mix of definitional and substantive claims) that it should be more properly called a sensitizing paradigm or conception (Gibbs, 1966). Consequently, the following description of the theory will be quite general. It states that deviant behavior can be better understood as the result of a social process in which a person is identified by society's representatives as a deviant. Thereupon the person adopts a view of the self as a deviant and commences a deviant career. An important aspect of the theory is the assertion that being deviant goes beyond doing deviant acts. There are behaviors and attitudes that are essentially unrelated to the deviant acts, which the person takes on because they are part of the deviant role that society has created and that he has adopted. The theory claims that although behavior that violates social norms can occur for a number of reasons, it is the labeling by society's representatives that triggers the change in self-image and causes the person to enter the role of the deviant.

There is an important distinction between the labeling act by society's representatives and the labeling process which includes the changes that occur within the person and within the system, as well as the mechanisms by which they occur. The process is to some degree an interaction between the deviant and society. The person is not completely powerless and passive in the labeling process. Labeling theory acknowledges that there is at least the

potential of a negotiation between the deviant and society when official labeling is initiated. A person could resist, block or undo the labeling activities of society. The labeling position claims that a process such as the one outlined occurs in most forms of deviant behavior. For example, mental illness, sexual deviance, heresy and, of particular interest to this paper, juvenile delinquency would be explained in the same general way.

In contrast to deterrence theory which requires distinguishing among clearly different positions and selecting among them for research purposes, for the most part the labeling perspective offers a variety of overlapping suggestions about what sorts of issues are relevant. These in turn must be applied to each type of deviance in an exploratory manner. The issues include the types of behaviors that tend to be labeled; the variety of careers that society has created; differences in the characteristics of potential deviants that influence their chances of being labeled; differences in the characteristics of persons that influence their susceptibility to the labeling act; the strategies available to combat labeling; the different labeling acts and their differential power.

There is a difference among labeling theorists with respect to the emphasis given to the two spheres in which the labeling process takes place: the individual and the social system. Some labeling theorists focus on the changes in self-definition that occur upon being labeled. For the purposes of the paper, these will be termed the self-definitional labeling theorists. The maintainance of deviant behavior is seen primarily as a result of

the identification with the deviant role. Society may do little to force the person into that role subsequent to the labeling act. The behavior is maintained by the "deviant's" conviction (reinforced by the media and observation) in the reality of the deviant type.

A second group of theorists focuses on changes in the system's behavior toward the individual once it has labeled the individual. These will be termed system labeling theorists. In this case the maintainance or amplification of the deviant role is a function of increased observation of the deviant and differential treatment of the deviant that forces him to adopt the deviant career (for example restricting job opportunities). Although self-perception may change, it is considered neither so pervasive nor important in understanding the deviant behavior.

The police encounter

As indicated at the beginning of the review, what is most striking with respect to the juvenile justice system is that labeling theory predicts that police encounters with juveniles, especially those encounters which resulted in firm treatment of the youth, increase deviant behavior. This is obviously the opposite prediction of deterrence theory. Both an increase and decrease cannot occur at the same time although both deterrence and labeling processes may occur simultaneously or under different circumstances. Given the undesirable effect predicted, it would be important to understand under what conditions and in what way labeling occurs in the police-juvenile interaction.

Applying labeling theory to police interactions is not a

straightforward task. Research is as much a process of discovery as of testing theoretically deduced hypotheses. There is a particular problem in the case of juvenile delinquency. Labeling theory is often discussed in black and white terms. It presents deviance as if it were a dramatic and rapid shift into a distinctive role. Either the person's self-image changes radically or the person experiences radically different treatment by society. A clear case would be a person who has a severe mental breakdown. He may quickly accept the self-definition of a mental patient and be placed in a mental hospital. In the case of juvenile delinquency, seldom is it ever so clear cut. Changes, if they occur, are a matter of degrees. Most juveniles who are arrested never become hard core delinquents, although it is possible that they see themselves as a little more delinquent after arrest. Those who do become highly delinquent usually change over a long period of time. If labeling occurs, in fact what will happen in most cases is that a juvenile will come to see himself somewhat more delinquent and certain agents of society will begin to treat the youth somewhat differently. Effects will not be as large as the theory seems to imply.

It would be helpful to sketch how labeling might occur in a police encounter. To begin with, society through the various media has created a distinct if imprecise image of what it is to be a delinquent. There are several components of the police encounter that could serve as official recognition that would prompt to youth to identify with this delinquent image. The fact of the arrest itself might serve as this recognition. Or a

declaration by an officer that he sees the youth as a delinquent may function as the labeling act. It is important, however, to note that officers often explicitly attempt to declare the opposite by either distinguishing the youth from his act "You are not the sort of person who does.." -- or indicates the youth has the option to avoid becoming a delinquent -- "If you continue as you are you will..." Independent of any declaration, the punishment aspects of the arrest (uncertainty, fears of detention, actual detention, etc) could serve as the official recognition. While labeling theorists have listed punishment as a form of recognition that can trigger the labeling process (Schur, 1971), there is the problem of determining which if any aspects of the encounter are punishments. Our current research indicates that police do not agree that anything short of petition to court with detention comprises punishment. While the juveniles may find the arrest upsetting, they themselves may not see it as an act of punishment. Although labeling theory suggests that some part of the police encounter may initiate the labeling process, the theory does not provide a clear guide to which part it may be.

It is consistent with labeling theory that recognition of the youth as a delinquent by parents, school, friends and significant others could contribute to the labeling effect. This additional effect would perhaps be strongest if it occurs in conjunction with an arrest, but it may also function prior to any arrest if the deviant act is discovered by a significant other. The labeling process might commence with the commission of the

act prior to any discovery. It seems likely that most delinquent acts are committed with some conflicted feelings of guilt. The youth will at least recognize in almost all instances that what he has done would be seen as delinquent. In these two cases, the youth could act as his own representative of society and label himself. Labeling theory, however, tells us very little about when these additional types of labeling might occur and what form they must take.

Once the youth has been identified, police may observe him more closely, check on him and consider him when investigations are started. Parents as well as other significant persons may begin to treat the youth differently. Consistent with the system labeling perspective, these new behaviors toward the youth could cause the youth to act more delinquently or to have his behavior reported more regularly. The possibility of system labeling effects that lead to an amplification of reported delinquency suggests that not all increases in officially reported juvenile delinquency are necessarily a sign that there is a rise in delinquency. Increases in delinquent behavior presents a problem to law enforcement and calls for a change in procedures. Apparent increases in delinquency which are due solely to strict and reliable observation of selected juveniles may actually indicate an improvement in police work.

Research issues

As is the case with research on deterrence theory, one can design progressively stronger tests of labeling theory. One can simply examine if police processing is related to increased

delinquency. A positive correlation between the amount of processing and delinquency is consistent with either version of labeling theory, yet it is also consistent with other explanations. There are other processes that can lead to increases in recidivism. Experiences with the police system may teach the youth that being arrested is not so bad, reducing the perceived risk; an effect consistent with deterrence theory. The encounter may generate anger or rebelliousness that leads to additional delinquent responses. It may create anxiety and confusion that makes the offender temporarily more susceptible to delinquent pressure. A stronger test requires additional measures of police behavior and self-definition.

When testing a self-definitional explanation of delinquency increases, it must be kept in mind that labeling theory claims not only that self-definitional changes occur because of official recognition but that the youth comes to adopt a new definition in a certain way. The persuasive power of the police, family and society in general must convince the youth that he or she is in fact a certain kind of person defined by society to be a delinquent and because of this conviction he comes to act according to the role as he understands it. The labeling effect has not occurred if a youth on the bases of his experience with police is provided with information on the basis of which he decides that it is in his best interest to become a delinquent. Changes in self-definition are not to occur because of apparent reinforcing properties of the role but because of the apparent validity of his newly adopted identity and the necessity that

flows from the mere fact he is that sort of person.

As in the case of deterrence theory, when the psychological foundation of the theory is made clearer, the essential core of the theory is revealed to be the meaning the person's behavior has for that person. The person acts with respect to a complex of conditions for a certain reason. Because of this psychological dimension to the theory, a strong test of labeling theory will require a sophisticated set of studies that probe the motives underlying behavior.

Empirical studies

The research on labeling and the police handling of juveniles takes the form of assessing the impact of processing on recidivism, self-concept or both. Along with the issues on the interpretation of labeling research mentioned above, the general caveats about the absence of randomization discussed with the deterrence studies applies. Without randomization, differences observed after treatment may simply reflect differences in juveniles that already existed. As in the case of the research on deterrence, the research on the labeling effect on juveniles of police contact has not produced a study that has matched the ideal.

Several studies have examined the impact of police encounters on attitudes towards self and towards others. Foster, Dinitz and Reckless (1973) interviewed youths in their homes approximately two weeks after an encounter with the police. All juveniles had committed an act that would be a crime if an adult had committed it. 115 were seen by the courts and 80 by the police. The youths

reported that they saw no significant impact from the experience on their interpersonal relationships with friends and families. Slightly more than half of the youths believed that the arrest would affect how police acted towards them in the future and slightly less than half believed that it might endanger employment chances. The study raises the question of what information is relevant to testing a hypothesis of labeling. Although the authors discuss the labeling hypothesis, in fact the questions seem more relevant to testing deterrence theory. For the most part, they are examining the effect of arrest on perceived cost. There is also the methodological problem that the youths were interviewed in the presence of their parents. Their presence might well change the nature of the juveniles' responses. There is the limitation that the study does not attempt to relate the assessed attitudes toward the arrest with later behavior.

Jensen(1972) conducted a major study of the relationship between attitudes and past infractions. In his review of the issues he pointed out that much of the prior research, based on other theories about the relationship between attitude and behavior such as containment theory, focused on whether delinquents had good self-concepts or bad ones. He both questions the bases on which researchers categorized responses as good or bad and the relationship self-esteem has to delinquent self-perceptions. It is conceivable that youths who consider themselves to be delinquents have a positive sense of self-worth.

In his study, Jensen obtained measures on self-esteem,

official delinquent evaluations, student's own delinquency evaluations, and self-reported delinquency. He found that self-reported delinquency and delinquency self-evaluations are more strongly correlated with official delinquency for whites than for blacks. The same pattern was observed in the correlations of self-reported delinquency or self-reported police contacts with delinquency self-evaluations. Jensen also found that data suggested a negative but very weak relationship between a delinquent self-evaluation and self-esteem. For lower class blacks, there seems to be no relation at all. Jensen discussed the variation in correlation patterns in these findings. He raised the question whether blacks' real self-evaluations are in fact independent of authority figures and the dominant normative system with which they may not identify, or if there is some sort of denial or self-deception. His discussion indicates clearly that we have insufficient knowledge of the social psychology of the questionnaire situation to evaluate the validity of the questionnaire responses for the purposes of research on labeling and deterrence theory. We are, simply put, unsure of the meaning of the responses.

Hepburn (1977) examined the intercorrelations among attitude and past behavior variables for two groups of approximately 75 youths who had some contact with police and 75 who had none. He obtained measures of official frequency and severity of delinquency, self-reported measures of delinquency, socioeconomic status, self-satisfaction, delinquent identification, willingness to engage in delinquent behavior with others,

willingness to assist others in future delinquent behavior, commitment to future delinquent behavior and attitudes toward the police. There were mean differences in all the variables between the two groups in the expected direction (e.g. those with official contact had higher scores on delinquent identification). He examined partial correlations in several variable combinations and found, consistent with previous research, that self-satisfaction was unrelated to the other variables in the set. Delinquent identification was related to socioeconomic status and delinquent behavior.

Commitment to future delinquency was conceptually the closest measure to future behavior and, if one is willing to assume that it is in fact empirically related, then the impact of police intervention on the possibility of future delinquent behavior could be tested. The severity of the last disposition received was not related to future commitment, but time since last contact was positively related. There is thus a suggestion of a deterrence effect. The severity of the disposition did have a significant relation with attitude toward police. Hepburn's overall analysis was not guided by explicit structural hypotheses and he offered explanations in an ad hoc fashion. The multiple measures in his data make clear the problem of interpreting the meaning of assessment items. As one looks at the relationships among the different variables, one becomes more unsure of what is being measured and why they are related.

In a relatively complex reanalysis of Elliott and Voss's cohort data (1974), Ageton (1974) examined the relationship

between legal processing and a measure of delinquent orientation. The author assumed that the measure of delinquent orientation (DO) based on the California Psychological Inventory Socialization Scale would measure the changes in self-definition that labeling theory suggests police contact would cause. The main comparison was between youths who had no formal or informal contact with police and those that did. Since the youths were not randomly assigned to conditions, pre-existing differences on the DO scale were used as a control variable. Measures of delinquent orientation were taken once a year from the ninth to the twelfth grades. All youths had no official contacts at the time of the first measure. Depending on when they had their first contact, one or more change scores would be available for analysis.

According to the author's analysis, legal processing was positively associated with changes in delinquent orientation. The effect, however, decreased with time. Future multiple offenders had greater changes after the first encounter with police. This suggests that there are pre-existing differences between future multiple offenders and one-time-only offenders. Perhaps the most interesting finding is that variables independent of legal processing were related to delinquent orientation. If in fact the changes in DO are a measure of a labeling effect, the data indicate changes are much more strongly related to the number of delinquent acts committed during the change period and to peer associations. While this makes intuitive sense, it argues for a more complex picture of how

labeling occurs. The youth's relation to school and home also appear to be important variables. The strengths of the study demonstrate the necessity of using theoretically relevant control variables in order to understand the processes that underlie the changes in orientation. The major limitation is the lack of randomization. Without it, it is impossible to determine what selection factor may have caused group differences. One wonders whether it is reasonable to assume that arrest itself is a random process or if differences between youths and their behavior affect the probability of arrest. If we assume that the changes in delinquent orientation are partially a function of processing, the small magnitude of the changes and the fact that they decrease over time may be inconsistent with labeling theory. Some other explanation may prove more adequate.

Farrington (1977) reported on a longitudinal study in which youths were interviewed at fourteen, sixteen and eighteen. Forty-five had convictions at 14 and an additional 53 were found guilty between fourteen and eighteen. Although not a police study, it is of interest because the richness of the data might suggest important variables for future research. Convicted youths reported more offenses at eighteen suggesting that "public labeling" leads to deviancy amplification. Comparing youths who were arrested and found guilty at eighteen for the first-time with youths never arrested with respect to their self-reported delinquency at fourteen revealed that the arrested youths were more delinquent than the non-arrested at fourteen. "This indicates that selection for public labeling was not random, and

that youths who committed found guilty in court"(p. 115). In order to control for these differences, a matched comparison was established based on delinquency at fourteen. The differences between convicted and non-convicted youths still obtained. The authors proceeded to match on all available variables that were related to delinquency, and the differences still reach statistical significance. As with all matched subject studies the question remains open whether or not the critical variables have been controlled. In particular, are there qualitative differences in offenses not captured by frequency measures or broad offense categorizations that may affect the probability of arrest?

The data suggest that differences in self-reported delinquency may express the fact that conviction amplifies the tendency toward delinquency. The amplification of deviance was not as strong for one-time-only offenders who barely failed to produce a statistically significant difference. This suggests that there are individual differences in the susceptibility to any labeling effect. Examining the data for twelve youths convicted for traffic offenses and nine youths cautioned but not processed revealed no indication of a labeling effect. There is some indication that based on a comparison of the same questionnaire administered at fourteen and sixteen, that the differences may at least in part be due to released inhibitions of self-reporting behavior. There is also evidence that conviction is related to poorer attitude toward the police.

Lincoln, Klein, Teilmann and Labin(1981) reported on the

recidivism of three hundred and six youths who were processed in one of four ways by the juvenile justice system. Approximately of equal sizes, one group was simply released, the second referred to counseling, the third referred with payment for the counseling and the last group was sent to court. What is especially noteworthy about this study was that the researchers arranged to have random assignment of juveniles to conditions. In order to accomplish this, the youth offenses could not be very serious. Most instant offenses were burglary, petty theft, marijuana use and some runaways. They are comparable, however, to the majority of juveniles handled by the police. Unfortunately randomization was not perfect. In addition, there was significant attrition in the self-report interviews conducted after treatment. While statistical controls were employed to compensate for measurable differences between the groups (prior record) one can not simply assume that the controls reinstated randomization.

Generally, it was found that type of disposition was related to rearrest rate. The greater the official processing, the greater the rearrest rate. The authors argue that there was also evidence that disposition affected self-reported delinquency. One, however, has to be very cautious in this inference. Only one of the comparisons was statistically significant and that was in the third wave of interviews in which only 74 subjects remained out of the original 306. There was of course no evidence of decreased self-reported delinquency as deterrence theory would predict. The evidence from the study is fairly

clear that organizational factors seem to lead to the increase in arrest, supporting a system labeling theory. In some way, youths became more identifiable and more readily processed after the initial processing.

The research on labeling theory has not directly addressed the issues of self-definition and system labeling process. There is evidence that youths who behaved more delinquently see themselves as more delinquent, but the causal implications of the self-image have not been explored. Ageton's work (1974) presents the strongest evidence that the police encounter itself results in changes in self-definition, but the impact was small and short lived. Lincoln et al. (1980) present evidence that strongly suggests that system labeling occurs, but we have no evidence on how it might occur.

CONCLUSION

There are two empirical questions that need to be answered in establishing support for either deterrence or labeling theory with regard to the police handling of juveniles. The first is what is the effect of the arrest on recidivism? The second is, for what reasons were the effects found? It has been pointed out several times in this review that neither the labeling nor the deterrence hypothesis invariably predicts a certain impact on future behavior from arrest. It is as important to discover why youths respond as they do as it is to assess the recidivism. Unfortunately, there has been very little research on the reasons for observed patterns of recidivism. As a result, there is no strong evidence for the validity of either theory as they apply

to police-juvenile encounters.

If one addresses the more modest inquiry about the impact of arrest on recidivism, the data tell more, although they are still far from providing a clear answer. On the basis of the research, we are, however, able to draw some conclusions that bring us closer to finding an answer to the question. The first conclusion is that there are several factors operating which could mask any suppression of delinquent behavior. Age and number of prior offenses are positively correlated with severity of disposition, but they are also positively correlated with recidivism. To a degree unaccounted for by age and priors, more severe dispositions are given to the youths who are more likely to recidivate. It appears, also, that youths who have a higher recidivism potential are more likely to be arrested. Consequently, comparisons between juveniles who have received different levels of treatment by the juvenile justice system are biased against whatever suppression effects exist.

The second conclusion is that there are individual differences between juveniles that are related to recidivism and they exist prior to any interaction with police. These differences may require different responses on the part of police in order to maximize police effectiveness. The third conclusion is that police may actively but unknowingly work to minimize the suppressive effect of arrest in an attempt to avoid labeling effects. Further, failing to follow arrest with significant court action may undermine existing arrest effectiveness. The last conclusion is that current suppression effects are not great

enough to overcome the factors that work to mask them. In general, it is painfully clear that simple research strategies such as comparing recidivism rates for groups of delinquents who have received different dispositions tell us very little about what is happening in the police-juvenile encounter.

These conclusions are important because they suggest the direction for future research. It obviously needs to become more sophisticated in both the methods employed and the theory that guides it. On the basis of the review, the following recommendations are made. Data must be collected on individuals rather than on the aggregate level. Whenever possible, youths should be randomly assigned to groups. Designs should incorporate both control groups and statistical controls on relevant variables. Variables should be selected that pertain to the decisions made by members of the juvenile justice system, to theories about the etiology of delinquency and to the hypothesized processes of deterrence and labeling. To maximize the sensitivity and relevance (both practical and theoretical) of studies, first-time offenders should form a focal point of the research. A longitudinal design should be employed. It could contain temporally appropriate measures that would allow stronger causal inferences. Finally, research should be based on a systematic descriptive study of police-juvenile interactions that delineates the channels of influence available to the police and catalogues the information about juveniles available to guide the choice of the best way to handle a particular case.

The amount of work proposed is formidable. But the potential

pay-off would be great. In Murray's (1980) study of delinquency in Chicago it was found that the mean number of arrests was 3.4 and many youths were seen several times by the police before they ever reached the courts. If this great amount of time and resources invested in juveniles could be made more productive, it could save a much greater investment at a higher level of processing. But until the necessary research is completed, we can say very little about the effectiveness of arrest, or how it might be improved.

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