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PROBATION OFFICER DECISION-MAKING:  
A STUDY OF THE JUVENILE COURT INTAKE  
PROCESS IN MILWAUKEE COUNTY

by

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A Thesis submitted to the Faculty of the  
Graduate School, Marquette University, in  
Partial Fulfillment of the  
Requirements for the Degree  
of Master of Arts

Milwaukee, Wisconsin  
December, 1976

## PREFACE

This study grew out of personal questions concerning the operation of the juvenile court system in the United States. The tremendous increase in official juvenile crime rates is overwhelming, and causes one to wonder whether current statistics accurately reflect existing criminal activity. The labeling perspective suggests that the increase in official rates is due, in part, to methods adopted by social control agents in selecting out certain individuals as delinquent. This study examines some traditionally-proposed variables which may affect the probation officer decision-making process.

Several individuals have been particularly helpful in providing ideas and critical insights leading toward the improvement of this thesis. Special thanks go to Bill Doerner, Dave Bertram and Dana McKenzie for their support, encouragement and thoughtful suggestions.

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## CHAPTER I

### INTRODUCTION

From its inception, criminology has dealt with a variety of explanations to account for deviant behavior. The Classical School of criminology, based largely upon the social contract theories of Hobbes, Rousseau and Montesquieu, viewed men as rational beings who freely come together to create a society. Institutions are established in this society as a result of a common desire for order. Classical theory demands that when these institutions are attacked and group unity is threatened, punishment must be administered. Men who have freely chosen to commit criminal actions must be dealt with, although not in the arbitrary fashion characteristic of the Middle Ages. The purpose of punishment, according to the philosophy of the Classical School, is deterrence. Because man's behavior reflects his desire to maximize pleasure (Bentham), pain is an effective tool in dealing with behavior which is harmful to society. Representatives of the Classical School (e.g. Beccaria) were largely concerned with making the punishment fit the crime. The focus remained on the criminal action.

In reaction to the philosophy of the Classical School, advocates of the Positive School asserted that man's actions

are not always the result of free will, but are motivated by forces over which he has no control. These forces, which Durkheim calls social facts, exist outside of the individual and serve to coerce him into socially acceptable behavior (Durkheim, 1950:2). Through the process of socialization, such facts become internalized in the individual while continuing to exist independently of him. Durkheim introduced the concept of anomie to refer to a condition of normlessness which results when social facts fail to operate. Much later, Merton (1938) developed this concept of anomie by relating deviant behavior to the social structure. He saw criminal behavior as possibly occurring when the stress on societal goals is not met by an ability to reach those goals using societally approved means. Cloward and Ohlin (1961), in building on Merton's work, state that frustration of aspirations caused by the inability to reach goals through legitimate means may result in seeking goals through illegitimate means. Those individuals who have access to illegitimate means are, therefore, more likely to become involved in criminal actions. Each of these theorists--Durkheim, Merton, and Cloward and Ohlin--as representatives of the Positive School sought to demonstrate the priority of social influences in crime causation.

Classical theory advocated punishment as a useful tool in dealing with moral guilt which the individual brought upon himself by participating in criminal behavior. In contrast, advocates of the Positive School, viewing men

as incapable of being aware of their wrongdoing, saw punishment as inappropriate. The number of individuals exempted from criminal law grew as scientific research increasingly indicated that certain people were unable to restrain themselves from acts which may constitute criminal offenses. This new awareness of the causes of human behavior and the differentiation between the mentally ill and the criminal led to the growth of the therapeutic state (Kittrie, 1971:39). Under the therapeutic state, crime is viewed as something to be treated rather than to be punished.

The appeal of positivism lies in the belief of the ultimate perfectability of human society through the use of scientific techniques of social control. Advocates of the Positive School developed new trends in the study of crime. These involved a greater focus upon the individual criminal and a scientific method for the study of crime (Reasons, 1974:4). The impact of positivism upon criminological research resulted in an emphasis upon deviant behavior as determined. It became the task of the criminologist to locate those variables which influence behavior. However, although numerous studies have been done from a positivistic perspective, the question of causation still remains largely unanswered. The Classical School, with its focus upon the conforming behavior of individuals, also failed to accurately specify the source of deviant behavior.

The Positive School does not deal adequately with the

problem of order originally raised by the Classical School. Positivists assume that those individuals who deviate do so as a result of social, psychological or biological forces which are beyond their control. The answer provided by the Positive School ignores certain aspects of deviance, such as the effects of social reaction upon behavior. As criminologists continue to conduct research under the influence of positivistic philosophy, little recognition is given to the ways in which behavior comes to be socially defined by powerful members of society (Matza, 1969:143). Positivism implies that the powerful are morally superior, and as such are incapable of contributing to deviance within a society (Thio, 1973).

Similarly, Becker (1967) indicates that the sociologist, like "the man on the street," often fails to realize that his actions reflect the unspoken assumption that "the man at the top" knows best. Thus, when bias is spoken of in relation to sociological research, it usually refers to taking the side of the subordinate and allowing sympathy for his position to influence the results of a study. However, sympathy for the superordinate position may produce bias as well (Becker, 1967:246). It is impossible to avoid "taking sides," yet in doing so, one's values naturally influence one's perception of reality.

It has become increasingly evident in recent years that behavior cannot be easily separated into deviant or nondeviant categories. This attitude has brought about



changing perspectives on crime. Many criminologists feel that it is no longer possible to set aside certain individuals as "criminals" on the basis of objective criteria. The importance of interest groups in determining what crime is and what particular crimes will be of concern to law enforcement personnel is becoming more and more recognized (Quinney, 1970, 1972, 1973).

The labeling approach to deviant behavior takes into account the effect of values upon one's construction of "reality." If one's sympathies lie with conventional values, it becomes easy to label those who appear to reject such values as deviant. Thus, social reaction does play an important role in the creation of deviance, and is worthy of study.

#### The Labeling Approach

The labeling approach to deviant behavior deals with such issues as the establishment of definitions and norms, which infractions constitute deviant behavior, and the reaction to norm-violating behavior. This approach reflects the early social psychology of the Chicago School (cf. Mead, Blumer, Thomas). Chicago sociologists stressed the importance of social interaction in giving meaning to situations. They emphasized the self as a social object which gains meaning through interaction with others. Similarly, the labeling perspective stresses the extent to which the self is altered by positive and negative social reactions. Tannenbaum, as early as 1938, discussed the effects of being "tagged" upon

an individual internalization of the deviant identity. Davis (1975:189) states that current labeling theorists have failed to adequately build on early labeling concepts, and have moved little beyond Vold's (1958) conception of crime and law as social definitions. The concepts of power, conflict and stratification were never adequately developed by the labeling school. This is partially due to a lack of empirical testing in relation to labeling concepts.

The influence of the labeling perspective has caused several researchers (Becker, 1963, 1964, 1967; Lemert, 1967; Cicourel, 1968; Erikson, 1966; Kitsuse, 1964) to reformulate the task of criminological research. This perspective emphasizes the primacy of social definitions and reactions to behavior. Deviant behavior is considered relativistic because what has been defined as deviant at one time or place may not always be treated as deviant. The critical variable in the study of deviance is the social audience (Erikson, 1966:7). The social audience screens behavior and confers deviant status upon those persons who behave in an unacceptable manner. However, variables which are not directly related to the behavior itself may influence the application of the deviant label (Arnold, 1970; Black and Reiss, 1970; Piliavin and Briar, 1964). Labeling theorists are currently working to uncover those variables which are influential in the social construction of deviance.

Lemert (1967) is largely responsible for expanding the

concept of labeling and providing basic insights into the labeling process. In order to distinguish between temporary deviance and "career deviance" (Stebbins, 1971), Lemert proposed the concepts of primary and secondary deviation. Primary deviation arises from a variety of social, cultural, psychological and physiological factors (Lemert, 1967:40). This type of deviance is dealt with only briefly by Lemert in setting the stage for secondary deviation. Secondary deviation is the individual's reaction to those problems arising from societal responses to his deviant actions. In order for primary deviation to develop into secondary deviation, the individual must first be apprehended and labeled deviant. If, as a result of this apprehension and attribution of a deviant label, the individual accepts and internalizes the label society has conferred upon him, the transition from primary to secondary deviation occurs. While some individuals may seek to disassociate themselves from the deviant label and, thus, remove the effects of stigmatization (Goffman, 1963), the secondary deviant organizes his life around his new identity. His self-concept undergoes radical changes and his deviant role becomes the center of unity for his social-psychological self (Knudten, 1970:297). The lifestyle of the secondary deviant is characterized by a commitment to behavior characteristic of his new identity (Stebbins, 1971). Using delinquency as an example, the one-time juvenile offender may embark on a deviant career as a result of the delinquent label

applied by juvenile justice personnel.

It is important to recognize that the labeling perspective views the original deviant act as relatively unimportant. It is the attribution of a deviant label and its acceptance which is tremendously important. Ultimately, it is the individual who is defined as deviant, and the action which precipitated the label may be forgotten. The individual deviant is regarded as an outsider in more ways than one (Becker, 1963). Regardless of the many times he may act in a societally acceptable fashion, the deviant is judged in relation to a moral category which becomes his total identity (Duster, 1970; Garfinkel, 1956; McCall and Simmons, 1956). Further behavior is interpreted by the social audience in terms of that identity.

The labeling approach to deviant behavior complements certain traditional theoretical orientations to deviance. Like advocates of the conflict paradigm, labeling researchers tend to sympathize with the position of the "underdog." Conflict theory is based upon a segmental view of society in which the powerful class is ultimately responsible for creating and maintaining deviant behavior. Those who fail to conform to standards adopted by the dominant class are set apart as deviant. The labeling approach to deviant behavior, like conflict theory, identifies social control agents as representatives of the powerful class who may actually serve to enforce deviance rather than alleviate

such behavior. It is the task of sociology to study the process by which this occurs, according to Lemert (1967:35).

Some sociologists feel that the labeling perspective has not only failed to produce substantial insights into deviant behavior (Kitsuse and Spector, 1975) but also, in emphasizing the prevalence of dominant group norms, it actually adds very little to the conflict perspective (Akers, 1973:24). However, labeling critics frequently fail to recognize the impact which the labeling perspective has had on attitudes toward deviance in contemporary society. The labeling approach has indicated possible effects of official processing on recidivism rates with respect to research done in the area of juvenile delinquency. As a result, many courts are authorizing the development of diversion programs which, theoretically, reduce contact with court officials, reduce labeling, and, thus, reduce recidivism rates (Elliott and Blanchard, 1975; Winter and Stellman, 1975). Although labeling fails to take account of the success of social control in deterring deviance (Bordua, 1967:154), the unintended consequences of social control on the promotion of deviant behavior are recognized.

Very little empirical testing of labeling concepts has taken place. However, this is largely due to the penchant of labeling proponents for insightful, impressionistic observation and "sensitizing" use of the concept (Davis, 1975:186) and not to the approach itself. As was mentioned above, there has come to be a growing awareness of the importance of norms

and public policy in the furtherance of deviancy. This suggests the timeliness of investigating the policies and decisions of labelers in relationship to deviant attribution.



Statement of the Problem

" Social control agents have wide discretionary powers at their disposal when dealing with juveniles (Arnold, 1970; Piliavin and Briar, 1964; Powers and Witmer, 1970; Schur, 1973). The parens patriae concept, the underlying philosophy of the American juvenile justice system, contends that such discretion allows social control agents to deal with the child and his needs rather individually and not categorically. According to this philosophy, the juvenile court is designed to act as a replacement to the parent where the parent has failed to meet his/her obligations. Although this method of processing is supposedly used to benefit the child, it does allow officials to designate certain children as delinquent solely on the basis of subjective criteria rather than on the basis of legal variables alone.<sup>1</sup> The child is labeled delinquent if officials are convinced that he is in need of treatment. Some researchers feel that sharper distinctions

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<sup>1</sup>One study (Ralston, 1971) documents an instance where the court now requires that a lawyer be present at intake as well as during official court proceedings as a result of the Gault decision. Because cases are often prejudged by intake personnel, "This application of Gault to the preadjudication stage of the juvenile court process has not destroyed the purpose of the juvenile court but has insured procedural uniformity and the accountability of court personnel" (Ralston, 1971:166).

are needed between delinquent and non-delinquent behavior to allow juveniles the same justice accorded adults (Lerman, 1973:284). The Supreme Court ruling in Gault v. Arizona (1967) granted children some of the same constitutional protections accorded adults. However, despite these procedural safeguards," individualized treatment remains a distinctive feature of the juvenile justice system and permits wide discretionary powers in official decision-making (Schur, 1973:70).

#### Decision-Making

" Arrest decisions made by police officers are the first of a series of decisions made by social control agents. Frequently, police decisions are affected by such extra-legal criteria as race, grooming and demeanor (Monahan, 1972; Piliavin and Briar, 1964)". The child may be released without charge if the police officer believes that further processing is unwarranted. However, if the police officer thinks the child needs further treatment, he is delivered to juvenile court officials. There is a significant bias in any official sample of juvenile delinquents because the police differentially report certain offenders (Goldman, 1963).

The labeling process is thought to be most effective when the recipient of the label is exposed to a public degradation ceremony (Meade, 1974:84-85). Police decisions do not necessarily involve situations of this nature. However, the probation officer's decision to expose the

juvenile to a formal court hearing has important implications in terms of the labeling perspective. "A study done by Newton and Sheldon (1973) presents empirical evidence of a positive association between appearance in juvenile court and self-conception as a deviant. These researchers conclude that formal court appearance is the most significant definitional point in the delinquent career. Further study of the process by which probation officers make the decision to subject the juvenile to a formal court hearing may shed new light on the labeling perspective.

#### The Job of the Probation Officer

" The probation officer is responsible for the intake decision, perhaps the most important decision made once the child is released to court personnel (Berg, 1974:33). The intake officer has three alternatives available to him in dealing with the juvenile offender. He may close the case at intake, hold it open for supervision without requesting a formal hearing, or he may refer the case to the district attorney for a determination of the prosecutive merits of the case. The case will be handled informally if the probation officer thinks that adjudication is unnecessary. Informal handling is vaguely described as supervision for ninety days or less in order to permit the probation officer discretion in dealing with the offender. Technically, the restrictions imposed on a child for informal handling are not mandatory."



" Probation officers are given few guidelines with which to determine whether to handle a child formally or informally. According to the Children's Code of the Wisconsin Statutes (Section 48.19), a probation officer may decide against filing a delinquency petition if he determines that such action would not be in the best interests of the child nor the public. " More specific directions are dependent upon policy set by the presiding judge. Although these guidelines may vary from judge to judge (Wheeler et al., 1968), the probation officer remains largely responsible for executing the intake decision.

" The probation officer handles a multiplicity of roles (MacFaden, 1971). He is responsible for the intake decision, dispositional recommendations to the court, and progress evaluations of juveniles under his supervision. Just as the criteria for processing juvenile offenders may vary from stage to stage (Hartinger, 1973), the criteria used by the probation officer may vary in relation to the specific task he is performing (Thomas and Sieverdes, 1975: 416-417). This contributes further to the difficulty of studying the decision-making process among probation officers. "

Probation officers make presentence recommendations on relatively little information (Carter, 1967). Carter (1967) examined the criteria used by probation officers in recommending dispositions for adult offenders by applying a "decision game" developed by Wilkins (1965). Each probation officer followed his own method in selecting

the information he felt necessary to make a presentence recommendation. For example, one officer always studied the type of plea entered by the offender prior to making his decision, yet no other officer requested that information at any time. Another officer always utilized employment information to confirm his decision. Carter (1967) was unable to isolate and identify differences in decision-making according to personal characteristics of the probation officers. He indicates that further study may be useful in establishing significant relationships between method of decision-making and the background of the individual probation officer.

#### Offender-Related Characteristics

The need to identify norms and criteria used by probation officers is growing because official juvenile crime rates are increasing. This increase is partially due to new methods of identifying the juvenile offender which affect his probability of being officially processed (Berry, 1975:358). Official social control agents are among the most significant of all labelers because they implement the very broad and very diffuse societal definitions through organized structures and institutionalized procedures (Schur, 1971:13). Thus, social control agents increase the effectiveness of the labeling process.

" Probation officers seldom base their intake decision on legal variables alone (Thomas and Sieverdes, 1975). "

" This is largely due to the social work orientation of

most probation officers. The probation officer is trained to make a thorough investigation of the child's background and history before making recommendations to the court. This procedure is based on the operating assumption that deviant behavior is simply a physical expression of an underlying problem needing professional intervention (Kirk, 1972). Principles of social casework, which are basic to probation work, stress individualized treatment. The probation officer is taught to consider such variables as family status, school history, and attitude of the offender in handling the juvenile offender. Investigations involving nonlegal criteria are considered essential to a "social diagnosis" (Clegg, 1964:75; Taylor and McEachern, 1970:682).

" The literature lends empirical support to a relationship between seriousness of offense and severity of disposition (Black and Reiss, 1970; Meade, 1974; Terry, 1967; Wolfgang et al., 1972). Other studies indicate that probation officer decision-making is also influenced by nonlegal criteria (Cohn, 1963; Gross, 1966, 1967; Hagan, 1975; Thomas and Sieverdes, 1975). However, researchers remain unclear as to which specific nonlegal variables affect the intake decision. Cohn (1963), for example, found that sex and race of the offender influence the probation officer's recommendations to the juvenile court judge. Females and blacks were more frequently institutionalized, and blacks were less frequently recommended for discharge

when seriousness of offense was controlled. Arnold (1971) and Hagan (1975) also report a positive relationship between severity of disposition and race. Thomas and Sieverdes (1975) found that while seriousness of offense is the best predictor of disposition, other variables, such as race, age and family background, are also influential. Still other studies indicate that these variables have very little influence on the decision-making process. Terry (1967) and Green (1970) found that the juvenile's race is unrelated to probation officer decision-making. Terry (1967:180) states, in addition, that the only statistically significant predictors of referral were seriousness of offense, offense history, and age of the juvenile. Meade (1973) found that there was no systematic bias on the part of court personnel at the point of hearing decision in terms of traditionally-proposed independent variables (race, social class, sex, age, family structure, school status, type of first offense, disposition of first offense, and recidivism status). However, he did find a slight, statistically insignificant tendency for older, more serious, male offenders to be subjected to formal hearings."

The literature also contains inconsistencies with regard to extra-legal variables which influence the probation officer. It is possible that methodological differences such as type of sample drawn, source of data, and sophistication of analytical techniques may account for some of these discrepancies (Thomas and Sieverdes, 1975). Research in

the area of police and judicial decision-making does lend support to the influence of extra-legal variables upon the decision-making process, however. For example, several researchers have found that police officers are influenced by such variables as race and sex (Black, 1970; Goldman, 1963; Monahan, 1972; Piliavin and Briar, 1964), while other researchers report similar findings from studies dealing with judicial decision-making (Blumberg, 1967; Hogarth, 1971; Nagel, 1970). In addition, the labeling perspective provides a basic framework of support for the proposed relationship between decision-making and extra-legal variables. The labeling perspective is based upon the premise that the application of deviant labels is influenced by class, racial, occupational, sexual, and age statuses of persons who operate in opposition to social control groups (Davis, 1975:173).

On the basis of the above studies it is hypothesized that:

1. Having a prior record is positively related to receiving a formal hearing.
2. Having committed a serious offense is positively related to receiving a formal hearing.
3. Being a male juvenile offender is positively related to receiving a formal hearing.
4. Being a nonwhite juvenile offender is positively related to receiving a formal hearing.
5. Being an older juvenile offender is positively related to receiving a formal hearing.

### Probation Officer Background Characteristics

The labeling approach does suggest that formal social control agents are an object of study for labeling research (Schur, 1973:135). It is possible that, in addition to offender-related characteristics, probation officer background characteristics influence the labeling process. This study will examine some probation officer characteristics in relation to the decision to have a formal or an informal hearing.

" There is some empirical evidence that personal and social background characteristics of probation officers influence decision-making. Gross (1967) found that biographical characteristics differentiating probation officers appear consistent with the way they use the prehearing report. Probation officers who have more graduate degrees and read a greater number of professional journals identify primarily with the broader field of social casework rather than with the probation officer role. While these probation officers are primarily concerned with rehabilitating the offender, the majority of probation officers are primarily concerned with community protection.<sup>1</sup> Gross (1967) suggests that the probation officers with more education may present a problem in terms of supervision and communication. This

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<sup>1</sup> However, there are those who feel that increasing the education of officials dealing with juvenile offenders tends to broaden the official's definition of delinquent behavior (Lerman, 1973). This, in turn, causes the official to detain more juveniles and intervene in the lives of children when there may be no need for intervention.

is because they are fewer in number and may feel some frustration at dealing with the court as well as with a majority of their fellow officers."

Arnold (1970) states that the educational level of probation/parole officers indicates their level of social class. Holding a college degree does not necessarily indicate that one is middle class in outlook, but it does indicate that the degree holder has acquired to some extent the middle class view of the "educated man." In addition, the role played by the probation officer requires that he be a carrier of middle class standards. The probation officer tends to identify with the offender as long as he is cooperative, admits he needs help, and shows signs of changing his past behavior. The middle class delinquent has a greater chance of being handled informally because he has greater inclination and capacity than does the lower class delinquent to adopt and maintain this attitude convincingly during his encounter with the probation officer (Emerson, 1969:241).

Other variables which may influence the decision-making process are race and sex of the probation officer. Emerson (1969:18) suggests the importance of common ethnicity and knowledge of local customs for a probation officer in dealing with the local community. Many probation departments attempt to have a race and sex distribution of their staff that will correspond to the race and sex distribution of the juveniles in their jurisdiction

(Arnold, 1970:24; Reckless, 1950:379). However, the problem of finding qualified personnel among nonwhite populations sometimes makes the proportion of nonwhite probation officers to juvenile offenders unequal (Arnold, 1970). Reed and King (1966) found that black probation officers were more likely to favor unofficial action when dealing with juvenile offenders than were white probation officers. However, the extent of supportive research here is very limited. "Studies on police officers indicate that black and white officers may have some differing attitudes toward specific categories of child offenders (Monahan, 1972). Monahan (1972:101) identifies the need for more complete data relating to agents of social control, juvenile offenders, and the interaction process which takes place in order to further objectify knowledge of the many factors leading to a child's arrest."

Other variables thought to be influential in the decision-making process of the probation officer include age and years of experience. Younger and newer officers tend to favor the juvenile offender (Carey, 1967:71). However, due to the public's demand for harshness and the loss of their own idealistic attitudes toward reform, older probation officers tend to select more formal methods of handling the juvenile offender. In addition, the length of service as a probation officer brings about a trend toward conformity with one's colleagues and the development of a more conservative perspective toward the use of



probation (Carter and Wilkins, 1967). Hogarth (1971) obtained similar results in his study among judges. Greater length of experience leads to a firmer commitment to deterrence among judges, and away from retributive punishment or reformation. Taylor and McEachern (1970:677) state that the philosophy behind contemporary juvenile probation practices demands a staff of young, well-trained probation officers who develop a commitment to their work early in their careers. The implication is that "younger probation officers, who are presumably more idealistic and are more likely to be specifically trained for modern probation work, will tend to be more interested than older probation officers in reforming the offender through the use of diversion programs."

On the basis of the above studies it is hypothesized that:

1. Probation officers with less education are more likely to handle the juvenile offender formally.
2. White probation officers are more likely to handle the juvenile offender formally.
3. Probation officers with more years of experience are more likely to handle the juvenile offender formally.
4. Older probation officers are more likely to handle the juvenile offender formally.

#### Summary

This study explores the relationship between the juvenile offender and the probation officer, as an agent of social control. Schur (1973:11) claims that past research

in the area of juvenile delinquency has had an inordinate focus on the individual juvenile offender, and the ways in which his basic "differentness" from non-offenders has led to delinquency problems. The labeling approach to deviant behavior claims that differences between the official offenders and official non-offenders are not innate, but are largely due to differential labeling by criminal justice agents. Possibly, juvenile justice agents assign the delinquency label based upon arbitrary criteria. Therefore, a study of the probation officer and those variables which may serve to influence the decision-making process as he deals with juveniles may prove fruitful.

## CHAPTER II

### METHODOLOGY

The purpose of the present study is to examine variables which may influence probation officer decisions with respect to the type of handling a juvenile receives. Variables pertinent to the child and to the probation officer are examined through a configurational approach. This approach is consistent with Becker's (1963:14) demand for research which examines characteristics related to those who enforce the rules as well as characteristics of the rule-breakers.

#### Data

Data for this study were obtained from the Social Development Commission in Milwaukee. They include 13,907 official juvenile court intake records from the Milwaukee County Children's Court Center during the 1974 calendar year. Juveniles charged with traffic violations (N=253), committed to mental institutions (N=579) or juveniles involved in dependency or neglect hearings (N=974) were omitted because such cases do not involve delinquency petitions. Juveniles charged with offenses for which there were no adequate descriptions available in the coding material (N=292) and juveniles over whom the court has no jurisdiction (N=515) were also excluded. In addition,

information regarding some probation officers was unavailable. Juveniles dealt with by these probation officers were removed from the present study (N=1703). The final population included 9591 cases.

#### Measurement and Operationalization

The data analyzed in the present study are largely nominal, requiring the use of statistical procedures appropriate for this level of measurement. The nominal level of measurement makes no assumptions concerning ordering or distances between categories of variables. The only demand is that variable categories be mutually exclusive and totally inclusive. For example, the dependent variable in the present study, method of handling, consists of two nominal level categories, formal and informal handling. The juvenile offender can only be assigned to one of these categories. Although nominal level data are not restricted to dichotomous formulation, it was necessary to collapse several of the variables in this study into such form in order for all the variables to be on the same level, and in order to use the statistical techniques chosen.

#### The Juvenile Offender

The data contained information concerning the juvenile's race, age, sex, prior offense record and current offense. Race was operationalized as white and nonwhite offenders. Although a small percentage of offenders were American Indian (1%), the nonwhite category is composed largely of

black youths (40%). Fifty-eight percent of the juveniles referred to the Children's Court Center in 1974 were white, while forty-two percent were nonwhite. Males constituted seventy-three percent of the population. Age was dichotomized into those who were sixteen or seventeen years old at the time of intake (42%), and those who were younger than sixteen (58%). This division was chosen in order to achieve an appropriate balance between the number of offenders in each of the two categories. Most statistical tests require that categories contain an approximately equal number of cases in order to avoid skewed distributions which may invalidate results (Davis, 1971:27). Since relatively few young juveniles engage in delinquent behavior (Terry, 1967:176), more ages are represented in the category consisting of younger juveniles. Recidivism was dichotomized into those juveniles with at least one prior offense (66%), and those without any prior offense (34%).

Offense was operationalized into serious and nonserious categories, based upon classifications used in earlier studies (Meade, 1973; Meade, 1974). There is an understandable lack of consistency with regard to offense classification in the juvenile delinquency literature. First, the legal title of an offense does not sufficiently indicate the relative seriousness of an act (Arnold, 1971; Sellin and Wolfgang, 1964; Wolfgang et al., 1972). Second, the philosophy of the juvenile court implies that a given

act which is considered serious under some circumstances may be classified nonserious under different circumstances.

Terry (1967) submitted questionnaires to juvenile justice personnel in order to determine how they regarded juvenile offenses. The following results were obtained, ranked from least serious to most serious: (1) disorderly conduct, (2) liquor offenses, (3) incorrigibility, (4) theft excluding auto theft, (5) sex offenses, (6) assault and violent property damage, (7) burglary, (8) auto theft, (9) homicide and robbery (Terry, 1967:174-75). Unkovic and Ducsay (1969), based upon a classification scheme devised by Sellin and Wolfgang (1964), trichotomized offense into "crime that injures," "conspiratorial, consensual crime," and "crime against public order." Chilton and Markle (1972) use a trichotomous scheme consisting of most serious, less serious, and least serious offenses. However, offenses included in each category of their study differed from those categories used by Unkovic and Ducsay (1969). For example, offenses categorized as crime that injures in Unkovic and Ducsay's study, such as assault, auto theft and larceny, are distributed between Chilton and Markle's most serious and less serious categories.

Arnold (1971) divides juvenile offenses into four levels of seriousness. When collapsed, his categories are similar to those used by Meade (1973:479; 1974:85). Meade classifies those offenses which would be criminal if committed by an adult as serious, while those applicable

only to juveniles (status offenses) were classified as nonserious. Injury to the person, robbery by force, theft by taking, burglary, motor vehicle theft, weapons offenses, narcotics offenses, criminal trespass and disorderly conduct were classified as serious offenses. Violation of beer and wine law, sex offenses, runaway, ungovernable, truancy and curfew violation were classified as nonserious offenses. This dichotomy is somewhat imperfect in that certain "serious" offenses are not consistently classified serious by other researchers. For example, narcotics offenses and disorderly conduct are frequently classified nonserious, while sex offenses are classified serious (Arnold, 1971; Chilton and Markle, 1972).

The Sellin-Wolfgang index of seriousness provides a sociologically and mathematically more meaningful way of measuring delinquency in comparison to the traditional methods (Sellin and Wolfgang, 1964:291). Their method of classification is based upon weighted values given to a wide variety of offenses. However, the Sellin-Wolfgang technique involves considerably more offense information than is available to the present study. For example, in the Sellin-Wolfgang study, auto theft is given a weight of two when the vehicle is stolen, undamaged, and either returned or abandoned. However, if the automobile is damaged or remains unlocated, the score for the theft must be weighted more heavily. Such expansive information is unavailable for the present study.

Dichotomous variables which are not based on natural divisions are affected to some extent by the researcher's intuition. It is sometimes helpful to combine the categories in various ways in order to determine how different classification schemes affect the results. As was mentioned earlier, it is important to come as close as possible to a 50:50 split in operationalizing the data. Data distributions can aid in evaluating the results, since results based upon skewed distributions (in the 30:70 range) must be "taken with a grain of salt"(Davis, 1971:100). After examining the various classification schemes, offense was divided into serious and nonserious categories. Serious offenses consist of murder, rape, robbery, assault, burglary, auto theft, larceny and weapons offenses (54%). Nonserious offenses include probation violation, runaway, truancy, curfew violation, ungovernable behavior, and possession/drinking liquor (46%). Offenses which would logically receive a more severe official reaction, perhaps in the form of a court hearing, were regarded as serious.

The dependent variable, method of handling, distinguishes between those who receive formal handling and those who receive informal handling. Formal handling consists of filing a delinquency petition with the district attorney which eventually leads to adjudication. Informal handling is represented by a lack of a delinquency petition and usually involves supervision for ninety days or less. Juveniles subjected to formal handling constituted twenty-seven percent



of the population, while juveniles handled informally constituted seventy-three percent of the population.

#### The Probation Officer

Additional data were collected from probation officer personnel files of the Milwaukee County Children's Court Center in order to examine the influence of probation officer background characteristics upon delinquency petitioning. Fifty-two probation officers dealt with 9,591 offenders in the present study. Eighty-eight percent (N=46) of the probation officers were white and twelve percent (N=6) were nonwhite. The nonwhite category consists of five black probation officers and one "Spanish surnamed" probation officer. Sixty-five percent (N=34) of the probation officers were male. Age was dichotomized into those who were under thirty years of age in 1974 (46%, N=24), and those who were thirty years or older (54%, N=28). This division was made to ensure an adequate representation of probation officers in each category. Years of experience was dichotomized into those with five years of experience as a probation officer or less (50%, N=26), and those with more than five years of experience (50%, N=26). Education distinguished between those who had received a college degree (48%, N=25), and those who had earned a professional or graduate degree (52%, N=27).

#### Analytical Techniques

Three statistical techniques are used to test the proposed hypotheses. The first, phi ( $\phi$ ), is used with nominal

level data and is particularly suited to variables that are naturally dichotomous (Champion, 1970:210). Phi ranges from -1.00 to +1.00, and when the phi coefficient is squared it functions as a PRE measure. A PRE measure indicates the percentage of variation explained in the dependent variable by the independent variable. Phi is similar to Yule's  $Q$ , another nominal level measure of association. However, phi may be used when there is an empty cell, an advantage which it enjoys over  $Q$ . In addition, the criterion of perfect association is more stringent for phi than for  $Q$  (Loether and McTavish, 1974a:202). If phi equals unity,  $Q$  will also equal unity since the data will meet the less restrictive criteria for patterns of frequencies required for perfect association characteristic of  $Q$ . However, if  $Q$  equals unity phi may not equal unity because phi requires a different pattern of cases in the 2 x 2 matrix than does  $Q$  for a perfect association. In other words, the more restrictive meaning of perfect association which characterizes phi demands that two diagonal cells have frequencies while the remaining two cells have no frequencies. The less restrictive model which characterizes  $Q$  requires that only one of the four cells need have no frequency while the remaining three cells may have any frequency.

Two other statistical techniques are used which provide a configurational analysis of the data. The first, the Goodman model, allows a testing of the relative main effects as well as a routine search for all possible interaction

effects (Goodman, 1972:29). It is a particularly efficient way to examine a large number of variables. The researcher utilizing the Goodman technique attempts to account for the cell frequencies in a crosstabulation by hypothesizing effects and building models showing the presence and absence of various effects. The aim of Goodman analysis is to find the least complex set of variables necessary and sufficient to account for the data, in the interests of parsimony.

The second statistical technique, the Coleman model, functions well as a PRE measure, although it is less adequate in dealing with interaction effects in comparison to the Goodman model. Coleman (1964:239) acknowledges that his model fails to consider all possible interaction effects, but later attempts to correct this oversight (Coleman, 1970). In the present study, therefore, the Goodman model will primarily be used to search for the existence of relationships among the variables, while the Coleman model will primarily be used to demonstrate the amount of variation explained in the dependent variable by the independent variables.

#### Tests of Significance

Tests of significance are used to indicate whether observed differences in the data are due simply to chance or to sampling error. The researcher must select the level of significance at which the hypothesis will be rejected when statistically testing the relationship. The level of significance indicates the probability of being wrong in

rejecting the null hypotheses. For example, the phi coefficient is generally tested for significance by the use of the chi square statistic (Downie and Heath, 1965:198). The chi square value must be greater than 3.841 when using the .05 level in order to conclude that the observed phi value is significant. There is no significant association between the variables if chi square is less than 3.841. The .05 level of significance means that five times out of one hundred the researcher will be wrong in rejecting the null hypothesis that no difference exists between the two means. Rejecting the null hypothesis when it is in fact true is a Type I Error (Champion, 1970:84). This type of error will occur if the researcher sets his level of significance too low, for example, at the .10 or .20 levels. On the other hand, if the level of significance is set too high, such as .001, the researcher is in danger of committing a Type II Error. A Type II Error is far more serious than a Type I Error because when a hypothesized relationship is rejected on the basis of empirical testing, frequently other researchers think that it is unnecessary to subject the hypothesis to further analysis. If the relationship in fact exists, it is unlikely that it will be explored. It is more common in sociological research to do additional empirical testing of tentatively accepted hypotheses than to repeatedly test those hypotheses which previous studies have rejected.

Tests of significance are most frequently used when

making inferences from the observed sample to the unobserved population (Morrison and Henkel, 1970:184). Consequently, they are often thought to be inappropriate when dealing with total populations. A total population is examined in the present study and, therefore, the issue of sampling error is irrelevant. Sampling, however, is not the only source of error which may affect the results of a study. Discrepancies between the true situation and observed results may be produced by errors related to processing or response. These possible sources of error, however, may be minimized through careful coding of the data and "motivating" the respondent to answer carefully (Selvin, 1957). Coding problems were not entirely eliminated since a lack of critical data regarding probation officers led to the removal of 1703 cases. However, the remaining 9591 cases provide a more than adequate number of cases for analysis. In relation to "motivating" the respondent to answer carefully, the variables examined are largely objective attribute data and as such do not require subjective responses from the offender which have a greater possibility of inaccuracy or misinterpretation. If these sources of error are eliminated, it becomes unnecessary to measure the probability that they may have existed. The use of tests of significance in sociological research has become so common, however, that they are frequently used with no justification given for their use (Bordua, 1958; Lander, 1954).

Some researchers suggest that total populations can

be considered samples from still larger hypothetical universes (Hagood and Price, 1952). However, it is impossible to demonstrate that the model of sampling from a hypothetical universe corresponds to reality (Hirschi and Selvin, 1967: 223). The mathematical model of sampling from a real population has an advantage in that it can be tested by properly designed sampling analyses. Thus, tests of significance are less than perfect as a tool for deciding whether to accept or reject hypotheses when dealing with total populations.

Other researchers criticize the indiscriminate use of tests of significance with samples as well as with populations. In a classic article dealing with tests of significance in survey research, Selvin (1957) discusses problems resulting from the difficulty of designing and interpreting tests of hypotheses. According to Selvin, tests of significance are technically illegitimate unless there is complete control over all sources of variation. Although it is impossible to control for the influence of all possible variables, many researchers use tests of significance with no attempt to counteract correlated biases (Selvin, 1957). Furthermore, some researchers give more prominence to the level of significance than to the size of the difference, thereby confusing statistical significance with substantive significance. For example, a large difference that is not significant at the .05 level because it is based on a small sample may be of great theoretical importance. Tests of significance are markedly influenced by the size of the

sample. It is quite easy to establish statistical significance for even a very small relationship with a very large sample (Hagan, 1974:361). Statistical significance is only one criterion that should be considered in deciding whether to accept or reject a null hypothesis (Loether and McTavish, 1974b:280). Reciting the magic phrase "significant at the .01 level" should not be used as a substitute for a thorough consideration of the quality of one's data (Selvin, 1958:86).

Many sociologists (Camilleri, 1962; Kish, 1959; Taylor and Frideres, 1972) claim that the question of statistical significance is secondary to that of substantive significance. Taylor and Frideres (1972) advocate consideration of both substantive and statistical significance in choosing between alternative hypotheses. They are largely concerned with distinguishing between the two concepts, and stress the superiority of substantive significance in deciding whether to accept or reject the null hypothesis (Taylor and Frideres, 1972:469). The magnitude of an association between variables is frequently adopted as one criterion for substantive importance (Gold, 1969). Davis (1971:49) proposes the following conventions to serve as indicators of substantive significance:

TABLE 1

## GUIDELINES FOR SUBSTANTIVE SIGNIFICANCE

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+ .70 or higher	A very strong positive association
+ .50 to + .69	A substantial positive association
+ .30 to + .49	A moderate positive association
+ .10 to + .29	A low positive association
+ .01 to + .09	A negligible positive association
.00	No association
- .01 to - .09	A negligible negative association
- .10 to - .29	A low negative association
- .30 to - .49	A moderate negative association
- .50 to - .69	A substantial negative association
- .70 or lower	A very strong negative association

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Some type of decision criteria must be utilized in determining whether to reject or accept the null hypothesis. The present study relies upon a consideration of both the substantive and statistical importance of the results. However, more weight is given to substantive importance. Tests of statistical significance are used solely to describe substantive significance decisions in terms of their probability of being in error.



### CHAPTER III

#### PRESENTATION OF DATA

Data were first analyzed using the phi coefficient. None of the independent variables are strongly related to formal handling. One rule of thumb is that a measure of association should reach an absolute value of .30 to be considered a moderate relationship (Davis, 1971:49). Table 2 shows that the relationship between recidivism and method of handling equals +.162. This means that recidivism accounts for three percent of the variation in method of handling. The relationship between recidivism and method of handling, although positive, is weak. Similarly, the relationship between offense and method of handling (.174) is weak. The remaining relationships between the independent variables and the dependent variable are negligible.

TABLE 2

HANDLING OF OFFENDER AS PREDICTED  
BY INDEPENDENT VARIABLES

Variable		Decision *	Direction
Juvenile Offender			
Age	-.051	significant	wrong
Recidivism	+.162	significant	correct
Sex	+.048	significant	correct
Race	+.072	significant	correct
Offense	+.174	significant	correct
Probation Officer			
Race	-.011	not significant	wrong
Age	-.043	significant	wrong
Education	-.048	significant	wrong
Experience	-.028	significant	wrong

\* This is a one-tailed test for significance at .05 level.

The data were next analyzed through the Goodman (1972) nominal level regression model in order to test for the main effects and all possible interaction effects. The Goodman model is not sufficiently developed to routinely deal with more than four independent variables at one time. Thus, it was necessary to examine two of the independent

variables separately. First-order interaction effects were computed using the Goodman model for two independent variables in order to determine which two variables could be interchanged. The interaction effect between sex and age of offender was not statistically significant ( $\chi^2 = 1.50$ ). Hence, these two variables could be examined interchangeably in the final analysis. Thus, the Goodman model for four independent variables was applied to three separate multiple classification schemes so as to include all possible interaction effects among the predictors. Tables 3, 4 and 7 contain these multiple classification schemes and the initial results of the Goodman analysis.

Table 3 indicates that forty-three percent of the cases with all four predictors in the one state were formally handled, while only fourteen percent of all cases with all four predictors in the zero state were formally handled. This indicates that nearly one-half of the extreme cases are formally handled, while less than one-seventh of those cases which are not predictive of formal handling are handled formally. The number of cases accounted for by State One in the dependent variable is always smaller than the number of cases accounted for by the zero state, regardless of the state of the independent variable. The proportion of juvenile offenders receiving a formal hearing ranges from a low of eight percent to a high of forty-three percent.

TABLE 3

MULTIPLE CLASSIFICATION CONFIGURATION WITH  
TYPE OF HANDLING AS THE DEPENDENT VARIABLE  
AND CHARACTERISTICS OF THE JUVENILE AS  
INDEPENDENT VARIABLES\*

Sex	Race	Recidivism	Offense	Formal State 1	Informal State 0	Proportion State 1	Proportion State 0
1	1	1	1	651	857	.43	.57
1	1	1	0	116	477	.20	.80
1	1	0	1	146	436	.25	.75
1	1	0	0	28	200	.12	.88
1	0	1	1	584	924	.39	.61
1	0	1	0	224	993	.18	.82
1	0	0	1	161	585	.22	.78
1	0	0	0	56	616	.08	.92
0	1	1	1	87	164	.35	.65
0	1	1	0	129	320	.29	.71
0	1	0	1	41	203	.17	.83
0	1	0	0	32	170	.16	.84
0	0	1	1	50	113	.31	.69
0	0	1	0	159	447	.26	.74
0	0	0	1	21	136	.13	.87
0	0	0	0	66	399	.14	.86

\*State One refers to that category of the variable which is hypothesized as leading to State One of the dependent variable. Being male, being black, having a record and committing a serious offense are expected to result in a formal hearing. At the other extreme, being female, being white, being a first offender and committing a nonserious offense are expected to result in an informal hearing.

Table 4 shows the results of the initial Goodman analysis. The distribution of cases in this multiple configurational scheme is almost identical to that of Table 3. Forty percent of the cases with all four predictors in State One were handled formally, while only fourteen percent of all cases with all four predictors

in State Zero were formally handled. This means that nearly half of the extreme cases are handled formally, while less than one-seventh of those cases which are not predictive of formal handling are formally handled. As in Table 3, the number of cases handled formally is always less than the number of cases informally handled. The proportion of juvenile offenders receiving a formal hearing ranges from a low of six percent to a high of forty-three percent.

TABLE 4

MULTIPLE CLASSIFICATION CONFIGURATION WITH  
TYPE OF HANDLING AS THE DEPENDENT VARIABLE  
AND CHARACTERISTICS OF THE JUVENILE AS  
INDEPENDENT VARIABLES\*

Age	Race	Recidivism	Offense	Formal State 1	Informal State 0	Proportion State 1	State 0
1	1	1	1	280	425	.40	.60
1	1	1	0	69	313	.18	.82
1	1	0	1	44	165	.21	.79
1	1	0	0	8	95	.08	.92
1	0	1	1	304	559	.35	.65
1	0	1	0	148	757	.16	.84
1	0	0	1	68	246	.22	.78
1	0	0	0	32	470	.06	.94
0	1	1	1	458	596	.43	.57
0	1	1	0	176	484	.27	.73
0	1	0	1	143	474	.23	.77
0	1	0	0	52	275	.16	.84
0	0	1	1	330	478	.41	.59
0	0	1	0	235	683	.26	.74
0	0	0	1	114	475	.19	.81
0	0	0	0	90	545	.14	.86

\*See note at the end of Table 3 for a full explanation of the configurations.

Tables 5 and 6 present the results of the Goodman model performed on variables related to the juvenile offender. Included are the relative main and interaction effects of these independent variables upon the odds of receiving a formal hearing. The  $\underline{\gamma}$  values represent the relative main effects of each independent variable upon the dependent variable, while the  $\underline{\beta}$  values represent a maximum likelihood estimate of  $\underline{\gamma}$  (Goodman, 1972:33). A  $\underline{\gamma}$  effect greater than unity indicates a positive relationship, while a  $\underline{\gamma}$  effect less than unity shows a negative relationship. Similarly, a  $\underline{\beta}$  effect greater than zero is considered positive, while a  $\underline{\beta}$  less than zero is considered negative.  $\underline{\beta}$  represents the natural logarithmic transformation of  $\underline{\gamma}$  and removes any curvilinearity caused by multiplicative effects. Standardized  $\underline{\beta}$  values are obtained by dividing each  $\underline{\beta}$  value by its estimated standard deviation (Goodman, 1972:36). The standardized  $\underline{\beta}$  value may be interpreted as a test of significance (Goodman, 1974:40) and used in deciding whether to accept or reject the null hypotheses. Goodman suggests that standardized  $\underline{\beta}$  must be greater than absolute 2.00 for the relationship to be considered statistically significant when dealing with a population.

The results presented in Table 5 are based upon the multiple classification configuration in Table 3. Several of the results are statistically significant, according to the criteria for significance proposed by Goodman. There

is a positive, statistically significant relationship between race and method of handling, recidivism and method of handling, and offense and method of handling. Furthermore, there is an interaction effect between sex and offense. This can be interpreted as saying that the effect of maleness upon method of handling is greater for serious offenders than for nonserious offenders.

Although several of the results reach statistical significance, they fail to meet the criteria for substantial significance suggested by Davis (1971:49). It is quite possible that the results, reflecting a total population, exhibit statistically significant relationships although the relationships present are actually very small.

TABLE 5

RELATIVE MAIN AND INTERACTION EFFECTS OF  
CHARACTERISTICS RELATED TO THE JUVENILE  
OFFENDER UPON THE ODDS OF FORMAL HANDLING

Variable	$\gamma$ Effect	$\beta$ Effect	Standardized $\beta$
Sex	1.00	.00	0.10
Race	1.10	.10	2.89
Recidivism	1.52	.42	12.08
Offense	1.34	.29	8.42
(Sex)(Race)	1.01	.01	0.33
(Sex)(Recidivism)	0.97	-.03	-0.79
(Sex)(Offense)	1.26	.23	6.63
(Race)(Recidivism)	0.97	-.03	-0.83
(Race)(Offense)	1.00	.00	0.12
(Recidivism)(Offense)	1.04	.04	1.23
(Sex)(Race)(Recidivism)	0.98	-.02	-0.50
(Sex)(Race)(Offense)	0.98	-.02	-0.58
(Sex)(Recidivism)(Offense)	-0.98	-.02	-0.55
(Race)(Recidivism)(Offense)	1.02	.02	0.47
(Sex)(Race)(Recidivism)(Offense)	1.03	.03	0.78



Results presented in Table 6 are similar to those of Table 5. Table 6 analyzes the multiple classification configuration presented in Table 4. Recidivism and offense, once again, are positively related to method of handling, and both of these relationships are statistically significant. However, the relationship between race and method of handling, although positive, fails to reach statistical significance. It is possible that age, serving as a control variable, removes the relationship between race and method of handling. There is a negative, statistically significant relationship between age and method of handling. This may be interpreted as saying that younger offenders are more likely to be formally handled. In addition, an interaction effect exists between age and offense. This can be interpreted as saying that the effect of older age upon method of handling is greater for serious offenders than for nonserious offenders.

TABLE 6

RELATIVE MAIN AND INTERACTION EFFECTS OF  
CHARACTERISTICS RELATED TO THE JUVENILE  
OFFENDER UPON THE ODDS OF FORMAL HANDLING

Variable	$\gamma$ Effect	$\beta$ Effect	Standardized $\beta$
Age	0.82	-0.20	-5.45
Race	1.07	0.06	1.76
Recidivism	1.55	0.44	12.12
Offense	1.54	0.43	12.08
(Age)(Race)	1.00	0.00	0.07
(Age)(Recidivism)	1.01	0.01	0.38
(Age)(Offense)	1.16	0.15	4.14
(Race)(Recidivism)	1.00	0.00	0.12
(Race)(Offense)	1.00	0.00	0.05
(Recidivism)(Offense)	1.01	0.01	0.29
(Age)(Race)(Recidivism)	1.02	0.02	0.59
(Age)(Race)(Offense)	0.98	-0.02	-0.56
(Age)(Recidivism)(Offense)	0.94	-0.06	-1.81
(Race)(Recidivism)(Offense)	1.02	0.02	0.48
(Age)(Race)(Recidivism)(Offense)	1.02	0.02	0.63

Table 7 presents results using the Goodman model to determine the effects of characteristics related to the probation officer upon the handling decision. Zero frequencies appear in several of the cells due to operationalization of the probation officer race variable. Only six out of fifty-two probation officers are nonwhite, therefore it is impossible to reoperationalize this variable to allow for a more balanced distribution. One case was added to each cell with a frequency of zero in computing the relative main and interaction effects using the Goodman model. Twenty-one percent of the cases with all four predictors in the one state were formally handled, while seventeen percent of all cases with all four predictors in the zero state were formally handled. This indicates that nearly one-fifth of the extreme cases are formally handled, while nearly one-fifth of those cases which are not in the predictive state receive formal handling as well. The proportion of cases handled formally in this multiple classification configuration is much less than the proportion handled formally presented in Tables 3 and 4, which examine variables related to the juvenile offender.

TABLE 7

MULTIPLE CLASSIFICATION CONFIGURATION WITH  
TYPE OF HANDLING AS THE DEPENDENT VARIABLE  
AND CHARACTERISTICS OF THE PROBATION OFFICER  
AS INDEPENDENT VARIABLES\*

Race	Age	Education	Experience	Formal State 1	Informal State 0	Proportion State 1	State 0
1	1	1	1	504	1853	.21	.79
1	1	1	0	136	422	.24	.76
1	1	0	1	310	849	.27	.73
1	1	0	0	0	0	.00	.00
1	0	1	1	113	271	.29	.71
1	0	1	0	598	1566	.28	.72
1	0	0	1	93	256	.27	.73
1	0	0	0	447	919	.33	.67
0	1	1	1	0	0	.00	.00
0	1	1	0	1	1	.50	.50
0	1	0	1	246	489	.33	.67
0	1	0	0	58	197	.23	.77
0	0	1	1	0	0	.00	.00
0	0	1	0	0	0	.00	.00
0	0	0	1	0	0	.00	.00
0	0	0	0	45	217	.17	.83

\*State One refers to that category of the variable which is hypothesized as leading to State One of the dependent variable. Probation officers with more years of experience, less education, white probation officers and older probation officers are expected to handle the juvenile offender formally. At the other extreme, probation officers with fewer years of experience, more education, nonwhite probation officers and younger probation officers are expected to handle the juvenile offender informally.

Table 8 presents the results of Goodman analysis when characteristics related to the probation officer are treated as independent variables. This table is based upon the multiple classification configuration in the previous table. None of the main or interaction effects reach statistical significance.

TABLE 8

RELATIVE MAIN AND INTERACTION EFFECTS OF CHARACTERISTICS RELATED TO THE PROBATION OFFICER UPON THE ODDS OF FORMAL HANDLING

Variable	$\gamma$ Effect	$\beta$ Effect	Standardized $\beta$
Race	0.80	-0.22	-1.01
Age	0.99	-0.01	-0.06
Education	1.13	0.12	0.56
Experience	1.05	0.05	0.21
(Race)(Age)	1.03	0.03	0.15
(Race)(Education)	0.73	-0.31	-1.44
(Race)(Experience)	0.80	-0.22	-1.00
(Age)(Education)	0.94	-0.06	-0.28
(Age)(Experience)	0.88	-0.13	-0.58
(Education)(Experience)	0.95	-0.06	-0.26
(Race)(Age)(Education)	0.90	-0.10	-0.48
(Race)(Age)(Experience)	1.00	0.00	0.02
(Race)(Education)(Experience)	1.23	0.21	0.96
(Age)(Education)(Experience)	1.10	0.09	0.43
(Race)(Age)(Education)(Experience)	0.96	-0.04	-0.17

Data were also examined by the Coleman (1970) model because the Goodman model fails to express the amount of variation explained by each independent variable. Table 9 indicates that very little variation is explained by any of the independent variables. The sum of the absolute values equals the total amount of variation accounted for by the four variables. For example, the first multiple configuration scheme, utilizing independent variables related to the juvenile offender, accounts for twenty-eight percent of the variation in the dependent variable, with recidivism accounting for the largest percentage of variation (14%). However, phi indicates that offense accounts for a slightly larger percentage of variation when compared to recidivism ( $\phi = .174$  for offense and  $\phi = .162$  for recidivism). These small differences are probably due to differences within each of the analytical techniques. The second multiple configuration, where age replaces sex as one of the independent variables, shows that recidivism again accounts for the largest proportion of variation, although offense follows closely behind (14.6% and 14.2% respectively). The second multiple configuration accounts for nineteen percent of the variation in type of handling when examining characteristics of probation officers. The amount of variation accounted for by this multiple configuration is minimal. Race of the probation officer accounts for the largest proportion of variation (8.2%).

TABLE 9

AMOUNT OF VARIATION IN THE DEPENDENT VARIABLE (HANDLING)  
ACCOUNTED FOR BY  
RESPECTIVE INDEPENDENT VARIABLES

Variable	"weighted" Measure of Effect
<u>Juvenile Offender</u>	
Sex	.008
Race	.031
Recidivism	.141
Offense	.101
Total Variation Explained	<u>.281</u>
<hr/>	
Age	.054
Race	.020
Recidivism	.146
Offense	.142
Total Variation Explained	<u>.362</u>
<hr/>	
<u>Probation Officer</u>	
Race	.082
Age	.056
Education	-.008
Experience	-.046
Total Variation Explained	<u>.192</u>

### Summary of Results

#### Hypotheses Related to the Juvenile Offender

The hypothesized relationship between recidivism and method of handling is supported on the basis of the Goodman analysis. In addition, the results of the test of significance used in conjunction with the phi value lend credence to these results ( $\chi^2 = 250.342$ ). However, it is important to note that phi demonstrates only a low association between recidivism and method of handling ( $\phi = .162$ ). The hypothesis that being a prior offender is positively related to receiving a formal hearing is rejected because the results lack substantive significance.

A similar relationship exists between offense and method of handling. Standardized  $\beta$  is statistically significant, as is chi square ( $\chi^2 = 291.464$ ). Again, the association between the two variables is low ( $\phi = .174$ ). The hypothesis that being a serious offender is positively related to receiving a formal hearing is rejected because the results lack substantive significance.

The relationship between sex and method of handling is neither statistically significant on the basis of the Goodman and Coleman analyses, nor substantively significant on the basis of the phi value ( $\phi = .048$ ). A test of significance used in conjunction with phi indicates that the results are statistically significant ( $\chi^2 = 21.884$ ). The hypothesis that being a male is positively related to receiving a formal hearing is rejected, however, because



the results of the Goodman analysis added to the phi value are more weighty than the results of  $\chi^2$  alone.

Race of the offender is positively related to formal handling, yet the results of this analysis are somewhat confusing. When race is entered into a multiple configuration with sex, recidivism, and offense as the other independent variables, the relationship is statistically significant. Yet, when age replaces sex as an independent variable in the multiple configuration, the relationship is no longer statistically significant. This is possibly due to the influence of age as a control variable. These results, in addition to the lack of substantive significance expressed by phi, lead to a rejection of the hypothesis that being nonwhite is positively related to receiving a formal hearing, even though chi square shows statistical significance ( $\chi^2=49.511$ ).

The relationship between age and method of handling is opposite to that expected. Thus, the hypothesis that older age is related to receiving a formal hearing must be rejected. There exists a negative, statistically significant relationship between age and method of handling ( $\chi^2=24.661$ ) which is supported by standardized  $\beta$ . The association between the two variables, however, is negligible ( $\phi = -.051$ ).

In summary, the following juvenile-related hypotheses are not supported:

1. Having a prior record is positively related to receiving a formal hearing.

2. Having committed a serious offense is positively related to receiving a formal hearing.
3. Being a male juvenile offender is positively related to receiving a formal hearing.
4. Being a nonwhite juvenile offender is positively related to receiving a formal hearing.
5. Being an older juvenile offender is positively related to receiving a formal hearing.

#### Hypotheses Related to the Probation Officer

None of the hypotheses involving probation officer characteristics were statistically nor substantively significant on the basis of standardized  $\beta$  and phi. Phi demonstrates a negligible negative association between each of the attributes (race, age, education, experience) and formal handling. The chi square values for the relationships involving age, education and experience show statistical significance ( $\chi^2=18.118$ ,  $\chi^2=22.256$ , and  $\chi^2=7.482$ , respectively), but the hypotheses cannot be accepted on the basis of the chi square results alone. It is possible that chi square is statistically significant in these instances because the study involves a total population. This is why the decision to accept or reject the hypothesis must be based upon substantive importance.

The following hypotheses are not supported:

1. Probation officers with less education are more likely to handle the juvenile offender formally.
2. White probation officers are more likely to handle the juvenile offender formally.

3. Probation officers with more years of experience are more likely to handle the juvenile offender formally.
4. Older probation officers are more likely to handle the juvenile offender formally.

## CHAPTER IV

### SUMMARY AND CONCLUSIONS

This study examined variables which were hypothesized as affecting handling decisions made by probation officers within the juvenile court system. None of the variables under consideration are important predictors of whether a child receives a formal hearing. These results are similar to those obtained in previous studies (Meade, 1973; Meade, 1974). It is interesting to note that although the emphasis in contemporary probation work is upon a thorough examination of the juvenile's personal and social biography, in this study the criteria used for decision-making are neither socially nor legally based. This might be due to the fact that other variables, which may be of greater importance, were not examined in this study.

The relationship between age of the offender and type of handling is opposite to that hypothesized. Winter and Stellman (1975) obtained similar findings, and suggest that the decision not to formally adjudicate older offenders may result from a reluctance to file petitions against offenders who will, at age eighteen, leave the jurisdiction of the juvenile court. Juvenile courts are established to assist juveniles in adopting societally acceptable behavior

patterns, and individualized programs tend to become meaningless as the juvenile grows older. Winter and Stellman (1975:23) suggest further that the court may compensate for this lack of action among older juveniles by overreacting with respect to formal court services for younger juveniles.

The race and sex of the juvenile offender have little influence on the handling decision. Some studies show that race is an influential variable with respect to the handling decision (Hagan, 1974; Hussey, 1976). However, the findings of this study are in agreement with other studies which note that race and sex have no impact on the handling decision (Green, 1970; Terry, 1967).

All of the hypotheses related to probation officer background characteristics were rejected. Probation officer race, age, years of experience and education do not affect handling decisions. This failure to demonstrate the influence of selected variables upon the handling decision may be due, in part, to the paucity of previous studies of a similar nature upon which to base the hypotheses tested in the present study. Studies cited in Chapter I in support of the hypotheses under consideration are largely of a speculative nature and are not, for the most part, grounded in empirical research. The probation officer variables examined in this study fail to support the existence of bias on the part of probation officers in relation to the handling decision.

The emphasis in the contemporary juvenile justice system is on individualized treatment. It appears that on the surface probation officers in Milwaukee County have internalized this dictum. Although these results contradict earlier studies (Cohn, 1963; Gross, 1967), they are in agreement with more recent studies completed (Green, 1970; Meade, 1973; Meade, 1974). Further exploration of the probation officer decision-making process may benefit by building on these findings.

#### Labeling Theory:

##### A Theoretical and Methodological Critique

The present study failed to deal with all aspects of the labeling approach. The labeling approach deals with two separate problems, the individual labelee's response to societal reaction, and the societal defining process. The present study deals solely with the latter. It was the primary intention of this study to examine possible criteria used by social control agents in labeling juveniles as offenders. Offender response to the labeling process was not analyzed, partially due to lack of information concerning previous offense behavior and treatment.

There is a need for further empirical testing, particularly with regard to the labelee's response to societal reaction, in order to assess the usefulness of the labeling approach to deviant behavior. Such testing necessitates clarification of labeling concepts as they presently stand.

For example, secondary deviation clearly refers to the process of internalizing a deviant identity, but labeling researchers, in rejecting recidivism as a measure of secondary deviation, fail to specify how this process may be measured. Difficulty in operationalizing labeling concepts leads one to believe that the labeling approach is still little more than a sensitizing concept. Sensitizing statements are offered in lieu of propositions (Prus, 1975), and these lack the theoretical specificity one would desire in a theory. More adequate operationalization of labeling concepts is necessary before the value of the labeling approach can be properly ascertained.

Many labeling studies adopt a verstehende approach which stresses an exploration of the phenomenon rather than a confirmation or rejection of theoretical hypotheses (Davis, 1975). Although such studies are often intriguing, they lack scientific or generalizing utility. The present study has attempted to avoid this problem by selecting a more quantitative method of analysis. However, a clearer picture of the handling process may best be gained by adopting several different methodological approaches to the same phenomena. This process is called triangulation (Campbell and Fiske, 1959; Denzin, 1970). The labeling perspective, which can be significant to several different levels of analytic abstraction (Schur, 1971), suggests a movement between different methodological levels of analysis as well (Hagan, 1974). Denzin (1970) discusses various types

of triangulation in which several dissimilar methods are combined to measure the same unit. Each individual method has unique strengths and weaknesses, and when a hypothesis can survive a series of complementary methods of testing it possesses a degree of validity which a hypothesis tested by a single method cannot attain (Denzin, 1970:308). For example, the present study may have benefited from utilizing the research technique of participant observation in addition to the analytical techniques employed. Observation of the probation officer as he/she interacts with the juvenile may help to clarify the probation officer decision-making process and isolate certain variables which may be especially influential in the process. These variables could then be further examined using quantitative methods. Participant observation often permits a deeper understanding of societal processes, such as decision-making, than is characteristic of traditional research techniques (Schur, 1971:32). Both observational and quantitative methods of research are frequently complementary in that while the former produce important insights into the process of deviance, the latter produce systematic findings and ways of validating the hypotheses generated by the theoretical perspective. Triangulation is a way of raising sociologists above the personalistic biases that stem from the use of a single methodology.

The labeling perspective receives little support on the basis of the results of this study. These results do agree with those obtained by Meade (1974). It must be noted,



however, that the societal defining process was limited to the reactions of social control agents and did not include the reactions of community members, family, or peers. Meade (1974:90) suggests that such results may be due to the method employed rather than to labeling theory's lack of explanatory power. Meade's statement furnishes further support for the adoption of several methodological strategies.

Labeling theory has, unquestionably, enjoyed great popularity among segments of deviance researchers. Part of its popularity is due to a reaction against structural-functionalism and a movement toward the methodology of participant observation, the research technique that many labeling researchers employ (Davis, 1972). Some researchers believe that labeling theory's main contribution has been to serve as a forerunner to phenomenological studies (Warren and Johnson, 1972). The phenomenological approach emphasizes the need for a recognition of the world as it is directly experienced by human actors. Phenomenologists stress the development of understanding subjective meanings of human action through techniques of intensive observation, detailed description, and intuition (Schur, 1971:117). Like advocates of the labeling perspective, phenomenologists are largely concerned with the social construction of reality (Berger and Luckmann, 1967).

Other researchers are concerned with the influence labeling has had in effectively undercutting the more

positivistic research attempts (Hirschi, 1973). The labeling perspective's focus on the social audience as creators of deviant behavior has caused many researchers to discontinue what may be fruitful research on the deviant as an active agent in the creation of deviance. Hirschi (1973:170) advocates further research in connection with conventional theories of deviance.

The results of the present study show that the labeling perspective possesses theoretical and methodological possibilities which remain insufficiently developed. Labeling concepts such as secondary deviation are in need of further clarification before they can be subjected to additional testing. In relation to probation officer decision-making, the data examined in this study fail to support the labeling perspective. Perhaps further studies employing various methodological strategies, as well as taking into account more independent variables, will result in the empirical support that the labeling perspective currently lacks.

#### Limitations

This study is beset by certain limitations which could adversely affect the results. First, fourteen percent of those cases reviewed by probation officers in 1974 were deleted due to incomplete information. Twelve percent of these cases were deleted as a result of incomplete files on some probation officers at the Children's Court Center which included information critical to this study. The remaining two percent reflected cases in which information

concerning the offense was unclear due to the coding scheme used by those who originally coded the data. The distribution on each variable in the deleted cases, however, is similar to the distribution in the final set of cases. With these deletions, the final population remained large enough to perform the necessary analytical techniques (9591 cases). The study was not plagued by sampling error, since the study involved a total population.

Second, the results of this study may be considered representative of the population only to the extent that pertinent information was accurately recorded during the intake process. This possible source of bias cannot be further explored at this point. However, the data were originally analyzed by the Social Development Commission, and the researchers involved in this preliminary analysis were able to explain some of the ambiguities in the original coding process. For example, these researchers provided clearer interpretations of formal and informal handling, as these processes are defined in Milwaukee County. Systematic error could affect the data if any of the intake officers failed to correctly understand the classification process. It is probable that any errors in recording are random and do not adversely affect the data since the intake officer usually receives some training and is familiar with standard intake procedure.

Third, in operationalizing the data for this analysis, it is possible that the method of dichotomizing some of

the variables may affect the results. For example, the method of measuring delinquency seriousness developed by Sellin and Wolfgang (1964) is superior to many of the methods used in earlier studies. Meade (1974) failed to find a significant relationship between seriousness of offense and severity of sanction, and indicates that this is possibly due to the measure of seriousness he employed in his study. In addition, no theoretical rationale was proposed in the present study for dividing the probation officer experience variable into those with five years of experience or less and those with more than five years of experience. This division was made solely to obtain an even split in order to avoid skewed distributions.

Fourth, the analysis is limited in that certain possibly relevant information was not available to the present study. First, intake records from the Children's Court Center fail to include information which may be useful in understanding decision-making processes, such as family status, school record, social class, and number of co-offenders. Chilton and Markle (1972) have found that family status is predictive of seriousness of delinquency, which affects method of handling. Their study indicates that children charged with serious misconduct more often come from disrupted families than do children charged with less serious delinquency. However, Wilkinson (1974) suggests that it remains unclear whether "the broken home" has an effect on delinquency because the variable

lacks a clear definition. For example, a home broken by death and a home broken by desertion are likely to have different effects on the child. In addition, it is possible that court officials assume that children with one parent are in need of greater control, therefore they subject these children more frequently to formalized procedures. Wilkinson (1974) advocates further testing of the hypothesized relationship between broken home and delinquency. The influence of this variable could not be considered in the present study because no information related to family status was available.

Some variables related to the probation officer which may be influential in decision-making were also unavailable for analysis. Berg (1974), for example, found that the probation officer's perception of the home situation is an important determinant of the handling decision. If the probation officer feels that the family is capable of dealing with what he considers to be the child's problem, the case will probably be handled informally. Another variable thought to influence probation officer decision-making is the philosophy of punishment adopted by the probation officer. The "reformist type" probation officer considers the court system beneficial to the juvenile offender, and is convinced that the court will steer children in need of help into the proper channels (Schur, 1973:110). However, other types of probation officers may feel that exposure to the court is detrimental, so they may make every possible

effort to deal with the child in alternate ways. Probation officers who believe that deviance is a result of illness are less inclined toward punishment than are those who consider the deviant willfully responsible (Davis, 1975). Other variables such as perception of the child's attitude, the juvenile's demeanor, and interaction among probation officers may be important sources of variation. This type of information was not readily available for the present study.

#### Directions for Future Research

The independent variables examined in the present study do not account for variation in the dependent variable. Several researchers suggest that much of what takes place in the juvenile justice system occurs primarily to meet the needs of correctional workers and only secondarily to meet the needs of clients (Esselstyn, 1970; Lerman, 1973). Perhaps the emphasis in future research should be more heavily on juvenile justice personnel in order to more clearly identify what the needs of correctional workers are and how these needs serve to influence decision-making in regard to the juvenile offender.

An examination of probation officer characteristics in relation to characteristics of juvenile offenders may prove particularly revealing. Several researchers have found, for example, that there is an interaction effect between the race of the social control agent and the race of the child in regard to decision-making (Hussey, 1976;

Monahan, 1972). Similar results using the Milwaukee County Children's Court Center data would be interesting in light of the fact that the present study failed to demonstrate statistically significant results when examining race of the child and race of the probation officer separately in relation to the handling decision.

Other variables which warrant attention in future research are the probation officer's philosophy of punishment, the importance of the child's attitude and demeanor toward the probation officer, and the importance of the home situation to the probation officer. Since this type of information is not, as a rule, recorded at intake, other ways of obtaining this data must be found. Perhaps the "decision game" developed by Wilkins (1965) could be used as a model in testing probation officer response to hypothetical situations based on actual cases.

Interaction between the probation officer and the juvenile offender is more difficult to measure, yet this communication process is extremely influential to decision-making. Cicourel (1968) advocates the use of an observational style of research in order to gain a deeper understanding of the process by which delinquency is "created." An observational technique would reveal information which is inaccessible to the more quantitative research strategies. However, even certain researchers who are largely committed to an observation-oriented style of research see value in the more traditional quantitative approach. Cicourel, for

example, states that although official statistics may not be particularly valid indicators of the actual distribution of deviant acts, they accurately depict organizational outcomes (Schur, 1971:34). From the labeling perspective, this is a significant aspect of the "production" of deviance. The adoption of several complementary methodological strategies in future research (triangulation) is likely to lead to a much clearer picture of the phenomenon called juvenile delinquency.

The results of this study tentatively show that handling decisions are individually based in Milwaukee County. Such decision-making is in accord with Schur's (1973) demand for a system of justice which remains unaffected by the offender's entire personal and social biography. If it is true, as Schur (1973:170) implies, that the overall perspective toward delinquency treatment and prevention is changing, Milwaukee County may be a good illustration of the type of change Schur is talking about.



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