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PREVIEW

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**The processing of juvenile delinquents: A societal reaction  
approach**

Franzese, Robert John, Ph.D.

The University of Nebraska - Lincoln, 1988

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Ann Arbor, MI 48106

PREVIEW

THE PROCESSING OF JUVENILE  
DELINQUENTS: A SOCIETAL REACTION APPROACH

by

Robert J. Franzese

A DISSERTATION

Presented to the faculty of  
The Graduate College in the University of Nebraska  
In Partial Fulfillment of Requirements  
for the Degree of Doctor of Philosophy

Major: Sociology

Under the Supervision of Professor Hugh Whitt

Lincoln, Nebraska

August, 1988

**TITLE**

The Processing of Juvenile Delinquents:

A Societal Reaction Approach

**BY**

Robert J. Franzese

**APPROVED**

**DATE**

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THE PROCESSING OF JUVENILE  
DELINQUENTS: A SOCIETAL REACTION APPROACH

Robert J. Franzese, Ph.D  
University of Nebraska, 1988

Adviser: Hugh Whitt

In 1983, 6,153 adolescents received dispositions from the juvenile and the county courts in the state of Nebraska. The objective of this dissertation was to ascertain through empirical research what the most important determinants of the dispositions were. Four extra-legal variables, race, sex, socioeconomic status, and type of counsel, were specified as predictors of severity of dispositions along with three legal predictor variables, type of court, prior court referrals, and severity of offense.

Data for the dissertation were acquired, with permission, through the Nebraska Commission on Law Enforcement and Criminal Justice. The methodology employed in this dissertation was, therefore, secondary analysis. Multiple classification analysis was the statistical technique used to test all hypotheses.

The theoretical orientation placed under scientific examination was the societal reaction perspective, which in

this research was an integration of leading assumptions from labeling theory and critical sociology.

Seven major analyses of the effects of the predictor variables on severity of dispositions were performed. The first analysis was in relationship to the entire sample, with the remaining analyses undertaken within categories of sex and race. It was found that socioeconomic status, type of counsel, and type of court had the most consistent and powerful effects throughout the dissertation. The other independent variables were effective predictors in given instances, and sex was found to be a relatively ineffective predictor of the severity of dispositions.

The societal reaction theory received varying amounts of support contingent upon the model under analysis, but as a general rule was supported in this dissertation.



**To My Families**

PREVIEW

## ACKNOWLEDGEMENTS

A doctoral dissertation is a major undertaking involving a number of individuals, each of whom, in big and little ways, contribute to its completion.

For openers, Hugh Whitt, my graduate committee chairman and my dissertation advisor, must receive as much credit for this dissertation as its author. For nearly two years, Hugh has shown substantial interest in "the project" and has guided and directed me to its completion. Dr. Whitt has demonstrated great patience, stamina, and willingness to help. He was always available for advice and keen intellectual input, while consistently maintaining a state of professionalism, making certain that the dissertation achieved the standards necessary for final approval. It would be an understatement for me to note that Dr. Whitt "worked me to the bone." I am all the more better for it, and he knows how deeply I now appreciate his dedication to the highest academic expectations.

Suzanne Ortega was also a member of my graduate committee and she too was instrumental in the completion of the dissertation. Dr. Ortega is a bright methodologist who offered excellent suggestions for pursuing and completing the dissertation.

Jay Corzine was a third member of my committee, who like Drs. Ortega and Whitt made direct and valuable

commentaries on the dissertation. I have been told that every graduate committee has its "antagonist" and Jay was mine. But, Dr. Corzine helped me to see the "real world" of undertaking empirical research. He let me know that other people will always be there to judge one's work. I grew professionally as a result of Jay's presence on my graduate committee.

Alan Booth and Sam Walker round out my graduate committee. Both demonstrated the appropriate degree of interest in the dissertation and knew what questions and suggestions to ask and offer which only helped to improve the quality of the final product.

Though not members of my graduate committee, Lynn White and David Johnson deserve mention here. Lynn helped to prepare me for "the project" through her excellent instruction in research methods courses, and by conditioning me through marathon assignments for the longer and more arduous task of doing a dissertation. David Johnson was my statistics teacher who also introduced me to the world of SPSS. The man has the patience of Job, and with me it was definitely needed. He is an outstanding instructor of statistics.

Lynn Dozler typed this dissertation. Lynn did a wonderful job, especially when one considers that she had never before typed a dissertation. Jerri Jensen and Julie

Woodhead also deserve mention for they too typed projects and papers for me during my doctoral studies.

Who is left? Patty, Bobby, Ginny, and John, of course. They are my family, my wife of over 15 years and my three children. What they had to endure should not be mentioned here. If there is meaning to the word support, it was found in their commitment to me. When I was ready to "throw in the towel" Patty was there to encourage me to finish. Her love and the love of my three children helped me over the top. They know how I feel.

Finally, I remember my family of orientation. All three members are deceased. How proud they would have been to see this dream come true. My parents, Joe and Virginia, battled all of their lives to make the world a little more possible for me. My brother, Joseph, sick all of his life, remains my model of courage and determination. I have always relied on his example when faced with difficult and challenging circumstances. This one is for them, too.

Omaha, Nebraska, 1988

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## CHAPTER 1

### STATEMENT OF THE PROBLEM AND THEORETICAL ORIENTATION

#### The Problem

The major question to be pursued in this dissertation is "how are juveniles processed?" More specifically, we will be seeking to discover the factors that are most important in the dispositions that are handed down in the juvenile court and county court systems in the state of Nebraska.

The key issue being investigated in this dissertation is whether or not the label of juvenile delinquent is differentially applied to young people. The theory to be tested in this research, a modified version of the societal reaction school, would suggest that individuals with less power in society are more likely to experience differential treatment in the systems of justice. However, according to the "justice is blind" tradition in legal sociology, this should not be the case. For example, Black and Mileski (1973), Selznick (1973), Black (1973, 1976), and Staples (1987) have discussed the notions of legal reality versus legal idealism. In essence, the law as it is stated may or may not be how it is actually applied. According to Black (1973:42), studies of legal effectiveness are of paramount importance when assessing the structures of justice in a society. The goal of this research then is to find out if

it is legal or extra-legal factors that carry the most weight in decisions concerning juveniles. Therefore this dissertation will be an empirical test of the application of criminal labels to juvenile offenders.

## THEORETICAL ORIENTATION

### A Societal Reaction Approach to Criminal Deviance

The societal reaction school is traditionally associated with the labeling perspective (Scheff, 1968; Smith, 1974; Shoemaker, 1984; Hagan, 1985; McCaghy, 1985; Vold and Bernard, 1986). This latter theoretical orientation has its roots in interactionist theory (Mead, 1934; Cooley, 1964; Blumer, 1962, 1969; Meltzer, et al., 1977), and has focused upon issues such as career deviance and the related question of who is involved in the creation of deviance designations.

In this dissertation the societal reaction perspective will be modified to become more of an "umbrella" concept, including extant assumptions from labeling theory and Marxist-conflict thinking. These two orientations interlink in their shared concerns for the formulation of criminal definitions and the questions they pose over how the criminal law is actually applied (Shoemaker, 1984; Pohl, 1985). Other criminologists such as John Hagan (1985:227) have also detected similarities between the labeling approach and the Marxist-conflict model, noting their

commonalities in relationship to the emergence of criminal statutes and their eventual application vis-a-vis such factors as race and socioeconomic status.

A number of scholars whose works have been associated with the labeling approach have addressed the issue of the application of deviant statuses to various categories of individuals. Scheff (1964:410) argued that the psychiatric labeling of patients as mentally ill was a function of preconceived stereotypes of mental disorders and not of some medically diagnosable emotional disorder. Schur (1974) warned social scientists of the dangers of applying criminal definitions to the young when he advocated a noninterventionist strategy marked by his observation "whenever possible, leave the child alone" (1974: 155). Cicourel (1968) found the police to be selective in the areas that they patrol in order to find the very adolescents who fit their expectations for being juvenile delinquents. And the works of Lemert (1951, 1967) on primary and secondary deviance suggested societal responsiveness to antisocial conduct on the basis of the frequency of such actions and the degree of their visibility.

Marxist-conflict writers have also considered processural factors in their analyses of criminal justice operations. For example, Colvin and Pauly (1983) inferred that young people who have been reared in rigid home environments characterized by erratic disciplinary measures

become prey for those with the authority to apply criminal labels. The noted works of Quinney (1970, 1974, 1975b), Taylor, Walton and Young (1973, 1975), and Spitzer (1975) have pointed to the application of criminal definitions, especially as these are targeted at the powerless and the exploited. And Miller's (1973) discussion of the "crusading issues" and "general assumptions" of Marxist-based thinkers addressed discrimination on the part of officials in the meting-out of justice.

Sociologists have long been interested in the formulation of criminal statutes, and labeling and Marxist-conflict writers have devoted considerable attention to this issue in recent years.

Beginning with the latter school, the discussion of the formulation of criminal definitions is explicated by Quinney's (1970) work in the area of the social construction of criminal statutes. Quinney outlined six propositions subsumed within a Marxian-based model (1970:15-25):

PROPOSITION 1 (DEFINITION OF CRIME): Crime is a definition of human conduct that is created by authorized agents in a politically organized society.

PROPOSITION 2 (FORMULATION OF CRIMINAL DEFINITIONS): Criminal definitions describe behaviors that conflict with the interests of the segments of society that have the power to shape public policy.

PROPOSITION 3 (APPLICATION OF CRIMINAL DEFINITIONS): Criminal definitions are applied by the segments of society that have the power to shape the enforcement and administration of criminal law.

PROPOSITION 4 (DEVELOPMENT OF BEHAVIOR PATTERNS IN RELATION TO CRIMINAL DEFINITIONS): Behavior patterns are structured in segmentally organized society in relation to criminal definitions, and within this context persons engage in actions that have relative probabilities of being defined as criminal.

PROPOSITION 5 (CONSTRUCTION OF CRIMINAL CONCEPTIONS): Conceptions of crime are constructed and diffused in the segments of society by various means of communication.

PROPOSITION 6 (THE SOCIAL REALITY OF CRIME): The social reality of crime is constructed by the formulation and application of criminal definitions, the development of behavior patterns related to criminal definitions, and the construction of criminal conceptions.

The works of Chambliss (1964, 1969, 1974, 1976, 1982) have shed considerable light on the factors involved in the formulation of criminal laws, with special reference here to his classic work in the area of the emergence of the vagrancy statutes. And Platt's (1968) now famous treatise on the emergence of juvenile justice is particularly appropriate to the goals of this dissertation in that it isolates juvenile-related concerns as a special instance of the formulation of criminal definitions for the purpose of legitimizing negative labels for children.

Like the Neo-Marxists, and as Schrag (1971) has determined, one aspect of the labeling approach has been its assumptions centered around the formulation of criminal laws. One sees this in the works of Kituse (1962), Becker (1963) and Conrad (1977), all of whom have argued that deviance is a social production. This is seen especially in Becker's question "who makes the rules" and even more

acutely in his answer that the rules are created by those with the social position that affords them the clout needed for their legitimization (1963:18). And Schur's (1964) discussion of victimless crimes highlights a special set of statutes that were formulated for the purpose of instituting control over behaviors considered to be against the moral order (e.g., prostitution).

In summary, it is argued here that the societal reaction school of deviance encompasses assumptions held by both labeling theory and the Marxist-conflict orientation. Once again, both perspectives include questions about the formulation of criminal statutes and how the criminal law is actually applied. On this last issue Shoemaker (1984:200) has noted, "One part of labeling theory is conflict oriented -- the aspect that examines the reasons why some individuals are labeled as criminals or delinquents and others are not, when both sets of people have committed essentially the same acts." As we have previously noted, the issue at stake in this dissertation is the application question.

With a theoretical basis laid for this research, it is now time to turn our attention to a review of relevant empirical literature.