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Police Control of Juveniles\*

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Current theory on deviant behavior inquires very little into the organized processes by which deviance is detected. Likewise it inquires little into the patterns by which deviance is sanctioned, countenanced, or ignored once it is found out. Despite a groundswell of concern with social reactions to deviant behavior--the core of the so-called labelling approach to deviance--the sociology of social control remains a conceptually retarded body of knowledge.

A strict labelling approach fails to make theoretically problematic the detection and sanctioning of deviant behavior. Put another way, it fails to make problematic the probabilities of discovery and punishment of given forms of rule-violative behavior. "Deviant behavior is behavior that people so label;"<sup>1</sup> hence conduct not labelled as deviant is non-deviant. The labelling frame of reference thus lacks analytical categories of undetected and unsanctioned deviance. They are defined out of the theory. With this approach, therefore, certain aspects of the social control of deviant behavior are non-problematic. They are foregone conclusions of the labelling approach. Where there is deviance for the labelling theorist, there invariably is some kind of social control (Gibbs, 1966).

Labelling theory has generally supplanted normative theories of deviance. With a normative approach deviance is regarded as individual or group behavior that violates social rules or expectations (e.g., Parsons, 1951: 249-325; Merton, 1957: 131-194). Thus normative theory is formulated without regard to societal reactions to deviant behavior. Whereas the

labelling approach wholly excludes undetected and unsanctioned rule-violations from the analytical category of deviance, the earlier normative approach places undetected, unsanctioned, and sanctioned classes of rule-violation together in one category of deviance.

Ironically, some of the earliest research in this area proceeded from the study of officially labelled deviance.<sup>2</sup> From there it moved to the normative approach. The history of research on crime and delinquency is instructive in this respect. More than a generation ago investigators realized that "official rates" are not representative of all legal deviance. In a minor classic of this period Thorsten Sellin argued that "...the value of a crime rate for index purposes is in inverse ratio to the procedural distance between the commission of a crime and the recording of it as a statistical unit" (1931: 565). An interest arose in that part of the population which is not officially processed as deviant. One eventual research response was a concern with self-reported delinquency (Short and Nye, 1957). However little work has been oriented to the processes by which some delinquency from a normative standpoint becomes official delinquency from a labelling standpoint. In sum, then, for both the labelling and the normative approaches to deviant behavior, detection and sanctioning differentials are analytically irrelevant.<sup>3</sup>

One way of drawing detection and sanctioning differentials into the analytical bounds of theory is to define deviance in terms of the probability of a control response. Thus,

individual or group behavior is deviant if it falls within a class of behavior for which there is a probability of negative sanctions to its detection.<sup>4</sup> For any form of behavior to be classified as deviant, the probability of negative sanctions must be above zero when the behavior is detected. The greater the probability of sanction, the more appropriate is the classification as deviant. Therefore, whether or not a given form of behavior is deviant and the extent to which it is deviant are empirical questions. This does not, of course, preclude a probability of positive sanctions for the behavior. Some forms of deviant behavior are encouraged by subcultures that bestow positive sanctions for behavior which is handled as deviant in the wider community. Indeed, an interesting problem in deviant behavior theory is that of the relative effects of joint probabilities of positive and negative sanctions in producing behavior of a given class. In any case it should be clear that the definition of deviant behavior in terms of the probability of sanctions subsequent to detection incorporates major elements in both the labelling and normative approaches to deviance. By now it should also be apparent that what is being suggested here is a control approach.

Detection and sanctioning involve separate probabilities. Some forms of deviance, such as those that arise in private places, have extremely low probabilities of detection. Types of deviance that rarely are detected, however, may nonetheless have very high sanction probabilities. In other cases the converse may be true. Thus it can be seen that particular

probabilities of detection and sanctioning may be closely tied to particular types of deviance. In the case of homicide, for example, the probability of detection is high as is the probability of some form of negative sanction. The probability of official detection of incest surely is low, while the likelihood of sanctioning may be high when incest is detected. Public drunkenness would seem to have a high detection but a low sanctioning probability. And so on. Analogous probabilities could be calculated for types of deviance that fall within jurisdictions other than the criminal law.<sup>5</sup>

A control approach implies three basic types of deviance: 1) undetected deviance, 2) detected, unsanctioned deviance, and 3) sanctioned deviance.<sup>6</sup> Put another way, these are the three empirical conditions under which instances of deviant behavior appear in relation to control systems. Thus an instance of undetected deviance occurs if an act or a behavior pattern occurs for which there would be a probability of sanction if it were detected. Undetected marijuana-smoking is deviant, for example, since there is a probability of negative sanction when an instance of this class of behavior is discovered. When a drunken person is encountered on the street by a policeman but is "given a break" (i.e., is not arrested), an instance of detected, unsanctioned deviance has taken place. The third type, sanctioned deviance, is self-explanatory.

Extensive elaboration of the analytical distinctions necessary in a control approach would exceed the bounds of this discussion. Two more elementary distinctions must be noted,

however. A central distinction must be made between official or formal detection and sanctioning, on the one hand, and informal detection and sanctioning on the other. Any approach to deviant behavior that does not inquire into the relations between official and informal control systems is incomplete. In other words the notion of "social control of deviant behavior" should always have an organizational or system reference. Another important distinction is that between the detection of deviant behavior or acts and the detection of persons who commit these acts. One problem for investigation lies in specifying general conditions under which persons are linked to deviant acts. Informal as well as official control systems involve detective work and the pursuit of evidence. Detective work is ubiquitous in social life.

It should not be inferred from the foregoing that a sociology of the deviance-control process consists solely in the analysis of detection and sanctioning processes. Such would be an overly narrow conception of the subject matter as well as a distorted analytical portrait of how control systems operate. The foregoing is oriented mainly to the case-by-case responses of control systems to deviant behavior. The framework is not geared to the analysis of control responses that by-pass the problems of detection and sanctioning altogether. For instance it ignores totally symbolic social control responses, such as may sometimes be found in the enactment of rules where there is no attempt to detect or sanction violations of those rules (Arnold, 1935; Gusfield, 1963). It also neglects the preventive

aspects of social control. For example control systems sometimes take measures to limit opportunities for deviant behavior by constraining the actions of all members of a social category, a tactic illustrated by curfew ordinances, occupational licensing laws, food stamp requirements for welfare recipients, and preventive detection of felony suspects. Thus an emphasis upon detection and sanctioning differentials should not deflect interest from other important properties of social control systems.

This paper presents findings on citizen and police detection of juvenile deviance and on the sanctioning of juveniles through arrest in routine police work. It makes problematic the situational conditions that increase the probability of sanction subsequent to the detection of juvenile behavior that citizens or officers label as deviant. Simultaneously, therefore, it is a study of law-in-action. Since all of the data pertain to police encounters with alleged delinquents, the relationship between undetected and detected delinquency is not treated.

#### The Method

The findings reported here derive from systematic observation of police-citizen transactions conducted during the summer of 1966. Thirty-six observers--persons with law, law enforcement, and social science backgrounds--recorded observations of routine patrol work in Boston, Chicago, and Washington, D. C. The observers rode in scout cars or, less often, walked with patrolmen on all shifts on all days of the week for seven weeks



in each city. To assure a large number of police-citizen encounters, the times when police activity is comparatively high (evening watches, particularly weekend evenings) were given added weight in the sample.

No attempt was made to survey police-citizen encounters in all localities within the three cities. Instead, certain police precincts in each city were chosen as observation sites. The precincts were selected so as to maximize observation in lower socio-economic, high crime rate, racially homogeneous residential areas. This was accomplished through the selection of two precincts in Boston and Chicago and four precincts in Washington, D. C. The findings pertain to the behavior of uniformed patrolmen rather than to that of policemen in specialized divisions such as juvenile bureaus or detective units.<sup>7</sup>

The data were recorded by the observers in "incident booklets," forms much like interview schedules. One booklet was filled out for every incident that the police were requested to handle or that they themselves noticed while on patrol.<sup>8</sup> A total of 5,713 of these incidents were observed and recorded. This paper concerns only encounters that include one or more juvenile suspects among the participants, a very small proportion of the total.

#### The Context

Although large modern police departments invariably have specialized divisions for handling incidents that involve

juveniles, nonetheless the great bulk of juvenile encounters with policemen occur with general duty, uniformed patrolmen rather than with "youth officers." Youth officers receive much of their business on a referral basis from members of the uniformed patrol division.<sup>9</sup> Usually, in fact, these referrals enter the police system as arrests of juveniles by uniformed patrolmen. It will be seen, however, that uniformed patrolmen arrest only a small fraction of the legally liable juvenile suspects with whom they have encounters in the field. Youth bureau officers, then, determine what proportion of those arrested will be referred to juvenile court. The outputs of the patrol division thus become the inputs for the youth bureau, which in turn forwards its outputs as inputs to the court.<sup>10</sup> By the time a juvenile is institutionalized, therefore, he has been judged a delinquent at several stages. He is a delinquent among delinquents. It also should be clear that sanctions are levied at several stages; institutionalization is the final stage of a sanctioning process rather than the sanction for juvenile deviance.

After the commission of a deviant act by a juvenile, the first stage in the elaborate process by which official rates of delinquency are produced is detection. For the police, as for most well-differentiated systems of social control, detection is largely a matter of organizational mobilization. Mobilization is the process by which incident situations come to the initial attention of agents of the police organization. There are two basic types of mobilization of the police:

citizen-initiated, or "reactive" mobilization, and police-initiated, or "proactive" mobilization, depending upon who makes the original decision that police action is appropriate. An example of a citizen-initiated mobilization occurs when a citizen phones the police to report an event and the radio dispatcher sends a patrol car to handle the call. A typical police-initiated mobilization takes place when a policeman observes and acts upon what he regards as a law violation or, as in the case of a "stop-and-frisk," a "suspicious" person or situation.

Popular and even academic conceptions of the police err through an over-reliance on proactive imagery to characterize police operations. Though some specialized divisions of municipal police departments, such as traffic bureaus and vice units, do depend primarily upon proactive mobilization for their input of cases, in routine patrol work the great majority of incidents come to police attention through the citizen-initiated form of mobilization. This is tantamount to saying that the crime detection function is lodged mainly in the citizenry rather than in the police. Moreover, most police work with juveniles likewise arises through the initiative of citizen complainants. In this sense the citizen population in good part draws the boundaries of its own official rate of juvenile delinquency.<sup>11</sup>

Detection of Juvenile Deviance

Observation of police encounters with citizens netted 281 encounters with suspects under 18 years of age, here treated as juveniles.<sup>12</sup> The great majority of the juveniles were from blue-collar families.<sup>13</sup> Of the 281 police-juvenile encounters, 72 per cent arose when a citizen mobilized the police by phone; 28 per cent were initiated by policemen on patrol. Excluding traffic violations, these proportions become 78 and 22 per cent, respectively. The mobilization of police control of juveniles is then overwhelmingly a reactive rather than a proactive process. Hence it would seem that the moral standards of the citizenry have more to do with the definition of juvenile deviance than do the standards of policemen on patrol.<sup>14</sup>

Moreover, the incidents the police handle in citizen-initiated encounters differ somewhat from those in encounters they bring into being on their own initiative. (See Table 1.) This does not mean, however, that the standards of citizens and policemen necessarily differ; the differences between incidents in reactive and proactive police work seem to result in large part from differences in detection opportunities, since the police are limited to the surveillance of public places (Stinchcombe, 1963). Non-criminal disputes, for example, account for 10 per cent of the police-juvenile contacts in citizen-initiated work but for only 3 per cent of the proactive encounters; surely non-criminal disputes are more

likely to occur in private than in public places. On the other hand the "suspicious person" is nearly always a police-initiated encounter. Traffic violations, too, are almost totally in the police-initiated category; it is simply not effective or feasible for a citizen to call the police about a "moving" traffic violation (and nearly all of these cases were "moving" rather than "standing" violations). In short there are a number of contingencies that affect the detection of juvenile deviance in routine policing.

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INSERT TABLE 1  
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A broader pattern in the occasions for police-juvenile transactions is the overwhelming predominance of incidents of minor legal significance. Only 5 per cent of the police encounters with juveniles involve alleged felonies. The remainder are less serious from a legal standpoint. Indeed 60 per cent involve nothing more serious than juvenile rowdiness or mischievous behavior, the juvenile counterpart of "disorderly conduct" or "breach of the peace" by adults. It should be noted, however, that these incidents do not necessarily reflect the larger universe of juvenile deviance, since in many cases the juvenile offender is not apprehended by the police. For that matter an unknown amount of juvenile deviance is not even detected. Nonetheless these incidents represent the inputs from which uniformed patrolmen produce juvenile arrests and thus are the relevant base for this analysis.

Table 1: Per Cent of Police-Encounters with Juvenile Suspects According to Type of Mobilization and Race of Suspect, by Type of Incident.

| Type of Incident                 | Type of Mobilization and Race of Suspect |       |                  |       |                       |                      | All Encounters |
|----------------------------------|--|-------|------------------|-------|-----------------------|----------------------|----------------|
|                                  | Citizen-Initiated                        |       | Police-Initiated |       | All Citizen-Initiated | All Police-Initiated |                |
|                                  | Negro                                    | White | Negro            | White |                       |                      |                |
| Felony                           | 10                                       | -     | 10               | -     | 5                     | 5                    | 5              |
| Misdemeanor:<br>Except Rowdiness | 18                                       | 11    | 5                | 14    | 15                    | 9                    | 13             |
| Misdemeanor:<br>Rowdiness        | 62                                       | 77    | 40               | 33    | 69                    | 37                   | 60             |
| Traffic Violation                | 1  | -     | 26               | 28    | *                     | 27                   | 8              |
| Suspicious Person                | -  | 1     | 17               | 22    | *                     | 19                   | 6              |
| Non-Criminal Dispute             | 8  | 12    | 2                | 3     | 10                    | 3                    | 8              |
| Total Per Cent                   | 99                                       | 101   | 100              | 100   | 99                    | 100                  | 100            |
| Total Number                     | (109)                                    | (94)  | (42)             | (36)  | (203)                 | (78)                 | (281)          |

\* .05 per cent or less.

Another pattern lies in the differences between Negro and white juveniles in the occasions for encounters with policemen. In the aggregate police encounters with Negro juveniles pertains to legally more serious incidents, owing primarily to the differential in felony encounters. (See Table 1.) None of the encounters with white juveniles involved the allegation of a felony, though this was true of 10 per cent of the transactions with Negro juveniles in both citizen- and police-initiated encounters. Apart from this difference between the races, however, the occasions for encounters with Negro and white juveniles have many similarities.

It might be noted that the data on the occasions for police-juvenile encounters do not in themselves provide evidence of racial discrimination in the selection of juveniles for police attention. Of course, the citizen-initiated encounters cannot speak to the issue of discriminatory police selection. In proactive police work, on the other hand, relevant evidence would be present if the police were disproportionately to stop Negroes on the street in minor incident situations or in suspicious person situations, but the findings in Table 1 do not provide such evidence. Likewise relevant would be evidence that a higher proportion of the total Negro encounters is police-initiated than is that of the total white encounters. Again the evidence is lacking: police-initiated encounters account for 28 per cent of the total for both Negro and white juveniles. More data would be needed to assess adequately the issue of police selectivity by race.

Incidents and Arrest

Only 15 per cent of the encounters patrol officers have with juvenile suspects result in arrest.<sup>15</sup> Hence it is apparent that by a large margin most police-juvenile contacts are concluded in the field settings where they arise.<sup>16</sup> These field contacts, 85 per cent of the total, generally are not included in official police statistics on known cases of juvenile delinquency, and thus they represent the major invisible portion of the delinquency control process. Put another way, if these sample data are reasonably representative, the probability is less than 1-in-7 that a policeman confronting a juvenile suspect will exercise his discretion to produce an official case of juvenile delinquency. This and subsequent sections of the paper seek to identify some of the conditions that contribute to that selection process.

A differential in police dispositions that appears at the outset of the analysis is that between Negroes and whites. The overall arrest rate for police-Negro encounters is 21 per cent while for encounters involving white juveniles it is only 8 per cent. This difference by itself coerces a concern with the question of whether or not racial discrimination determines the disposition of juvenile suspects. Moreover Table 2 shows that the arrest rate for Negroes is also higher within specific incident categories where comparisons are possible. The race difference therefore is not merely a consequence of the larger number of legally serious incidents that occasion police-Negro contacts.



Apart from the race difference Table 2 reveals that patrol officers make arrests proportionately more when the incident is relatively serious from a legal standpoint. Indeed for Negro encounters the arrest rate for felonies is double that for the more serious misdemeanors, and for encounters with both races that for serious misdemeanors is double the rate for juvenile rowdiness. On the other hand, policemen rarely make arrests of either race for traffic violations or for suspicious person situations. Arrest appears even less likely when the incident is a non-criminal dispute. The disposition pattern for juvenile suspects clearly follows the hierarchy of offenses found in the criminal law, the law for adults.

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INSERT TABLE 2  
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It is quite possible that the importance of the legal seriousness of incidents is more characteristic of encounters between patrol officers and juveniles than of those between youth officers and juveniles. As a rule the patrol officer's major sanction is arrest; the major formal product of patrol work is the arrest. By contrast the youth officer has the power to refer cases to juvenile court, a prosecutorial discretion with respect to juveniles that patrolmen in large, modern departments usually do not have. Whether he is in the field or in his office the juvenile officer plays a role different from that of the patrolman in the system of juvenile justice. For

Table 2: Per Cent of Police Encounters with Juvenile Suspects According to Type of Incident and Race of Suspect, by Field Disposition.

| Field Disposition | Type of Incident and Race of Suspect |   |                               |      |                           |      |                   |      |                   |     |                      |      | All Negro | All White | All Encounters |
|-------------------|--------------------------------------|---|-------------------------------|------|---------------------------|------|-------------------|------|-------------------|-----|----------------------|------|-----------|-----------|----------------|
|                   | Felony                               |   | Misdemeanor:<br>Ex. Rowdiness |      | Misdemeanor:<br>Rowdiness |      | Traffic Violation |      | Suspicious Person |     | Non-Criminal Dispute |      |           |           |                |
|                   | N                                    | W | N                             | W    | N                         | W    | N                 | W    | N                 | W   | N                    | W    |           |           |                |
| Arrest            | 73                                   | - | 36                            | 20   | 13                        | 8    | 8                 | -    | -                 | (1) | -                    | -    | 21        | 8         | 15             |
| Release-in-Field  | 27                                   | - | 64                            | 80   | 87                        | 92   | 92                | 100  | (7)               | (8) | 100                  | 100  | 80        | 92        | 85             |
| Total Per Cent    | 100                                  | - | 100                           | 100  | 100                       | 100  | 100               | 100  | -                 | -   | 100                  | 100  | 101       | 100       | 100            |
| Total Number      | (15)                                 | - | (22)                          | (15) | (85)                      | (84) | (12)              | (10) | (7)               | (9) | (10)                 | (12) | (151)     | (130)     | (281)          |

this reason alone the factors relating to the disposition of juveniles may differ between the two. The youth officer may, for example, be more concerned with the juvenile's past record,<sup>17</sup> a kind of information that usually is not accessible to the patrolman in the field setting. Furthermore past records may have little relevance to a patrol officer who is seeking primarily to order a field situation with as little trouble as possible. His organizational responsibility ends there. For his purposes the age status of a suspect may even be irrelevant in the field. Conversely the youth officer may find that the juvenile court or his supervisor expects him to pay more attention to the juvenile's record than to the legal status of a particular incident. In short, the contingencies that affect the sanctioning of juveniles may vary with the organizational sources of the discretion to sanction.

#### Situational Organization and Arrest

Apart from the substance of police encounters--the kinds of incidents they involve--police encounters have a social structure or morphology. One element in this structure is the situational role distribution, the distribution of behavioral parts played by the participants in the encounter. Major situational roles that arise in police encounters are those of suspect or offender, complainant, victim, informant, and bystander.<sup>18</sup> Of course, none of these roles occurs in every police encounter.

In police encounters with suspects, which incidentally account for only about half of all police-citizen contacts,<sup>19</sup> particularly important is the matter of whether or not a citizen complainant participates in the situational action. A complainant in search of justice can make direct demands on a policeman, demands with which it is his legal obligation to comply. Likewise a complainant is a witness of the police officer's behavior; thus he has the ability to contest the officer's version of an encounter or even to bring an official complaint against the officer himself. In these respects as well as others, the complainant injects constraints into police-suspect confrontations. This is not to deny that the complainant often may be an asset as well to a policeman who enters a pre-existing conflict situation in the field. He can provide what may be otherwise unavailable information to a situationally ignorant patrolman. The patrol officer is a major intelligence arm of modern police systems, but he, like other policemen, must live with a continual dependence upon citizens for the information it is his allotted responsibility to gather. Furthermore it should go without saying that when a suspect is present in the field situation the information provided by a complainant, along with his willingness to stand on his word by signing a formal complaint, may be critical to an arrest in the absence of a police witness.

The relationship between arrest and the presence of a complainant in police-juvenile encounters is shown in Table 3. It is apparent that this relation between situational organization

and disposition differs according to the race of the suspect. Particularly interesting is the finding that when there is no citizen complainant in the encounter the race difference in arrest rates narrows to the point of being negligible--14 per cent versus 10 per cent for encounters with Negro and white juveniles respectively. By contrast when a complainant participates this difference widens considerably to 21 per cent versus 8 per cent. This latter difference is all the more striking in light of the fact that felony situations, along with traffic and non-criminal dispute situations, are excluded from the tabulation.

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INSERT TABLE 3  
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It also should be noted that as far as the major citizen participants are concerned each of these encounters is racially homogeneous. The comparatively rare, mixed race encounters are excluded from these computations. Thus the citizen complainants who oversee the relatively severe dispositions of Negro juveniles are themselves Negro. The great majority of the police officers are white in the police precincts investigated, yet they seem somewhat more lenient when they confront Negro juveniles alone than when a Negro complainant is involved. Likewise it will be recalled that the arrest difference between Negro and white juveniles all but disappears when no complainant is involved. These patterns complicate the question of racial discrimination in the production of juvenile

Table 3: Per Cent of Police Encounters with Juvenile Suspects According to Situational Organization and Race of Suspect, by Field Disposition. (Table excludes felonies, traffic violations, and non-criminal disputes.)

| Field Disposition | Situational Organization and Race of Suspect |       |                         |       | All Suspect Only | All Complainant and Suspect | All Encounters |
|-------------------|--|-------|-------------------------|-------|------------------|-----------------------------|----------------|
|                   | Suspect Only                                 |       | Complainant and Suspect |       |                  |                             |                |
|                   | Negro  | White | Negro                   | White |                  |                             |                |
| Arrest            | 14   | 10    | 21                      | 8     | 11               | 16                          | 13             |
| Release-in-Field  | 86   | 90    | 79                      | 92    | 89               | 84                          | 87             |
| Total Per Cent    | 100  | 100   | 100                     | 100   | 100              | 100                         | 100            |
| Total Number      | (66)   | (93)  | (48)                    | (26)  | (159)            | (74)                        | (233)          |

arrests, given that an hypothesis of discrimination would predict opposite patterns. Moreover it might be expected that if the police were expressing their racial prejudices<sup>20</sup> in discriminatory arrest practices this would be more noticeable in police-initiated encounters than in those initiated by citizens. The opposite is the case, however. All of the encounters involving a citizen complainant in this sample were brought into being by citizens, typically the complainants themselves. Proactive police operations rarely involve complainants. To recapitulate, then, the police are particularly likely to arrest a Negro juvenile when a citizen enjoins them to handle the incident and participates as a complainant in the situational action; but this is not characteristic of police encounters with white juveniles. Finally, it is noteworthy that Negro juveniles find themselves in encounters that involve a complainant proportionately more than do white juveniles. Hence, the pattern discussed above has all the more impact on the overall arrest rate for Negro juveniles. Accordingly the next section examines the role of the complainant in more detail.

#### The Complainant's Preference and Arrest

If the presence of a citizen complainant increases the production of Negro arrests then the question arises as to whether this pattern occurs as a function of the complainant's mere presence, his situational behavior, or something else. In part this issue can be broached by inquiring into the

relationship between the complainant's behavioral preference for police action in a particular field situation and the kind of disposition the police in fact make.<sup>21</sup>

Before examining this relationship, however, it should be noted that a rather large proportion of complainants do not express clear preferences for police action such that a field observer can make an accurate classification. Moreover there is a race differential in this respect. Considering only the misdemeanor situations, the Negro complainant's preference for action is unclear in 48 per cent of the police encounters with Negro juveniles, whereas the comparable proportion drops to 27 per cent for the encounters with white complainants and juveniles. Nevertheless a slightly larger proportion of the Negro complainants express a preference for arrest of their juvenile adversaries--21 per cent, versus 15 per cent for whites. Finally, the complainant prefers an informal disposition in 31 per cent of the Negro cases and in 58 per cent of the white cases. Thus white complainants more readily express a preference for police leniency toward juvenile suspects than do Negro complainants.

Table 4 suggests that white juveniles benefit from this greater leniency, since the police show a quite dramatic pattern of compliance with the expressed preferences of complainants. This pattern seems clear even though the number of cases necessitates caution in interpretation. In not one instance did the police arrest a juvenile when the complainant lobbied for leniency. When a complainant explicitly expresses



a preference for an arrest, however, the tendency of the police to comply also is quite strong. Table 4 includes only the two types of misdemeanor, yet the Negro arrest rate when the complainant's preference is arrest (60 per cent) climbs toward the rate of arrest for felonies (73 per cent). In no other tabulation does the arrest rate for misdemeanors rise so high. Lastly it is notable that when the complainant's preference is unclear the arrest rate falls between the rate for complainants who prefer arrest and those who prefer an informal disposition.

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INSERT TABLE 4  
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These patterns have several implications. First, it is evident that the higher arrest rate for Negro juveniles in encounters with complainants and suspects is largely a consequence of the tendency of the police to comply with the preferences of complainants. This tendency is costly for Negro juveniles, since Negro complainants are relatively severe in their expressed preferences when they are compared to white complainants vis-a-vis white juveniles. Furthermore it will be remembered that it is in encounters with this situational organization rather than in those with suspects alone that the race differential is most apparent. Given the prominent role of the Negro complainant in the race differential, then, it may be inappropriate to consider this pattern an instance of discrimination on the part of policemen.

Table 4: Per Cent of Police Encounters with Juvenile Suspects That Involve a Citizen Complainant According to Race of Suspect and Complainant's Preference, by Field Disposition. (Table excludes felonies, traffic violations, and non-criminal disputes.)

| Field Disposition | Race of Suspect and Complainant's Preference |                              |                    |                |                              |                    | All Negro Encounters | All White Encounters | All Encounters |
|-------------------|--|------------------------------|--------------------|----------------|------------------------------|--------------------|----------------------|----------------------|----------------|
|                   | Negro  |                              |                    | White          |                              |                    |                      |                      |                |
|                   | Prefers Arrest                               | Prefers Informal Disposition | Preference Unclear | Prefers Arrest | Prefers Informal Disposition | Preference Unclear |                      |                      |                |
| Arrest            | 60   | -                            | 17                 | (1)            | -                            | (1)                | 21                   | 8                    | 16             |
| Release-in-Field  | 40   | 100                          | 83                 | (3)            | 100                          | (6)                | 79                   | 92                   | 84             |
| Total Per Cent    | 100  | 100                          | 100                | -              | 100                          | -                  | 100                  | 100                  | 100            |
| Total Number      | (10)   | (15)                         | (23)               | (4)            | (15)                         | (7)                | (48)                 | (26)                 | (74)           |

Another implication of these findings is more general, namely, that the citizen complainant frequently performs an adjudicatory function in police encounters with juveniles. In an important sense the patrol officer abdicates his discretionary power to the complainant. At least this seems true of the encounters that include an expressive or relatively aggressive complainant among the participants.

To say that the complainant often can play the role of judge in police encounters is tantamount to saying that the moral standards of citizens often can affect the fate of juvenile suspects. Assuming that the moral standards of citizens vary across social space, i.e., assuming there are moral subcultures, then it follows that police dispositions of juvenile suspects in part reflect that moral diversity. To this degree policemen become the unwitting custodians of those moral subcultures and thereby perpetuate moral diversity in the larger community.<sup>22</sup> The failure of the police to follow universalistic standards in the treatment of juveniles appears to lie more in citizen than in police behavior (cf. Werthman and Piliavin, 1967). Earlier it was noted that most police encounters with juveniles come into being at the beckoning of citizens. Now it is seen that even the handling of those encounters can serve the moral interests of citizens.

#### Situational Evidence and Arrest

Another variable that might be expected to affect the probability of arrest is the nature of the evidence that links

a juvenile suspect to an incident. In patrol work there are two major means by which suspects are initially connected with the commission of crimes: through observation by a policeman of the act itself and through testimony by a citizen against a suspect. The primary evidence can take other forms, such as a bloodstain on a suspect's clothing or some other kind of physical "clue," but this is very unusual in routine patrol work. In fact the legally minor incidents that typically occasion police-juvenile contacts seldom provide even the possibility of non-testimonial evidence. If there is neither a policeman who witnesses the incident nor a citizen who gives testimony concerning it, then ordinarily there is no evidence whatever in the field setting. Lastly it should be emphasized that the concept of evidence as used here refers to "situational evidence" rather than to "legal evidence." Thus it refers to the kind of information that appears relevant to an observer in a field setting rather than to what might be acceptable as evidence in a court of law.

A police officer observes the juvenile offense in about one-half of the situations, excluding felonies and traffic violations. Hence even though citizens initially detect most juvenile deviance the police often respond in time to witness the behavior in question. In roughly one-fourth of the situations the policeman arrives too late to see the offense committed but a citizen gives testimonial evidence. In most of the remaining cases there is no evidence of conduct that would be criminal if it were committed by an adult. This

latter category is composed primarily of non-criminal disputes and suspicious person situations. In short it is clear that in a heavy majority of routine police-juvenile encounters, the juvenile suspect finds himself with incriminating evidence of some sort. The low arrest rate should be understood in this context.

On the other hand it should not be forgotten that these proportions pertain to misdemeanor situations and that the arrests are all arrests without a formal warrant. The law of criminal procedure requires that the officer witness the offense before he may make a misdemeanor arrest without warrant. If the officer does not observe the offense he must have a signed complaint from a citizen. Such is the procedural law for adults. The law for juveniles, however, is in flux as far as questions of procedure are concerned.<sup>23</sup> It is not at all clear that an appellate court would decide on a juvenile's behalf if he were to appeal his case on the grounds that he was arrested for a misdemeanor even though the arresting officer neither witnessed the act nor acquired a formal complaint from a citizen. Even so, it might be expected that the rate of arrest would be higher in encounters where the act is witnessed by a policeman, if only because these would seem to be the situations where the juvenile suspect is maximally and unambiguously liable. Rather surprisingly, this expectation is not supported by the observation data. (See Table 5.)

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INSERT TABLE 5  
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In Table 5 it is shown not only that the arrest rate is no higher in "police witness" situations; it even is slightly though insignificantly lower than the rate in "citizen testimony" situations. It is possible that some or all of these arrests where the major situational evidence lies with the testimony of a citizen would be viewed as "false" arrests if they involved adult suspects, though this legal judgment cannot be made with certainty. It is conceivable, for example, that some citizen complainants signed formal complaints at the police station subsequent to the field encounters.

The low arrest rate in "police witness" situations is striking in itself. It documents the enormous extent to which patrolmen use their discretion to release juvenile deviants without official sanction and without making an official report of the incident. Official statistics on juvenile delinquency thus vastly underestimate even the delinquent acts that policemen witness while on patrol.

Nevertheless the importance of situational evidence should not be analytically underestimated. Table 5 also shows that the police very rarely arrest juveniles when there is no evidence whatsoever. In only one case was a juvenile arrested when there was no situational evidence in the observer's judgment; this was a suspicious person situation. In sum, then, even when the police have very persuasive situational evidence

Table 5: Per Cent of Police Encounters with Juvenile Suspects According to Major Situational Evidence and Race of Suspect, by Field Disposition. (Table excludes felonies and traffic violations.)

| Field Disposition | Major Situational Evidence and Race of Suspect |      |                   |      |             |      |                 |     | All Negro Encounters | All White Encounters | All Encounters |
|-------------------|--|------|-------------------|------|-------------|------|-----------------|-----|----------------------|----------------------|----------------|
|                   | Police Witness                                 |      | Citizen Testimony |      | No Evidence |      | Not Ascertained |     |                      |                      |                |
|                   | N  | W    | N                 | W    | N           | W    | N               | W   |                      |                      |                |
| Arrest            | 16   | 10   | 22                | 14   | -           | 4    | (2)             | -   | 15                   | 9                    | 12             |
| Release-in-Field  | 84   | 90   | 78                | 86   | 100         | 96   | (7)             | (2) | 85                   | 91                   | 88             |
| Total Per Cent    | 100  | 100  | 100               | 100  | 100         | 100  | -               | -   | 100                  | 100                  | 100            |
| Total Number      | (57)   | (69) | (36)              | (21) | (22)        | (28) | (9)             | (2) | (124)                | (120)                | (244)          |

they generally release juveniles in the field, but when they do arrest juveniles they almost always have evidence of some kind.

#### The Suspect's Deference and Arrest

A final factor that can be considered in its relation to the situational production of juvenile arrests is the suspect's degree of deference toward the police. Earlier research on police work suggests a strong association between situational outcomes and the degree of respect extended to policemen by suspects, namely, the less respectful the suspect the harsher the sanction (Piliavin and Briar, 1964; Westley, 1955). In this section it is shown that the observation data on police-juvenile contacts draw a somewhat more complex profile of this relationship than might have been anticipated.

Before the findings on this relationship are examined, however, it should be noted that the potential impact of the suspect's deference on juvenile dispositions in the aggregate is necessarily limited. Only a small minority of juveniles behave at the extremes of a continuum going from very deferential or very respectful at one end to antagonistic or disrespectful at the other. In most encounters with patrolmen the outward behavior of juvenile suspects falls between these two extremes; the typical juvenile is civil toward police officers, neither strikingly respectful nor disrespectful. The juvenile suspect is civil toward the police in 57 per cent of the encounters, a rather high proportion in view of the fact that the degree of deference was not ascertained in 16 per



cent of the 281 cases. The juvenile is very deferential in 11 per cent and antagonistic in 16 per cent of the encounters. Thus if disrespectful juveniles are processes with stronger sanctions, the sub-population affected is fairly small. The majority of juvenile arrests occur when the suspect is civil toward the police. It remains to be seen, however, how great the differences are in the probability of arrest among juveniles who display varying degrees of deference.

The relationship between a juvenile suspect's deference and his liability to arrest differs from expectations in two respects: the relationship is relatively weak, and it does not appear to be unidirectional. Considering all of the cases, the arrest rate for encounters where the suspect is civil is 16 per cent. When the suspect behaves antagonistically toward the police the rate is higher--22 per cent; while this difference is not wide it is in the expected direction. What was not anticipated, however, is that the arrest rate for encounters involving very deferential suspects, 22 per cent, would be the same as that for antagonistic suspects. At the two extremes, then, the arrest rate is somewhat higher.

The rates are shown for Negroes and whites, excluding felony situations, in Table 6. The bi-polar pattern appears in the encounters with Negro juveniles though in the encounters with white juveniles it does not. In fact the number of cases where a white juvenile is extreme at one end or the other, particularly where he is very deferential, is so small as to render the differences insignificant. Likewise there is a case

problem with the Negro encounters, but there the differences are a little wider, especially that between the encounters where the suspect is civil as against those where he is antagonistic. Overall, again, the differences are not dramatic for either race.

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INSERT TABLE 6  
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Because of the paucity of cases in the "very deferential" and "antagonistic" categories the various offenses, with one exception, cannot be held constant. It is possible only to examine the juvenile rowdiness cases separately. In those encounters the arrest rates follow the bi-polar pattern: 16 per cent for very deferential juveniles, 11 per cent for civil juveniles, and 17 per cent for the encounters where a juvenile suspect is antagonistic or disrespectful. When felony, serious misdemeanor, and rowdiness cases are combined into one statistical base, the pattern is again bi-polar: 26, 18, and 29 per cent for the very deferential, civil, and antagonistic cases respectively.

Nothing more than speculation can be offered to account for the unexpectedly high arrest rate for juveniles who make an unusually great effort to behave respectfully toward policemen. First, it might be suggested that this finding does not necessarily conflict with that of Piliavin and Briar (1964), owing to an important difference between the coding systems employed. Piliavin and Briar use only two categories,

Table 6: Per Cent of Police Encounters with Juvenile Suspects According to the Suspect's Race and Degree of Deference Toward the Police, by Field Disposition. (Table excludes felonies.)

| Field Disposition | Race of Suspect and Suspect's Degree of Deference |       |              |                 |                  |       |              |                 | All Encounters |
|-------------------|---|-------|--------------|-----------------|------------------|-------|--------------|-----------------|----------------|
|                   | Negro   |       |              |                 | White            |       |              |                 |                |
|                   | Very Deferential                                  | Civil | Antagonistic | Not Ascertained | Very Deferential | Civil | Antagonistic | Not Ascertained |                |
| Arrest            | 20  | 15    | 24           | -               | 10               | 9     | 13           | 12              | 12             |
| Release-in-Field  | 80  | 85    | 76           | 100             | 90               | 91    | 87           | 100             | 88             |
| Total Per Cent    | 100   | 100   | 100          | 100             | 100              | 100   | 100          | 100             | 100            |
| Total Number      | (20)  | (72)  | (21)         | (23)            | (10)             | (76)  | (23)         | (21)            | (266)          |

"cooperative" and "uncooperative," so the "very deferential" and "civil" cases presumably fall into the same category. If this coding system were employed in the present investigation, the bi-polar distribution would disappear since the small number of "very deferential" cases would be absorbed by the larger number of "civil" cases and the combined rate would remain below the rate for the "antagonistic" cases. This, then, is one methodological explanation for the discrepancy in findings between the two investigations.

One substantive interpretation of the pattern itself is that juveniles who are and who know themselves to be particularly liable to arrest may be especially deferential toward the police as a tactic of situational self-defense. After all, the notion that one is well-advised to be polite to policemen if one is in trouble is quite widespread in the community. It is a folk belief. These findings might suggest that this tactic is by no means fool-proof. In any event the data do not provide for a test of this interpretation. It would seem that a good deal more research is needed pertaining to the relations between situational etiquette and sanctioning.

#### Overview

This paper examines findings on the official detection and sanctioning of juvenile deviance. It proceeds from a conception of deviance that emphasizes sanctioning probabilities, thereby linking the empirical operation of social control systems to the analytical definition of deviant behavior itself.

In the present investigation the central concern is to specify situational conditions that affect the probability of sanction by arrest subsequent to the mobilization of policemen in field settings. It is a control approach to juvenile deviance. Simultaneously it is a study of interaction between representatives of the legal system and juveniles, a study of law-in-action.

Several major patterns appear in the findings from the observation research. The better part of wisdom would seem to be served by concluding with a statement of these patterns in propositional form. Observation of police work in natural settings, after all, is hardly beyond an exploratory phase.

Proposition I: Most police-encounters with juveniles arise in direct response to citizens who take the initiative to mobilize the police to action. From the standpoint of official control the detection of juvenile deviance therefore is primarily a citizen rather than a police function. In this sense citizens define most of the social control work that policemen do with respect to juveniles. Moreover this is true in Negro as well as white residential areas. A major implication of this pattern is that the moral standards of the citizenry are given operational priority in the selection of juvenile incidents for police attention. At this level citizens of a given locality draw the broad outline of their own rate of juvenile delinquency. It might be added that, owing to a number of contingencies, citizen-initiated incidents differ somewhat in substance from police-initiated incidents.

Thus, without citizens to mobilize the police, the policing of juveniles probably would have a very different cast.

Proposition II: The great bulk of police encounters with juveniles pertain to matters of minor legal significance. The majority of encounters involve juvenile rowdiness, the juvenile analogue of "disorderly conduct" or "breach of the peace" by adults. Of course this does not mean that the social significance of juvenile deviance is minor for the citizens who call the police or for the police themselves. Police control of juveniles nevertheless is more a matter of keeping the public peace than of handling offenses of economic gain or violence.<sup>24</sup> On the other hand police work with Negro juveniles more often involves legally serious incidents--felonies--than does that with white juveniles.

Proposition III: The probability of sanction by arrest is very low for juveniles who have encounters with the police. In the present investigation only 15 per cent of the police-juvenile encounters resulted in arrest. In a heavy majority of cases, however, the police have evidence linking the suspect to an offense. Since official records of juvenile incidents rarely are made unless the police take the juvenile suspect to the police station, it seems clear that the vast majority of alleged delinquent acts go unrecorded in official statistics even when they are detected by the police. In this sense the police keep down the official juvenile delinquency rate.<sup>25</sup> The arrest rate for Negro juveniles, however, is higher than that for white juveniles. One other implication of the overall

low arrest rate should be noted. Because the vast majority of police-juvenile contacts are concluded in field settings, the legal control of police conduct through the exclusion of evidence in juvenile courts is largely emasculated. In other words, the police control of juveniles--like that of adults (Reiss and Black, 1967)--may be less prosecution-oriented than the law assumes. Much about the policing of juveniles follows a harassment model rather than a formal-processing model of control.

Proposition IV: The probability of arrest increases with the legal seriousness of alleged juvenile offenses, as that legal seriousness is defined in the criminal law for adults. The Negro-white arrest differential is partly a consequence of the higher rate of legally serious offenses that are allegedly committed by Negro juveniles. Nevertheless, the offense-specific arrest rate also is higher for Negro than for white juveniles.

Proposition V: Police sanctioning of juveniles strongly reflects the manifest preferences of citizen complainants in field encounters. The police tend to comply with the sanctioning preferences of the citizens who complain about juveniles in field settings, whether those be preferences for leniency or severity. This pattern, moreover, operates to increase the arrest rate for Negro juveniles beyond that for white juveniles, since Negro complainants are more severe in their sanctioning preferences for Negro juveniles than are white complainants with respect to white juveniles. This is another

instance of the larger pattern by which the police give behavioral priority to the moral standards of citizens in the processing of juveniles. Citizens have much to say about what the police handle as juvenile deviance; likewise they have much influence over how the police handle it. Assuming there is moral diversity in the citizen population, it would seem to follow that the police perpetuate moral diversity in the community by complying with citizen preferences for police action. In effect the police become the moral custodians of citizen subcultures. This pattern may have adverse consequences for Negro juveniles.

Proposition VI: The arrest rate for Negro juveniles is higher than that for white juveniles, but there is an absence of evidence that the police behaviorally orient themselves to race as such. In part the race differential is a consequence of the greater legal seriousness of incidents that occasion police encounters with Negro juveniles. More importantly the differential results from the greater severity in the behavioral preferences of Negro complainants who lobby for police action against Negro juveniles. Thus, while police behavior follows the same patterns for Negro and white juveniles, differential outcomes arise from differences in citizen behavior.

Proposition VII: The presence of situational evidence linking a juvenile to a deviant act is an important factor in the probability of arrest. Here again the sanctioning of juveniles follows the model of the adult criminal process. What is surprising, however, is that the nature of the evidence,



whether it rests in citizen testimony or in police testimony, does not seem consequential. The police are no more likely to arrest a juvenile whom they observe in the commission of an offense than they are when the only situational evidence is a citizen's testimony. It appears that whether there is evidence is far more important than what the evidence is.

Proposition VIII: The probability of arrest is higher for juveniles who are unusually respectful toward the police and for those who are unusually disrespectful. Most juveniles, however, are civil toward policemen, neither strikingly respectful nor disrespectful. Thus the role of the juvenile suspect's deference in police-juvenile contacts in the aggregate necessarily is limited. Furthermore the differences in the probability of arrest among juveniles of varying degrees of deference are not as wide as might have been expected. Still more unexpected is the finding that unusually respectful juveniles have a higher probability of arrest than do merely civil juveniles. Perhaps the belief that a display of deference is a good tactic of situational self-defense against policemen is widespread among juveniles. It would seem that this folk belief needs some qualification.

This paper closes with the usual suggestion for more research on the topic at hand. Possibly it is evident that the topic at hand embraces a good deal more than police encounters with juveniles. There is a need for information about other contexts of social control, studies of other

detection processes and other sanctioning processes. There also is a need for comparative analysis. What, for example, is the role of the complainant upon other occasions? How is a complainant before a policeman like an interest group before a legislature? How is a policeman before a suspect like a psychiatrist before a patient or a pimp before a whore? The deviance-social control relationship generally is taken for granted in sociology. Correspondingly the state of the general theory of control is primitive.

... Footnotes

1. This is the oft-cited quote from Howard S. Becker (1963: 9). For a useful review and critique of the labelling approach see David J. Bordua (1967).
2. What is more, some earlier work was concerned with detection and sanctioning differentials as well as labelling (e.g., Robison, 1963: 34-36 and 104).
3. It is emphasized that the labelling and normative approaches do not analyze these differentials within the category of deviant behavior. An anomaly in Becker's discussion, however, is his concept of "secret deviance" (1963: 20-21). Becker does not make clear how this concept conforms to his definition of deviance.

Discussions of detection appear in Wheeler (1967) and Skolnick and Woodworth (1967).

4. This conceptualization consciously bears the imprint of Max Weber's work. For example he defines "power" as "the probability that one actor within a social relationship will be in a position to carry out his own will despite resistance, regardless of the basis on which this probability rests" (Parsons, 1964: 152). Weber defines "law" as follows: "...An order will be called law when conformity with it is upheld by the probability that deviant action will be met by physical or psychic sanctions aimed to compel conformity or to punish disobedience, and applied by a group of men especially empowered to carry out this function" (Parsons, 1964: 127). Cf. the translation of this definition in Max Rheinstein (1966: 5).
5. One consequence of following this approach is that a control system can be examined from the standpoint of the deviant who is concerned with calculating his risks in the system. Oliver Wendell Holmes (1897) proposed this perspective as an approach to the legal system: "If you want to know the law and nothing else, you must look at it as a bad man, who cares only for the material consequences which such knowledge enables him to predict, not as a good one, who finds his reasons for conduct, whether inside the law or outside of it, in the vaguer sanctions of conscience."
6. The definition of deviance presented above excludes what may appear to be the fourth logical possibility, i.e., undetected, sanctioned deviance.
7. Very little research on the police has dealt with the routine work of the uniformed patrol division. For a review of investigations on the police see David J. Bordua and

Albert J. Reiss, Jr. (1967). A recent exception is James Q. Wilson (1968). Wilson's study, however, relies primarily upon official statistics.

8. These booklets were not filled out in the presence of the policemen. In fact the officers were told that our research was not concerned with police behavior but, rather, that we were concerned only with citizen behavior toward the police and the kinds of problems citizens make for the police. In this sense the study involved systematic deception.
9. In two of the cities investigated, however, aggressive youth patrols ("gang dicks") are employed in the policing of juveniles. Most ordinary youth officers spend much of their time behind their desks dealing with referrals. They work "on the street" relatively little.
10. Most research on the control of juveniles begins at stages beyond the police field encounter. (Examples are Goldman, 1963; Terry, 1967; McEachern and Bauzer, 1967; Cicourel, 1968; Wheeler, 1968.)
11. Even in proactive police work, police initiative may be in response to citizen initiative. Proactive police units often are highly dependent upon citizen intelligence, though the dependence is once removed from the field situation. For example, citizens sometimes provide the police with intelligence about patterned juvenile behavior, such as that sometimes provided by businessmen about recurrent vandalism on their block or recurrent rowdiness on their corner. This may lead the police to increase surveillance in an attempt to "clean up" the area.
12. The relatively rare police encounters with suspects of mixed age status--adults and juveniles together--are excluded from this analysis. Further, it should be emphasized that the unit of analysis here is the encounter rather than the individual juvenile. Many encounters include more than one suspect.
13. It sometimes is difficult for a field observer to categorize a citizen according to social class status. During the observation period two broad categories were used, blue-collar and white-collar, but still observers occasionally were unable to make the judgment. The precincts sampled were mainly populated by lower status citizens so, not surprisingly, the vast majority of the citizen participants were labelled blue-collar by the observers. This majority was even larger for the suspects involved. Consequently there are not enough white-collar suspect cases for separate analysis. However the small number of juveniles of ambiguous social class status are combined with the blue-collar cases in this analysis.

14. Indeed some police-citizen conflict may be generated when citizens view the police as reluctant to respond to their definitions of deviance. Citizens regard this as "police laxity" or "underenforcement." This complaint has lately been aired by some segments of the Negro community.
15. The concept of arrest used here refers only to transportation of a suspect to a police station, not to the formal booking or charging of a suspect with a crime. This usage follows Wayne R. LaFave (1965).
16. The arrest rate for adult suspects is somewhat higher than that for juvenile suspects. For findings on the policing of adults see Donald J. Black (1968: 170-262). The present analysis is in part similar to that followed in Black's study.
17. In a study of youth bureau records it was found that past record was an important factor in the referral of juveniles to the probation department and to the juvenile court (Terry, 1967). Past record was also found to be an important factor in the sanctioning decisions of youth officers in the field (Piliavin and Briar, 1964).
18. For a discussion of the pivotal roles of lay persons in the control of mentally ill persons, see Erving Goffman (1961: 133-146). Goffman includes a discussion of the complainant's role in the hospitalization of the offender.
19. Less than half of the citizen-initiated encounters involve a suspect. Police-initiated encounters, by contrast, typically do result in police-suspect interaction. Almost 9-in-10 encounters patrol officers have with citizens are initiated by citizens, however. In the modal police encounter the major citizen participant is a complainant (Black, 1968: 45, 92, and 156).
20. During the observation period a strong majority of the policemen expressed anti-Negro attitudes in the presence of observers (Black and Reiss, 1967: 132-139).
21. Jerome Hall (1952: 317-319) suggests several propositions concerning the probability of criminal prosecution. One of Hall's propositions is particularly relevant in the present context: "The rate of prosecution varies directly in proportion to the advantage to be gained from it by the complainant or, the rate is in inverse proportion to the disadvantages that will be sustained by him."
22. Paul Bohannon (1967) notes that a core function of legal institutions is to reinstitutionalize the normative standards of non-legal institutions. In other words, the legal process represents an auxiliary control resource

for other normative systems. (Also see Bohannan, 1968.)

The patterned compliance of the police with citizens may be understood partly as an instance of the reinstitutionalization function of the legal process. Police control of juveniles, for example, is partly a matter of reinforcement of the broader institution of authority based upon age status. The police support adult authority. In parent-child conflicts the police tend to support parental authority.

23. This has been all the more the case since the U. S. Supreme Court decision in 1967, In re Gault, 387 U. S. 1. The Gault decision is a move toward applying the same formal controls over the processing of juvenile suspects as are applied in the adult criminal process. For an observation study of juvenile court encounters see Norman Lefstein, Vaughan Stapleton, and Lee Teitelbaum (1969). This study includes a discussion of constitutional issues relating to the processing of juveniles.

It might be added that from a social control standpoint police deviance from procedural law, whether in the handling of juveniles or adults, should not be surprising. Nor should the low rate of detection and sanctioning of police deviance be surprising. Seldom can a law of any kind be found from which there is not deviance. Likewise seldom is the detection or sanctioning rate for any form of legal deviance near the 100 per cent level. Curiously, however, social scientists seem to take low enforcement of substantive law for granted while they take low control of deviance by social control agents such as policemen to be an empirical peculiarity. Much might be gained from an approach that would seek to understand both forms of legal deviance and control with the same analytical framework. Moreover substantive control and procedural control can be profitably analyzed in terms of their interrelations. (On this point cf. Llewellyn, 1962: 22.) Procedural control of the police, for example limitations on their power to stop-and-frisk, can decrease detection and sanctioning probabilities for certain forms of substantive deviance, such as "possession of narcotics."

24. Michael Banton (1964: 6-7) makes a distinction between "law officers," whose contacts with citizens tend to be of a punitive or inquisitory character, and "peace officers," who operate within the moral consensus of the community and are less concerned with law enforcement for its own sake. He suggests that patrol officers principally are peace officers, whereas detectives and traffic officers, for example, are more involved in law enforcement as such. Banton's distinction has been

elaborated by Bittner (1967) and Wilson (1968).

Except when patrolmen handle felony situations involving juveniles, it seems that the policing of juveniles is mainly a matter of peace-keeping in Banton's sense.

25. Perhaps it is needless to say that the citizenry does not necessarily perceive the "delinquency problem" as a function of official delinquency rates. Citizens probably are concerned much more with what they know about patterns of victimization in their communities or neighborhoods. Many citizens may be inclined more to a folk version of the control approach than a labeling approach to delinquency. Indeed their very concern about "the problem" may be partly a dissatisfaction with the existing detection and sanctioning probabilities they divine about juvenile deviance.

References

Arnold, Thurman N.

- 1935 The Symbols of Government. New Haven, Connecticut: Yale University Press.

Banton, Michael.

- 1964 The Policeman in the Community. London: Tavistock Publications Limited.

Becker, Howard S.

- 1963 Outsiders: Studies in the Sociology of Deviance. New York: The Free Press.

Bittner, Egon.

- 1967 "The Police on Skid-Row: A Study of Peace-Keeping." American Sociological Review 32 (1967): 699-715.

Black, Donald J.

- 1968 Police Encounters and Social Organization: An Observation Study. Unpublished Ph.D. Dissertation, Department of Sociology, University of Michigan.

Black, Donald J., and Albert J. Reiss, Jr.

- 1967 "Patterns of Behavior in Police and Citizen Transactions." Pp. 1-139 in President's Commission on Law Enforcement and Administration of Justice, Studies in Crime and Law Enforcement in Major Metropolitan Areas, Field Surveys III, Volume 2. Washington, D. C.: U. S. Government Printing Office.

Bohannon, Paul.

- 1967 "The Differing Realms of the Law." Pp. 43-56 in P. Bohannon (ed.), Law and Warfare: Studies in the Anthropology of Conflict. Garden City, New York: The Natural History Press.

- 1968 "Law and Legal Institutions." Pp. 73-78 in David L. Sills (ed.), International Encyclopedia of the Social Sciences, Volume 9. New York: The Macmillan Company and the Free Press.

Bordua, David J.

- 1967 "Recent Trends: Deviant Behavior and Social Control." The Annals of the American Academy of Political and Social Science 369 (1967): 149-163.

Bordua, David J., and Albert J. Reiss, Jr.

- 1967 "Law Enforcement." Pp. 725-303 in Paul Lazarsfeld, William Sewell, and Harold Wilensky (eds.), The Uses of Sociology. New York: Basic Books.



- Cicourel, Aaron V.  
1968 The Social Organization of Juvenile Justice.  
New York: John Wiley and Sons, Inc.
- Gibbs, Jack P.  
1966 "Conceptions of Deviant Behavior: The Old and the  
New." Pacific Sociological Review 9 (1966): 9-14.
- Goffman, Erving.  
1961 Asylums: Essays on the Social Situation of Mental  
Patients and Other Inmates. Garden City, New York:  
Anchor Books.
- Goldman, Nathan.  
1963 The Differential Selection of Juvenile Offenders  
for Court Appearance. New York: National Council  
on Crime and Delinquency.
- Gusfield, Joseph R.  
1963 Symbolic Crusade: Status Politics and the American  
Temperance Movement. Urbana, Illinois: University  
of Illinois Press.
- Hall, Jerome.  
1952 Theft, Law and Society. Indianapolis, Indiana:  
The Bobbs-Merrill Company. (Second Edition.)
- Holmes, Oliver Wendell.  
1897 "The Path of the Law." Harvard Law Review 10  
(1897): 457-478.
- LaFave, Wayne R.  
1965 Arrest: The Decision to Take a Suspect into  
Custody. Boston, Massachusetts: Little, Brown  
and Company.
- Lefstein, Norman, Vaughan Stapleton, and Lee Teitelbaum.  
1969 "In Search of Juvenile Justice: Gault and Its  
Implementation." Law and Society Review 3 (1969):  
forthcoming.
- Llewellyn, Karl N.  
1962 Jurisprudence: Realism in Theory and Practice.  
Chicago, Illinois: University of Chicago Press.
- McEachern, A. W., and Riva Bauzer.  
1967 "Factors Related to Disposition in Juvenile Police  
Contacts." Pp. 148-160 in Malcolm W. Klein (ed.),  
Juvenile Gangs in Context. Englewood Cliffs, New  
Jersey: Prentice-Hall, Inc.
- Merton, Robert K.  
1957 Social Theory and Social Structure. New York:  
The Free Press. (Revised and Enlarged Edition.)

Parsons, Talcott.

1951 The Social System. New York: The Free Press.

Parsons, Talcott (ed.)

1964 Max Weber: The Theory of Social and Economic Organization. New York: The Free Press.

Piliavin, Irving, and Scott Briar.

1964 "Police Encounters with Juveniles." American Journal of Sociology 70 (1964): 206-214.

Reiss, Albert J., Jr., and Donald J. Black.

1967 "Interrogation and the Criminal Process." The Annals of the American Academy of Political and Social Science 374 (1967): 47-57.

Rheinstein, Max (ed.)

1966 Max Weber on Law in Economy and Society. Cambridge, Massachusetts: Harvard University Press.

Robison, Sophia.

1936 Can Delinquency Be Measured? New York: Columbia University Press.

Sellin, Thorsten.

1931 "Crime." Pp. 563-569 in Edwin R. A. Seligman (ed.), Encyclopedia of the Social Sciences, Volume 4. New York: The Macmillan Company.

Short, James F., and F. Ivan Nye.

1957 "Reported Behavior as a Criterion of Deviant Behavior." Social Problems 5 (1957): 207-213.

Skolnick, Jerome H., and J. Richard Woodworth.

1967 "Bureaucracy, Information, and Social Control: A Study of a Morals Detail." Pp. 99-136 in David Bordua (ed.), The Police: Six Sociological Essays. New York: John Wiley and Sons, Inc.

Stinchcombe, Arthur L.

1963 "Institutions of Privacy in the Determination of Police Administrative Practice." American Journal of Sociology 69 (1963): 150-160.

Terry, Robert M.

1967 "The Screening of Juvenile Offenders." Journal of Criminal Law, Criminology and Police Science 58 (1967): 173-181.

Werthman, Carl, and Irving Piliavin.

1967 "Gang Members and the Police." Pp. 56-98 in David J. Bordua (ed.), The Police: Six Sociological Essays. New York: John Wiley and Sons, Inc.

Westley, William A.

1955 "Violence and the Police." American Journal of  
Sociology 59 (1955): 34-41.

Wheeler, Stanton.

1967 "Deviant Behavior." Pp. 601-666 in Neil Smelser  
(ed.), Sociology: An Introduction. New York:  
John Wiley and Sons, Inc.

Wheeler, Stanton (ed.)

1968 Controlling Delinquents. New York: John Wiley  
and Sons, Inc.

Wilson, James Q.

1968 Varieties of Police Behavior: The Management of  
Law and Order in Eight Communities. Cambridge,  
Massachusetts: Harvard University Press.