

sentenceing in a children's court and labelling theory

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SENTENCING IN A
CHILDREN'S COURT AND
LABELLING THEORY

by

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ACQUISIT

FOREWORD

Labelling theory is one of the more recent developments in the field of criminology. This theory is discussed in general terms in this report and applied to the study of young offenders.

By taking a cohort sample, comprising all those persons with birth dates in 1955 or 1956 who appeared in the Wellington Children's Court, their history of court appearances can be followed. This study examines sentencing and the prediction from labelling theory that those who receive more severe sentences are more likely to reoffend. This has an importance for social policy since it is necessary to see what effects the judicial system has on young offenders and to examine recent criticism of a racial bias in sentencing.

Since this study was commenced, legislation in the form of the Children and Young Persons Act (1974) will have brought about some changes in procedure. However, it is not expected that these changes will, at least initially, lead to any great departure from the findings reported here.

The research officer, Ross E. Hampton, presents this report as a part of his continuing research on labelling theory and delinquency.

Our thanks are due to the Registrar and staff of the Wellington Magistrate's Court for allowing the data collection.

We gratefully acknowledge the assistance of Mr Ken Aldous of the Applied Mathematics Division of the DSIR in processing the data through the computer.

D. F. MACKENZIE,
Director of Research.

CONTENTS

	<i>Page</i>
FOREWORD	
INTRODUCTION	7
<i>Chapter 1</i> —Theories of Delinquency	9
<i>Chapter 2</i> —Labelling as a Theory of Deviance	13
<i>Chapter 3</i> —The Label of Delinquent: the Police and Courts as Process	24
<i>Chapter 4</i> —Methodology: Source, Sample, Operational Defini- tions, Statistics	35
<i>Chapter 5</i> —Results Part I: Sentencing	39
<i>Chapter 6</i> —Results Part II: Reoffending	50
<i>Chapter 7</i> —Summary and Conclusions	55
REFERENCES	60
APPENDIX I: Seriousness Scale	68
APPENDIX II: Statistics Used: an Explanation	71
APPENDIX III: Tables of Results	73
APPENDIX IV: Details of Adjournments within Sub-Samples	84

INTRODUCTION

There are two basic reasons for carrying out this study. A theoretical basis arises from the development of the labelling perspective as a general theory of deviance, with an emphasis on societal reaction. To quote Kitsuse (1964: 101): "A sociological theory of deviance must focus specifically upon the interactions which not only define behaviour as deviant, but also organise and activate the application of sanctions by individuals, groups, or agencies." While traditional definitions regard deviance as some quality of the deviant person himself, the labelling approach considers that deviants are defined as such by the rest of society, and that the definitions of an individual's behaviour are a function of the values of the social system within which he is being evaluated. The *process* by which a person comes to be labelled is important.

An additional set of theoretical problems arises out of an analysis of the social-welfare approach to social problems. This is too broad an area to be expounded in this booklet but has been discussed elsewhere (e.g., Bedggood, 1974a, 1974b; Hampton, 1973a, 1974a). However, ideology plays a role in determining both the theories social scientists develop and the explicit or implicit theories entertained by the personnel of official agencies. The latter are important factors in generating official statistics, since they determine the criteria by which those seen to be deviant are processed, and so are relevant to the labelling analysis of juvenile delinquency.

The second reason for the approach adopted in this study arises from the disagreement in the published literature as to the causes of delinquency. In particular, the differences between empirical results based upon official records, or institutionalised populations, and the results from self-reported questionnaire surveys lead one to look for possible sources of bias in selection. For example the observed greater than expected proportion of children from the lower social classes among those in institutions or on official records could be explained by differential treatment by police and social work agencies, and courts, producing a higher recorded rate of low socio-economic status among officially defined delinquents.

The writer's purpose is twofold. Firstly, to present and discuss the theoretical approach known as "labelling", and to develop this as it applies to juvenile delinquency, and secondly, to present data applicable to a *part* of this theory. The theoretical section may seem rather lengthy in relation to the empirical section, especially since not all the issues raised are empirically examined. However, since few writers have drawn together all of the ideas coming under the

labelling rubric, it is desirable that the theory be discussed as fully as possible, even though the data presented covers only a segment of this, because it then can be placed in context.

The first chapter of this booklet gives an outline of the main sociological theories of delinquency. Chapter 2 explains labelling as a general theory of deviance, while in chapter 3 labelling is applied to the problem of juvenile delinquency, and the theoretical approach underlying the empirical work of this report is described. The data presented in this booklet arise from an analysis of court records. Firstly, the court decisions are examined for bias, and secondly, the effects of the various sentences are examined for their effect on reoffending. Details of the methodology are shown in chapter 4 and the results are reported in chapters 5 and 6. In the final chapter the findings are summarised and theoretical and practical conclusions drawn.

Chapter 1

THEORIES OF DELINQUENCY

The purpose of this chapter is to give a brief outline of the major sociological approaches to delinquency in order to show why particular variables are examined in most studies of delinquency and consequently why they are chosen for analysis in the empirical part of this report.

Travis Hirschi (1969) gives three alternative theoretical perspectives on delinquency and deviance:

- (1) Strain models; where conformity to conventional means of attaining desired goals does not lead to satisfaction, so the person is forced into adopting illegitimate means. The classic example is Merton's (1938) anomie theory.
- (2) Control models; where a person is free to commit delinquent acts because his ties to the conventional order have somehow been broken.
- (3) Cultural deviance; where the deviant conforms to a set of standards not accepted by a larger or more powerful society.

Social Class

A relationship between social class and delinquency is suggested by a strain theory—Merton's anomie theory (Merton, 1938, and modifications by Harary, 1966). Evidence for a relation between delinquency and social class came from the early ecological studies (e.g., Lander, 1954) and continued to be evident in later ecological studies (Eisner, 1969; Polk, 1967; Schmid, 1960). Cohen (1966:65) developed a theory of delinquency from a similar basis: lower class boys are denied the possibility of achieving social status by the normal culturally approved means such as educational achievement. Gangs of delinquent boys develop in response to a commonly perceived need for an alternative source of status. A further development of this theory utilises the concept of opportunity structure (Cloward and Ohlin, 1960); not only is the availability of legitimate means of achievement denied to members of the lower class, illegitimate means also may not be available. The illegitimate opportunity structure consists of opportunities to learn and practise deviant roles, such as organised crime. This availability will determine the nature of the deviant subculture: criminal, conflict (violent gangs), or retreatist (e.g., drug culture). (See Shrag, 1967, for a systematic analysis of these theories.)

Another approach comes from Miller (1958) who sees the formation of the delinquent gang as a consequence of the values emphasised in

lower class culture, which differ from those of middle class culture. By conforming to lower class cultural norms the lower class boy automatically violates the middle class norms, which are the norms legally enforced.

McDonald (1969: 24-28) mentions language development, which is class related, as a social factor in the causation of delinquency, especially in regard to the legitimization of authority. Educational success is suggested as an intervening variable by McDonald (pp. 28-41) in a model, originally developed by Toby and Toby, which states that low social class leads to low intellectual status, which produces negative attitudes towards school. This results in behaviour such as "acting tough" and finally to associating with delinquent friends. It is relevant to note that relationships between social class, educational achievement and vocational aspirations were found in a sample of New Zealand boys by Baldock (1971).

Whether or not a relationship between social class and delinquency actually exists remains contentious. This relationship may have changed over time (Little and Ntsekhe, 1959). Box and Ford (1971) argue that self-report studies do not provide any conclusive test. In a rejoinder, Bytheway and May (1971) argue that those same studies indicate a small but real correlation between social status (father's occupation) and self-reports of involvement in delinquent behaviour by boys. Part of the problem here is to decide how large a relationship must be before it is substantively significant, as apart from statistically significant (Taylor and Frideres, 1972). Some of the difficulty in comparing various studies arises from the use of different methods of measurement. The data may be collected from official records, self-reported questionnaires, or ecological (urban census areas) level. The indicator of delinquency may be rates based on the number of persons or number of charges, the level of seriousness of the offence, or the number of incidents. Within self-reported techniques, differing results are obtained when individuals are interviewed at length compared with check-list type questionnaires administered to a number of persons at once, such as in a classroom situation.

In an attempt to reconcile varying observations of the class-delinquency relationship within self-report surveys, Harry (1974) argued that previous findings could be explained by reference to the class composition, and consequent cultural milieu, of the school or area in which the sample was taken. In uniformly middle class schools and mixed class schools there is no relationship, only in predominantly lower class school populations does the class-delinquency relationship appear.

A New Zealand self-report study (Hassall, 1974) showed no relationship between delinquency and social class.

Broken Homes

The second variable most often considered is the family, particularly disorganisation in the form of the broken home. Rosen (1970) outlines three ways in which family structure may be incorporated into explanations of delinquency:

- (1) Deviant structure (e.g., the broken home), where parents cannot provide a "proper" role model, fail to control the child, and cannot give sufficient love and affection.
- (2) Deviant family relations, such as lack of love, severe or insufficient discipline, which give rise to personality problems and poor adjustment.
- (3) Transfer of deviant norms, where family socialisation is in terms of deviant norms.

From a survey of previous research, Rosen contends that adequate conclusive evidence as to the role of broken homes in the causation of delinquency is lacking. Wilkinson (1974) reviewed previous studies and argued that evidence was inconclusive, but broken homes appeared to be more important for females. Wilkinson also pointed out that emphasis placed on the broken home in sociological research varied considerably over time with changing prevailing ideological views held by sociologists.

In a recent New Zealand study of a sample of females on probation and in institutions, Wilson (1973) argued that lack of parental love and discipline is a cause of delinquency and other pathological behaviours. Wilson was not clear, but presumably the delinquent behaviours resulted from the psychiatric problems exhibited by the girls. However, labelling theory suggests an alternative interpretation: the girls were selected by the authorities through various levels of the justice system, culminating in institutionalisation as a result of displaying these characteristics, namely psychiatric symptoms and poor home background, rather than these being related to actual offending. Support for this process analysis comes from a study by Monahan (1957), who argues for the importance of broken homes in the causation of delinquency, but also shows a bias in the judicial process—those from broken homes were more likely to be referred to the court, to be placed on probation and to be given a custodial sentence.

Miller's cultural theory sees the family structure as a factor leading to gang formation. In female dominated one parent families, particularly common among the lower class, the peer group (gang) provides essential functions, both educational and psychological, including male role models. Hewitt (1970) constructs a theory, similar to Cohen's in which home background is an intervening variable. Inequality leads to low self-esteem for lower class boys, who take refuge in their families to protect themselves from unfavourable evaluations. However, for those whose families are disorganised, no such protection is

LABELLING AS A THEORY OF DEVIANCE

available, so they look for alternative sources of protection, notably the gang.

Another mechanism, a control model, is outlined by Bedggood (1973) based on Frazer (1963). Broken homes or impaired family relations fail to socialise an acceptance of conventional values and authority and the family ceases to be an effective agent of social control. In turn, authority in the school and society is not legitimated and hence not accepted by the child. When status frustration is added to this, the child rebels and rejects middle class norms.

Self-concept

Other theoretical approaches include self-concept theories. Hewit (1970) as indicated above, saw self-concept as an important variable in relating deviance to social structure. A New Zealand study of girls released from borstal showed a relationship between poor self-image and reconviction (Roberts, 1972:25). Labelling theory would suggest that the negative self-image was promoted by subjection to the judicial process. However, Roberts did not take this into account.

Hassall (1974) found that self-concept was related to delinquency in his Christchurch self-report survey, but the degree of relationship was rather low.

Jensen (1972) has demonstrated that a negative self-concept is not necessarily a delinquent self-concept. He found no relationship between official delinquency and self-esteem. Unfortunately, it was not possible to obtain empirical measures of self-esteem in the research for this report.

Race

Another important variable is indicated by race or ethnicity. Explanations of the observed higher official crime rate among Pacific Islanders and Maoris (Department of Social Welfare, 1973; McCreary, 1969; MacKenzie, 1973; Schumacher, 1971) often invoke a cultural conflict theory (Te Punga, 1971; O'Malley, 1973), with an emphasis on the rural to urban migration of the Polynesian populations. Labelling theory suggests that a popular belief that Polynesians are more criminal promotes a self-fulfilling prophecy whereby Polynesians are more likely to be processed through the judicial system which in turn promotes further offending (Duncan, 1972).

The above discussion gives some rationale for considering social class, family pathology, and race as relevant variables in an analysis of the causes of delinquency. Since reoffending is a major variable to be considered in the test of labelling theory, the above variables must be taken into account when considering the effects of sentencing alone upon reoffending.

Labels as Social Definitions

While most theories regard deviance as some quality of the deviant person himself, the labelling approach reverses this view and considers the way in which persons come to be defined as deviant by the rest of society. Traditional theorists examine those who have been officially defined as deviant (e.g., prison inmates) and deviance is seen as an attribute which is assumed to have a cause. This has resulted in a medical analogy (Balch, 1975; Mercer, 1965) of diagnosis, prognosis, and treatment, with consequent attempts to find typical characteristics of deviants. A conservative bias in this approach is apparent. Treatment is aimed at changing the deviant individual rather than other people in the society around him or the social structure. The official values of society are uncritically taken for granted. This often leads to a bias in the form of a preference for psychological theories, which are especially attractive to social workers and administrators: the deviant is maladjusted, not society (for a discussion in the case of delinquency see Hampton, 1973 (a), 1974 (a)).

Labelling theory, on the other hand, attempts to see the definition of an individual's behaviour as a function of the values of the social system within which he is being evaluated. The *process* by which an individual comes to be defined as deviant is of central importance. The relevant questions are: Who labels whom? How is the label applied? What are the consequences of acquiring a label?

Lemert (1972: 16-21) outlined the development of the labelling perspective, from his initial statements (1951) and the latter expositions of Becker (1963) and Erickson (1964), to the inclusion of theoretical themes which have contributed to this perspective—symbolic interactionism, the notion of the “dramatisation of evil”, and the studies of group interaction.

Lemert (1951: 77) makes an important distinction, basic to the labelling approach, between primary and secondary deviation. A sequence of primary deviation, followed by sanctions and stigmatisation leads to secondary deviation. Here it is necessary to distinguish the initial causes of deviance, which may be psychological, from the effective causes:

From a narrower sociological viewpoint the deviations are not significant until they are organised subjectively and transferred into active roles and become the social criteria for assigning status. The deviant individuals must react symbolically to their own behaviour aberrations and fix them in their socio-psychological patterns. The deviations remain primary deviations, or symptomatic and situational as long as they are rationalised or otherwise dealt with as functions of a socially acceptable role (p. 75).

Another early proponent of labelling theory, Becker (1963:1), starts from the position that all groups make rules and attempt to enforce them:

Social rules define situations and the kinds of behaviour appropriate to them, specifying some actions as "right" and forbidding others as "wrong". When a rule is enforced the person who is supposed to have broken it may be seen as a special kind of person, one who cannot be trusted to live by the rules agreed on by the group. He is regarded as an *outsider*.

Of course, as Becker points out, the rule-breaker may not accept the rule as legitimate, and may regard the enforcers as "outsiders".

Illegality or abnormality is not a quality present in behaviour as such, but results from a process involving the responses of other people to that behaviour (p. 14). This leads to Becker's often quoted statement:

... *social groups create deviance by making the rules whose infraction constitutes deviance*, and by applying those rules to particular people and labelling them as outsiders. (1963:9)

Hence the deviant obtains a "spoiled" public identity. The delinquent cannot maintain the self-image of a "good" boy if it is a matter of public record that he is not. To explain motivation, Becker adopts a control model (1963:26). Most people have "deviant impulses", the important question is why they do not follow these through. This is explained in most cases by the individual's commitment to conventional norms. The individual, if he is to deviate, must learn to participate in a subculture organised around the particular deviant activity (p. 31). Becker uses the notion of career. From initial causes (group conflict, ignorance of rules, strain) the individual becomes increasingly involved (including his interpersonal ties) in an organised deviant group until the deviant identification becomes the controlling one (e.g., Young, 1971). A precipitating event may be the experience of being caught and publicly labelled. This will often prevent the individual from engaging in legitimate activities, forcing him to adopt illegitimate patterns of behaviour.

Becker does make some reference to social structure, especially in regard to conflict between groups:

Those groups whose social position gives them the weapons and power are best able to enforce their rules. Distinctions of age, sex, ethnicity, and class are related to differences in the degree to which groups so distinguished can make rules for others (1963:18).

A study carried out in the Nelson Magistrate's Court (Sutherland, 1973) demonstrated a racial bias in sentencing, an important intervening variable being legal representation. The proportion of Maori adult males who were sentenced to prison was reduced from about 33 percent to 20 percent when the proportion of those with legal representation in court was increased from 18 percent to 79 percent. Chiricos, *et al.* (1971) in a study of a United States (adult) court showed that persons who are expected to be the most criminal (e.g., poor education, have prior record, Negro) are more likely to be convicted than receive the alternative disposition of being put on probation with conviction suspended, and hence these persons are given the greatest opportunity to develop a criminal identity or career. (Seriousness of offence was controlled for by considering felonies and misdemeanours separately.) This suggests that we can expect discrimination along various dimensions thought to distinguish types of deviants, a point which will be expanded in the next chapter. Chiricos, *et al.* suggest that further research should be directed at finding:

- (a) Whether the victims of inconsistently applied stigma do perceive these inconsistencies; and
- (b) If such stigma precipitates or hastens the development of a criminal identity and career.

To (a) one might add the question, whether or not the victims see the inconsistencies as legitimate.

A complete theory of labelling should attempt to explain the existence of rules. Becker (1963:132) argues that since the process of rule formation is not automatic we must account for movement in the sequence from general value to specific act of enforcement, by looking at the role of the moral entrepreneur. Becker outlines two roles: rule creators (e.g., moral crusaders) and rule enforcers (e.g., police). This role typology can be further expanded, and the power dimension made more explicit, using ideas developed by Friedman (1969), originally in an analysis of "structural" racism:

- (1) "Dirty workers",* defined as those who conduct direct interaction with deviants (or racial group). For example, police, or staff of mental hospitals in the case of deviants, or welfare workers and landlords in the case of racism.

*Called dirty workers because they do the "dirty" work for those who make the important policy decisions, namely the allocators, who are not actually directly involved in enforcing the decisions.

- (2) Allocators, who mediate the allocation of political and economic resources to the "dirty workers" and legitimators. For example budget and appropriation committees. Allocators usually act to support the status quo.
- (3) Legitimators, who produce, implant, and reinforce expectations, attitudes, values, and ideology that support the rest of the system. These include the press, political parties, and voluntary organisations.

Critics

The labelling approach is not without its critics. Gibbons and Jones (1971) point out that labelling failed to explain:

- (a) Why the incidence of a particular form of behaviour varies from one population to another; and
- (b) Why an act is considered deviant in one society and not in another.

In other words, how can we account for the independence between rates of deviant acts and the rates of labelling?

Erickson (1966: chapter 1) attempts to answer this question with a functionalist model. Labelling is necessary for boundary maintenance, and promotes social integration (cf. Durkheim). The official rate of deviance will vary with the degree of social integration. However, Erickson is not clear on whether the actual amount of rule-breaking behaviour remains constant or will fluctuate relative to the amount of rule enforcement.

Klein (1967) places labelling under what he calls probabilistic cognitive process theories, together with neutralisation, self-concept, situational factors, drift, and perceived risk. He sees these as intervening variables in a part of a larger causal theory. As a theory of deviance, labelling seems limited in generality. For example, "secret deviance" is not tackled. From a study by Bryan (1966) on the case of call girls, labelling does not seem to apply. In contrast to "street walking" prostitutes, the call girl carries no tell-tale signs of her occupational status. In the interaction between the girl and her "client" both attempt to reduce the attached stigma, and the call girl rarely experiences moral condemnation through her immediate interpersonal relationships. In other words, for a public reaction, deviance must be publicly observable.

Akers (1968) asserts that labelling theorists have said little more than what conflict theorists have been saying: the dominant group in society will have their norms and values prevail. DeLamater (1968) points out that following primary deviation the actor may:

- (a) Conform, or
- (b) Begin a deviant career due to
 - (i) Negative sanction by a person with whom he has a primary relation (no "official" label) or
 - (ii) Group pressure from other deviants (still no label).

Again, labelling theory is not adequate in explaining why certain kinds of behaviour occur, DeLamater also distinguishes those whose initial socialisation is in terms of conventional values from those whose early socialisation is based on deviant norms and values (i.e., subcultural deviance referred to in chapter 1). This is a relevant distinction when considering an individual's role concepts and changes therein. However, such arguments can be countered to some extent by considering that while "secret" deviants may not suffer an official label, they may still have some concept of what society's reaction would be if they were "discovered", and this will have some influence on their behaviour (cf. G. H. Mead's "generalised other").

Another major criticism is that competing psychological explanations are not adequately considered. Fisher (1972:83) argues that "... deviance theorists do not sufficiently consider the extent to which those who acquire a public label are themselves a distinctive population group based on some common pre-existing characteristics, such as self-conceptions in relation to school, etc."

Fisher has suggested that Becker overemphasises external coercion, at the neglect of choice and opportunity. Rogers and Buffalo (1974) have also criticised the passive view taken by some labelling theorists and suggest several patterns of adaptation, or ways the deviant copes with his assigned status in terms of a nine cell typology based on two dimensions:

- (a) Whether the social response magnifies, reduces or changes the salience of the label; and
- (b) Whether the deviant negotiates with the labellers by agreeing, rejecting or substituting the label.

Similarly, Rotenburg (1974) argues that theorists ignore the perspective of the person who receives the label and the conditions under which he accepts or rejects it. As an example he cites Sykes and Matza's (1972) theory of "techniques of neutralisation", whereby delinquents produce rational reasons for their behaviour in order to reject the labels assigned to them.

There has also been some debate as to whether or not labelling can explain mental illness (Akers, 1972; Gove, 1970).

Hagan (1973) contrasts psychological and labelling explanations of deviance and argues that psychogenic factors contribute to criminality, forming a context in which labelling may occur. For example, deviance by members of the middle class may result from different causes and processes from those of the lower class (Box and Ford, 1971:47). Again labelling may have a different effect on middle class delinquents (Fisher and Erickson, 1973). Because they are punished less severely and have more conventional opportunities for assimilation into society, they are less likely to reoffend as a result of prosecution.

The labelling approach does not escape the criticism of implicit value judgements, for example, sociologists tend to examine only those persons officially defined as deviant (e.g., omitting "white collar" crime) and the social structure (in terms of class and power) is often ignored (Gouldner, 1968; Liazos, 1972; Smith, 1973; Thio, 1973).

Labelling and Role Theory

Labelling theory is closely related to role theory, a connection which is emphasised by Rubington and Weinberg (1968:4):

Role-assignment thus refers to a collective attempt to make sense and come to terms with a pattern of seemingly deviant acts. So far as they arrive at a shared perspective on this pattern, they have given the acts a social meaning. This exchange of ideas produces a moral judgement. Depending on the harm assumed to be caused by the alleged deviant act, this judgement usually contains an imputation of motives, a definition of the actor as a particular kind of person designated as a social deviant. In effect, then, group discussions of presumed aberrant conduct yield a group product—a social definition. This definition consists of a description, an evaluation, and a prescription.

The concept of role is also utilised by Lemert (1951:75):

The deviant person is one whose role, status, function, and self-definition are importantly shaped by how much deviation he engages in, by the degree of its social instability, by the particular exposure he has to the societal reaction and by the nature and strength of the societal reaction.

Gibbons and Jones (1971) distinguish two levels of definition of deviance:

- (a) The societal level involving violation of major social norms, and consequently arousal of strong reaction "in the name of Society", involving formal control agencies and leading to a deviant career; and

- (b) The small group level which includes the violation of social expectations, and the problem of whether or not the group adhere to legally defined norms.

This distinction is helpful. For example, Burkett (1972) in a study of the drinking behaviour of university students centered his theory on the small group level: "an individual's life is a large number of involvements in 'self-other systems' in which the actor is oriented toward the role prescription and evaluation of significant others in his environment." Burkett concluded that even at this small group level, the group maintains a degree of conformity partly at the expense of a few members who are "forced" to continue a deviant "career", due to the role expectations of others.

Societal and small group definitions of deviant behaviour may not always concur. A study by Mercer (1965) on mentally retarded children illustrates the importance of role definitions at both levels. Whether an individual's behaviour is seen to be deviant depends on the role expectations current in the social system for those roles he is playing. Mercer found that in the case of retarded children from lower class homes, whose parents do not share the official definitions of mental retardation, the children were more readily accepted at home and their parents were more likely to attempt to obtain their child's early release from hospital. In contrast, children from middle class homes, whose parents' role expectations are similar to the official definitions of appropriate behaviour and retardation, could not avoid the label "retarded" and their parents were less likely to want them to return home from hospital. Mercer notes that in the lower class situation, dependency, minimal education, and limited achievement were common, while in the middle class situation higher achievement, education and individual autonomy were valued.

The importance of the role expectations relying on the definitions of others is shown by a study of the cycle of abstention and relapse among heroin addicts:

The tendency towards relapse develops out of the meaning of the abstainer's experience in social situations when he develops an image of himself as socially different from non-addicts and relapse occurs when he defines himself as an addict. When his social expectations and the expectations of others with whom he interacts are not met, social stress develops and he is required to re-examine the meaningfulness of his experience in non-addict society and in so doing question his identity as an abstainer. (Ray, 1964:170)

Another example of role expectations and labelling is shown in a study of alcoholics by Trice and Roman (1970). The Alcoholics

Anonymous organisation encourages a return to conformity with social norms by creating a stereotype which is socially acceptable. By use of the "repentant" role available in American culture, the popular opinion of the community that alcohol is the direct "cause" of the "illness" and the cultural theme of upward mobility, an alcoholic is able to "return" to normal role performance of a well-adjusted non-alcoholic.

Turner (1972) suggests that deviance is best conceived as a role, rather than a specific norm violation. He lists several advantages accruing from this theoretical viewpoint: diverse actions are linked together, the deviant not only repeats his deviant act, he will also predictably exhibit other kinds of typical behaviour in other situations (e.g., speech, dress). The meanings of individual actions are assigned on the basis of imputed self and other roles. These are role cues, or typical attributes, signifying to others that this is someone who is likely to engage in deviant behaviour. Similar roles in different contexts tend to merge, becoming identified as a single role. An individual's self-concept arises from a selective identification with some roles selected from the many he plays. As the role requires particular values and motives, deviant behaviour is often viewed by others as revealing the "real" person "underneath".

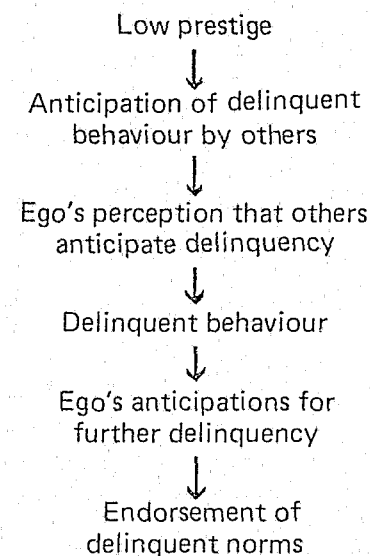
Turner outlines circumstances in which the deviant may initiate the labelling process against himself: (a) Forced choice between group loyalty, where the group chosen is not the one whose norms are officially enforced. For example, a boy whose intimate peer group gets branded as a delinquent gang is forced to leave the gang or accept that label personally. (b) Neutralisation of social pressures, such as being relieved of necessity to take part in some group activities, embarrassment attached to ambiguous roles, or by identifying with a different role and creating social distance in situations where others will accept this adjustment. (c) Neutralisation of (internalised) personal commitment to a role in which the individual no longer acts (e.g., brought about by expulsion from school).

The use of role theory in an explanation of delinquency is demonstrated by Hackler (1970):

The model presented here is that children who are in a recognisable status (lower class, for example) are expected to behave in a predicted way. These predictions or anticipations on the part of the adult world are perceived by the child and are important to the development of his self-concept. The *perceived* responses constantly indicate to the child the type of person he is and what is expected of him. This leads to self-categorisations and, along with the perceived expectations, influences the roles he will seek to play in an effort to

behave in ways compatible with his imagined characteristics and capacities. The responses of others include not only responses of significant others who stand in a primary relation to the boy, such as parents and peers, but also of persons who represent community institutions crucial to his future goal attainment, such as teachers and employers.

This can be represented diagrammatically:



Hackler found empirical support for his model, except for the last stage (endorsement of delinquent norms).

The theories developed from role analysis tend to emphasise norms and overlook situational contingencies. Heald (1970) has suggested that an individual must not only know the rules governing social situations but he must also develop strategies, which are plans of actions, shaped by contingencies. This involves G. H. Mead's concept of an ability to "take the role of the other". Heald's study, replicated in New Zealand by Flaws, *et al.* (1971), where youths play a simulation game, demonstrated that those youths incarcerated in a treatment centre consistently adopted a competitive strategy, while a sample of male school children of the same age adopted a co-operative strategy. A possible interpretation is that juveniles who encounter the police are more likely to be arrested or prosecuted if they cannot "take the role of the other" by seeing the situation from the other's viewpoint, and hence adopting a co-operative strategy, showing appropriate politeness and demeanour, rather than encouraging conflict.

Convergences

The labelling approach does not yet form a unified body of theory, but there have been several attempts to draw various elements together. Davis (1972) gives a paradigm showing three basic theoretical streams: structural, interactional, and control approaches.

With recent interest in phenomenology, particularly Berger and Luckmann's (1967) theoretical development, a linking of this approach with labelling theory has been suggested by several writers. Youngquist (1971) outlines five axioms describing a label, which may be summarised:

- (a) As a programme for action: by defining the moral qualities of an object a label tells us what our attitudes and actions should be when we encounter an object;
- (b) As a cognitive and evaluative definition: a label organises a "thing" in one's experience and establishes its status within some hierarchy of goodness and evilness;
- (c) As a means of control: ideological conflict involves the labelling of one's opponents so as to encourage predetermined responses and moral defensiveness towards them;
- (d) As an act of political legislation: labels not only legitimate but also determine the structure and distribution of power within a society in legislation or ideological beliefs;
- (e) As a vote for world view: acceptance or rejection of a label is a choice of both social behaviour and a moral view, and a way in which each person participates in the social construction of reality.

Schur (1971: chapter 6) demonstrates the linkage of phenomenology and ethnomethodology with labelling theory. However, when applied these approaches are often microscopic with little linking to social structure. Schur suggests possible developments with structural-functional models (p. 139) and conflict theories (p. 148). Lemert (1974) has recently attempted to bring together some of the various approaches into a group interaction model.

Rotenburg (1974) integrates labelling into role theory in a more general way. Primary, or categorical labels relate to one's social position or ascribed roles (e.g., sex, race) while a secondary or descriptive label refers to concrete behaviour which is related to secondary or achieved roles (e.g., alcoholic, artist, academic).

Conclusion

Labelling plays an important part in the shaping of deviant roles. Social differentiation into deviants and non-deviants results from public conceptions of the characteristics of these roles. This public conception can be shaped by official agencies and the mass media, with an underlying ideological bias resulting from the differential power and ability of various groups in society to form role conceptions and apply labels. Labelling can become a part of the process of legitimating the control of groups in society whose interests conflict with the interests of those in power.

Following Taylor, Walton and Young (1973:165, 270) an adequate model of the process involved in the development of deviant behaviour requires an analysis of:

- (a) The wider origins of the behaviour—structural, cultural and psychological;
- (b) The immediate origins—situational background;
- (c) The actual act—is it problem solving, instrumental, expressive, collective, degree of rationality;
- (d) The immediate social reaction;
- (e) The wider origins of social reaction—vested interests, how it is maintained, its variability;
- (f) The effect of reaction on the deviant's further action and commitment—internalisation, amplification, and deterrence;
- (g) Persistence and change in the above processes and resulting changes in deviant activity.

Chapter 3

THE LABEL OF DELINQUENT: THE POLICE AND COURTS AS PROCESS

In this chapter the labelling approach will be applied to the analysis of delinquency.

The process of societal reaction falls into two parts: the first being decision making by official agencies, culminating in court appearance and punishment, and the second being the subsequent reaction of others in society at large. This process approach focuses on discrimination by the police and the courts and tends to be a micro-level analysis. We should note Gouldner's (1968) point that an examination of minor officials can neglect the problem of political power in a wider context. However, the analysis that follows has an important bearing on theories of delinquency and from these to wider social theories.

Decisions in the Judicial Process

The first stage of societal reaction is initiated when any member of the public makes a complaint to an official agency such as the police, or from direct police surveillance. Black (1970) in a survey of several United States cities studied the interaction between the complainant and the police. He found that the police decision to write an official report depended upon the complainant's social status, deference shown towards the police, and the relational distance between complainant and suspect (official action was less likely the closer the kinship relation). While the complainant's preference for informal or official action was often followed, the police also tended not to recognise minor offences. Black suggests that the complainant may be the most important social force binding the law to social organisation.

Other United States studies suggest that when the police come into contact with a suspect, situational determinants may influence the outcome. Black and Reiss (1970) found that factors such as the degree of respect shown by a juvenile suspect towards the police, was related to the probability of arrest. While the availability of evidence was important in the decision to arrest, a relatively large proportion of the youths encountered by the police were not arrested, nor an official report written, indicating that the police exercised considerable discretion. The arrest rate for Negroes was higher than for whites, but

this appeared to be related to the seriousness of the offence, and Black and Reiss concluded that no racial discrimination was evident.

Piliavin and Briar (1964) found that the youths' appearance and demeanour were of importance in decisions by police patrolmen and racial discrimination was evident.

A study in Brisbane by Smith (1975) showed that the nature of the interaction between a gang of youths and the police perpetuated conflict leading to violence between the youths and the police.

The way in which officials conceive and deal with the delinquency "problem" is important. In comparing police practices in two United States cities, Cicourel (1968) found that different official policies, together with different background expectations held by police and probation officers*, produced different numbers of officially defined delinquents.

The decision to arrest lies with the policeman on patrol, but alternatively if he decides to file a report, the decision to prosecute lies at a later stage. In New Zealand the Youth Aid Section, in consultation with social welfare officers (previously child welfare), make a recommendation which is given final approval by a commissioned police officer†. The youth aid officer may make a home visit, noting points such as co-operative attitude of juvenile and parents, home conditions, school record, and the juvenile's outside interests (e.g., sport).

The police often have an official policy of keeping juveniles out of courts whenever possible (for New Zealand see Mooney, 1971:37, 64) with an attitude towards rehabilitation. The official criteria for the decision not to prosecute (e.g., warn only) are outlined by Burrows (1967:36) and may be summarised:

- (a) The offence is minor;
- (b) The child admits to the offence;
- (c) He has no previous record, or if so, unusual circumstances justify no prosecution;
- (d) Restitution or compensation is resolved;
- (e) Parents co-operate by accepting advice.

In an attempt to detect sources of bias in decision making, Weiner and Willie (1971) analysed police records in two United States cities at the level of the decision to prosecute, made by juvenile officers (equivalent to New Zealand youth aid officers). They found no relationship between the juvenile officer's decision to prosecute and the suspect's race or social class, and suggested that juvenile officers deliberately avoid bias at this point in the process. However, some bias may have occurred when the suspect was apprehended by a

*In many United States cities probation is a police duty, sometimes as an alternative to prosecution (i.e., court referral).

†Children's Boards, as established under the Children and Young Persons Act (1974), will alter this procedure.

patrolman. On the other hand, Thornberry (1973) did find that Negroes were more likely to be referred to a court hearing than being handled informally. This relationship held when seriousness of the offence and previous record were controlled. A similar bias was observed for those youths with low socio-economic status, but unfortunately Thornberry did not control for the interaction between class and race.

In a New Zealand study of a sample of first offenders taken from youth aid records at Auckland Central Police Station, Hampton (1974b) found that Maori youths were more likely to be prosecuted than non-Maori youths. However, for females, home background variables were more relevant, those from broken homes or what the youth aid officers considered poor home environments were more likely to be prosecuted. This suggests that court records will contain an overrepresentation of Maori males and of females from poor home background or broken homes as a result of biases* at the level of the police decision to prosecute, rather than those factors being related to offending as such.

The validity of their decisions is of interest to the police. Mooney (1971: 65-68) reports two studies of reoffending following the police decision whether to prosecute or not for a first offence. In a Christchurch study, 32 percent of those who were not prosecuted (including males and females) reoffended within 2 or 3 years. No comparisons with those prosecuted were given. In a Wellington study, 75 percent of those for whom prosecution was recommended reoffended (measured by conviction for a second offence) while 40 percent of those who were warned reoffended, in a time period of 2 to 8 years. However, when boys only were considered the percentages were 60 percent and 48 percent for those prosecuted and not prosecuted respectively. Mooney (p. 68) suggests that this result indicates that those who are prosecuted are judged to be "more serious problems" and consequently more likely to reoffend. These results could also be explained by labelling theory. Those who were prosecuted have the role of "delinquent" enforced upon them.

It is difficult to reach an unequivocal interpretation. Hampton (1974b) found a similar small degree of relationship in the sample taken from Youth Aid Section records. Of those first offenders who were not prosecuted, 36 percent came to notice again, while of those who were prosecuted, 50 percent came to notice again.

The point of sanction, application of power, and legitimation of the prior decisions, is the court. "It is a sharp rite of transition, at once moving him (the deviant) out of his normal position in society and transferring him into a distinct deviant role." (Erikson, 1964:16). This process involves confrontation between the suspected deviant

*Bias is used here in the statistical sense only.

and representatives of his community, who announce some judgment and perform an act of social placement, assigning him to a special role. However, there is no ceremony to mark any role-reversal when the ex-deviant is returned to the community after treatment or rehabilitation.

Rubington and Weinberg (1968:113) apply their "theory of the office" to the courts:

Once again, an abstract system of categories steps between persons and facts, with the results that the construction of a set of cases is what is required if the courts are to perform. Justice is served most rapidly to the extent that court personnel can collaborate to make the facts fit their ideas of what cases are supposed to look like.

In a study of a United States juvenile court, Emerson (1969) concluded that court decisions were based on two criteria: "trouble" and "moral character". The court developed a relatively narrow definition of delinquency and separated "mild" or "normal" cases from those involving "trouble". Mild cases are those of normal teenage or child misbehaviour, whereas trouble is based on an understanding that the child has a "serious underlying problem", determined from background factors (e.g., broken home, emotional disturbances, persistent truancy, parents' ability to supervise). The construct "moral character" differentiated "trouble" cases into "normal", "hardcore", and "disturbed", and this determined the court's decision. Moral character was assessed from previous behaviour; a normal delinquent being one whose behaviour could be explained by background factors, but who appeared to basically accept conventional norms, the hardcore delinquent being a persistent offender, and the disturbed juvenile being one who showed signs of psychological disorder.

It is interesting to note at this point that judgments of psychological disorder, by court or social work personnel, may not be reliable. Skinner (1971) using a semantic differential test, found that probationers who were recommended for psychological treatment were no different, before or after, than a sample of probationers for whom treatment had not been recommended.

The court's attitude towards children is supposed to be based on what May (1971) has called the "treatment ideology" rather than on punitive measures, where delinquent acts are seen as but a symptom of an "underlying maladjustment". Treatment as a primary goal of the judicial system is assumed to be a self-evident truth. This emphasis can be seen in the Child Welfare Act (1925, 1927); the Children and Young Persons Act 1974; Mooney 1971: chapter 2; Department of Social Welfare, 1973:24; and is discussed in more detail in Hampton 1973 (a), 1974 (a). This view stems from a medical model of delinquency (Balch 1975). May argues that "... the social worker and other treatment agencies are directed to search for what may be considered as

other manifestations of social malfunctioning. There is in practice a high degree of consensus as to the form that these will take— unstable family background, poor work record, bad school reports, dirty home, delinquent associates, truculent attitude to authority, etc.” Since these factors are correlates of social class, the system will discriminate against lower class children.

This will tend to create a self-fulfilling prophecy, and generate an *apparent* relationship between the above-mentioned factors and delinquency, even if there is no direct causal relationship. Only those with the characteristics *thought* to be symptoms are more likely to be prosecuted and sentenced to institutions. Researchers then “discover” these characteristics among institution populations or in official records and conclude that these are causes of delinquency, thereby helping to perpetuate the cycle.

Another source of class bias in court decisions may arise from the ability of middle class parents to mobilise alternative resources (Cicourel, 1968:331) such as psychiatric help or sending their son to boarding school and thereby avoiding official punishment or treatment (e.g., borstal). This results from informal bargaining over police and court dispositions.

Ethnic minorities are often overrepresented in official statistics. Arnold (1971) found, in a United States juvenile court, that Negroes were more likely to be sent to a correctional institution than whites. Seriousness of offence, previous offence history (official), and parental situation (broken homes) were controlled for. Similarly, Thornberry (1973), analysing cohort data (collected by Wolfgang, Figlio, and Sellin, 1972) found that Negroes were less likely to have their cases dismissed and more likely to be sentenced to an institution, rather than receiving probation. These relationships remained when seriousness and previous offence history were controlled. A correlation with social class was also observed, but a drawback in Thornberry's methodology was a lack of control for the relationship between social class and race. A New Zealand study by Jensen (1970:19) showed that Islanders received more severe penalties than Europeans, and Maoris received more severe penalties than Islanders.

Scarpitti and Stephenson (1971) studied the decision making process of judges in a United States juvenile court and concluded: “to the extent that the (correctional) programmes are organised progressively to treat youths increasingly more delinquent or possessing characteristics usually associated with delinquency risk, the court appears to be making effective dispositions.” They found that the reformatory tended to receive a greater proportion of boys who were black, low social class, and of low educational attainment. Previous offence history was also related to the degree of supervision and confinement imposed by the court. However, Scarpitti and Stephenson's results

could also be explained by labelling theory. This leads to the problem, mentioned in chapter 2, of distinguishing between the effects of characteristics which are associated with the causes of delinquent behaviour and those which are related to biases in decision making.

The ultimate sanction available to the Children's Court is to commit the juvenile to an institution. That “institutionalisation” often has a considerable effect upon a person is well known, and this effect must be distinguished theoretically from any labelling effect. An interesting point to note here is the phenomenon of self-labelling. Many ex-inmates carry tattoos, often on the hands which are readily visible, indicating to any observer that they have been in a particular institution. Similarly, the beneficial effect of any treatment programme must be considered theoretically distinct from any labelling or delabelling, however, to date there has been no empirical study which sorts out these two possible effects.

The final stages of the labelling process involves the reactions of other persons in the community: school teachers, friends, family, neighbours, and prospective employers. Often the social worker, when preparing a report for the court, will contact the child's school teacher or headmaster, or in the case of working persons, the employer. In this way other persons whose behaviour can have a direct effect on the child, come to be aware that the child is in “trouble” regardless of the actual outcome of the court appearance.

Fisher (1972) studied the effect of the “delinquent” label on samples of United States and Canadian school children and concluded that the label had little effect on school attainment. Those who were labelled were more likely to perform poorly at school than those who had never been labelled, but their performance was poor even before they acquired the label, suggesting some prior cause for both. Foster, *et al.* (1972) interviewed boys who had previously appeared in Juvenile Court, and found that few perceived themselves to be seriously handicapped in their relationships with teachers and neighbours, but about half saw a possible difficulty when applying for jobs. Buikhuisen and Dijksterhuis (1971), who used job applications by letter, found that those with a delinquency record were less likely to be accepted for employment. From these two studies it appears that labelling could reinforce lower class status by inhibiting upward mobility via occupational achievement. In relationship to the peer group, court decisions may have unintended consequences. As Werthman (1969) points out, a boy who is under supervision or on probation and who knows that he will go to borstal if he is caught for theft or joyriding one more time can demonstrate more courage than boys who have never been caught. Similarly, if the court orders that a boy discontinue his association with particular friends, it is then possible for him to demonstrate even greater loyalty than before.

The relationship between labelling and self-concept was examined by Jensen (1972) who found that a delinquent self-concept was related to official delinquency (measured by number of offences on police records), the relationship being much stronger for whites than Negroes. A delinquent self-concept is not necessarily a negative self-concept; Miller's subcultural theory (see chapter 1) would suggest that delinquency results from an attempt to gain a positive self-concept within the context of a gang. Jensen found no relation between delinquency (official) and negative self-concept.

Some researchers have placed labelling in a wider cultural context and emphasise the meanings given to actions and situations. Armstrong and Wilson (1973) studied a youth gang in Glasgow and found that the gang problem was largely created by the local council, police and newspapers. The city council chose one area for an attempt to run a community project, enlisting the help of gang "leaders". This actually helped to create the gangs and leaders, which were originally not so well organised and did not have the degree of cohesion that outsiders assumed they had. The mass media drew a dramatic picture of the situation which led the public, and consequently the police and council, to over-react. The nature of police patrols and police intervention created antagonisms and led the youths in the area to attack the police patrols. Another study of the way in which the public reaction, including the press and the police, brings about "deviancy amplification" is that of the "mods" and "rockers" in England (Cohen, 1972). While the deviancy amplification spiral is initiated by some rule-breaking act, the public reaction precipitates further deviance. The mass media played an important role in developing images and stereotypes which led *all* youths wearing a particular style of clothing to be seen as delinquent. Increased police activity, stemming from the newly created public and political demand that "something be done", created increased conflict between the police and the "mods" and "rockers" and also between the latter and other members of the public. This served to confirm the stereotypes thereby completing the self-fulfilling prophecy.

Testing the Theory

There have been relatively few attempts to test labelling theory compared with the number of theoretical articles in the literature. Meade (1974) in another United States study found no selective bias in terms of race, social class, and broken homes in the decision to refer juveniles to court. However, those who were referred to court were more likely to reoffend, in terms of coming to police notice again, while race, social class, and broken homes were not related to reoffending. While this study supported the reoffending prediction of labelling theory, Meade himself argues that it was not an adequate

test since subjective data, such as self-concept and commitment are needed. Ageton and Elliot (1974) in a longitudinal study measured psychological attributes on a socialisation scale and found changes in scores on the scale for those males who came into contact with the police. Self-reported delinquency was not as important as police contact in producing a delinquent orientation. Fisher and Erickson (1973) examined probation and incarcerated samples and compared these with juveniles placed in a special treatment programme. They claimed that their findings supported a social control model (i.e., deterrent or treatment model) rather than labelling theory. Different sentences may have different labelling effects. An Australian study by Kraus (1974) showed that those male first offenders who were fined were less likely to reoffend than those who were placed on probation, but this relationship did not hold for those with a previous offence history.

Another longitudinal study over 8 years, of boys in a working class London suburb, was carried out by West (West and Farrington, 1973) who concluded that the data could support any of the current theories of delinquency. There was evidence both for and against labelling theory (p. 161, 200). The findings of Wolfgang, Figlio, and Sellin (1972: 226) based on a longitudinal cohort study supported labelling theory: both the probability of committing a subsequent offence increases with the number of official contacts, and also the more severe the sentence, the higher the probability of committing a subsequent offence. However, here again, the support for labelling theory is not unequivocal as competing theories could not be completely discounted.

Summary

The labelling process, when applied to juvenile delinquents, can be summarised by considering it as consisting of six or seven steps.

- (1) The first step in the labelling process may come when a person decides to make a complaint to an official agency. Consequently, an initial source of bias, in official statistics, may result from discrimination by complainants, as subsequent police action will reflect the demands of the complainant.

An alternative first step may occur when an official agent (e.g., policeman or social worker) comes into direct contact with a young person and decides an offence has been committed, or further investigation is required.

- (2) The second step involves the initial decision by an official agent either to arrest, write an official report for later consideration (by Department of Social Welfare, or Youth Aid Section), or to resolve the situation informally.

- (3) At the third stage a decision is made, by the police, whether to prosecute or not (unless the juvenile was arrested and consequently this stage omitted). The Youth Aid Section officer may make a home visit. The decision to prosecute is made in "conference" with social workers* and this would be the first point of application of the "treatment ideology". Here a person's illegal behaviour is not the only criterion, for the notion of treatment leads to a consideration of other behaviour and circumstances (e.g., child's attitude, home background).
- (4) A fourth step involves the writing of a report for the Children's Court by a social worker who must decide what information is relevant, and consequently determines much of the information made available to the court relevant to the treatment ideology.
- (5) The fifth step in the labelling process takes place in the Children's Court†, the point at which the previous decisions in the process are sanctioned and the final disposition arrived at. Decisions here will reflect the application of the treatment model. Following Emerson (1969), the dispositions will be made on the basis of two criteria: "trouble" as indicated by background factors and previous welfare contact, and "moral character" as shown by previous offence history.
- (6) The sixth step is when the court's sanction is applied, if so required. The extreme is placement in an institution, with supervision or probation at least an occasional reminder to the youth of his court appearance and that he is still considered to be a "problem".
- (7) The final step involves the reaction of others in the community: family, friends, teachers, neighbours, and others, such as employers, who have the power to make decisions affecting the juvenile's future life.

Hypotheses

The empirical work in this report was designed to study labelling at two levels: (a) at the fifth stage above—the court decision, and (b) the results of the sixth and seventh steps—reoffending in terms of reappearance in court.

In considering the court decision, Emerson's two constructs referred to earlier in this chapter, "trouble" and "moral character" can be used. Trouble can be defined in terms of the child's previous contact with official agencies such as police, social workers, or the

*Since the implementation of the Children and Young Persons Act (1974) the Children's Boards consider prosecutions at this stage.

†Now termed a Children's and Young Persons' Court.

Department of Education's psychological services. These contacts suggest that the child has exhibited "problem" behaviour in the past, or that his home situation is unsatisfactory*. The construct "moral character" distinguishes those who are considered to have a commitment to a delinquent or criminal career, as evidenced by their previous court record, from those who have no such commitment and no record. The treatment ideology suggests that those who come from what is considered to be a poor background, such as a broken home, or those exhibiting problem behaviour, are more likely to receive a "remedial" sentence such as supervision rather than being simply admonished and discharged. In extreme cases they will receive custodial sentences.

Further, previous studies have suggested that Polynesians and also those in the lower social classes are more likely to be considered to have a criminal character or to be some sort of problem. An additional effect here is that poor home backgrounds may be related to low social class.

For the second part, the cumulative effects of the reaction of the community, including social workers and the police, will result in further court appearances. Different sentences will have different effects. Supervision by a social worker serves as a continuing reminder of the court appearance and of the label "delinquent", whereas those admonished and discharged are not subjected to this. A custodial sentence will presumably have a greater effect. Not only will the experience of custody have a psychological effect but other persons are more likely to regard the child as "delinquent" or "criminal", on his return to the community.

The above reasoning can be restated in the following hypotheses:

- (1) Those who have one or more of the following characteristics recorded in their welfare report to the court will be more likely to receive supervisory or custodial sentences than those who do not:
 - (a) Come from a broken home;
 - (b) Are Polynesian;
 - (c) Whose father's occupation is low on the social class scale;
 - (d) With previous court appearances;
 - (e) With previous contact with the Youth Aid Section, child welfare (social welfare) including preventive supervision of the family, or the Department of Education's psychological services.
- (2) The likelihood of reappearing in court will be greater for those who have previously received a supervisory sentence than

*As discussed in the methodology section, it was not possible to obtain a suitable measure of home conditions and so this factor cannot be considered.

those who were admonished and discharged, and those who have a previous custodial sentence are more likely to reappear than those who have not.

Previous studies, and provisions in legislation, indicate that those in different age groups will receive different sentences. Consequently, it will be necessary to control for age. This will be done by dividing the sample into two age groups: 12 to 14 years and 15 to 16 years. Those younger than 12 years will not be included due to small numbers. In addition, there are sex differences in offending and so it will be necessary to consider males and females separately. We would also expect the seriousness of the offence for which the child is charged to be related to the sentence and so this must be measured.

For the second hypothesis, only the sentencing of those appearing for the first time will be considered, to control for the effects of prior offence and sentencing history and to allow for a suitable follow-up period only those in the younger age group will be taken as the base sample.

Chapter 4

METHODOLOGY

Source

The data for this study was taken from Children's Court records kept at the Wellington Magistrate's Court. The record for each individual consisted of a charge sheet, summons sheet (where applicable), and a social welfare (or before April 1972, child welfare) report*. Sometimes additional information such as a psychiatric report was presented. The bulk of the relevant data was on the child welfare report, or probation report where applicable. In some cases the welfare or probation report was missing and so the records of the Wellington district offices of the Department of Social Welfare and the Probation Service were searched to see if a report was in fact given. In some cases a verbal report only was given at the time of the hearing and no case report was filed, although some information was given on the record (face) sheet filed at the district office. In addition, follow-up data on reoffending was obtained from the *Police Gazette*.

Sample

The sample was not randomly selected, and was stratified to increase the proportion of females and Polynesian males to make their numbers more statistically manageable. The sample comprised all those with date of birth in 1955 who appeared in the Wellington Children's Court between the years 1968 and 1972 inclusive, plus females and Polynesian males with date of birth 1956 who appeared during the period 1969 to 1973. Appearances include cases where the child's parents were charged under the Child Welfare Act (1927). The sample totalled 982 cases. Omitted from the sample were:

- (a) All those cases where the child was remanded for psychiatric observation, or detained in a mental hospital (9);
- (b) Thirty-eight cases where all the charges were dismissed;
- (c) Thirteen cases where the number of previous court appearances was not known;
- (d) Fifteen cases of males who were the subject of not under proper control complaints;
- (e) All cases involving only traffic charges;
- (f) All charges of breach of probation;
- (g) All proceedings involving appeals.

*Social workers concerned with the Children's Court came under the Child Welfare Division of the Department of Education prior to April 1972, and since then the newly formed Department of Social Welfare.

Operational Definitions

The variables were defined in terms of the following measures:

- (a) Social class—The measure of social class used here was based on a ranking of the occupation of the child's father. Where the father was dead or information missing, the mother's occupation was used or if the youth was employed his own occupation.

The data were coded in terms of a three point scale which corresponded to scores on the Congalton-Havighurst scale (Vellekoop, 1969) of 1.0 to 4.59, 4.60 to 6.59, and 6.60 to 7.9, referred to here as levels 1, 2, and 3 respectively. Level 1 comprised occupations such as professional, technical, higher-ranking officials, businessmen, and farmers. Level 2 comprised clerical workers, skilled manual and supervisory manual workers and those owning a small business. Level 3 comprised semi and unskilled workers and welfare beneficiaries.

- (b) Race—This was indicated on the welfare report and placed in the categories European and Maori or Islander. Where the degree of Maori blood was indicated those half-caste or more were assigned to the category Maori. Due to small numbers, the Islanders were combined with the Maoris into the category Polynesian, which was used in the subsequent analysis.
- (c) Parental situation—A space is provided on the social welfare form to indicate whether the family was intact or not, and it was usually possible to establish details from the account in the case report. This was coded in the parents together category if the parents were married (parents being the legal definition to include adopted children with the addition of those apparently permanent, but not legal, adoptions) and into the part category if the parents were living apart, or divorced, or never married.
- (d) Seriousness—At present there is no satisfying way of scaling seriousness. However, a four point scale was drawn up, the details of which are given in appendix I. Cases where the child's parents were subject to a not under proper control complaint were coded in a special category which included complaints of delinquent child and indigent child. In some cases the hearing involved both NUPC and criminal charges; these were coded as NUPC only. For convenience these complaints under the Child Welfare Act will be referred to as NUPC in the text.
- (e) Sentence—This was defined in terms of the actual court decision and grouped into the following categories:

- (i) Custodial: Care of the Child Welfare Superintendent (or since April 1972, care of the Director-General of Social Welfare), Detention in a Detention Centre, Borstal, and Periodic Detention.

- (ii) Supervisory: Supervision by a Child Welfare Officer (or since April 1972, supervision by a Social Welfare Officer), probation, ordered to come up if called. This category included the sentence of extension to a period of supervision or probation.

- (iii) Admonished and discharged, convicted and discharged, fined, discharged under section 42 of the Criminal Justice Act (1961).

These sentences are described in detail in other publications such as the introduction to the Justice Department Penal Census 1972 (Department of Justice, 1975) and in *Juvenile Crime in New Zealand* (Department of Social Welfare, 1973). Only those aged 15 years and over can be sentenced to probation, borstal, or periodic detention, and only those aged 16 years and over to detention in a detention centre. Those aged under 15 years receive only the alternative sentences of admonished and discharged, supervision or care.

- (f) Adjudgments—Adjudgments of over 2 weeks were recorded. In most cases the final sentence was arrived at fairly promptly, sometimes an adjournment of 1 or 2 weeks being necessary. However, in the Children's Court, adjournments may also play a role different to that in the Magistrate's Court. Adjudgments of 1 or 2 months in custody provide a period of observation in a welfare home before deciding on the final sentence. Adjudgments "at large", usually 3 or 6 months, provide an opportunity to see if the child will reoffend or if the family situation will settle down.
- (g) History—Information on previous police contact (Youth Aid Section warning) and child welfare or social welfare notice was usually shown in the social worker's report. Included here was past family contact by child welfare (or social welfare) officers, preventive supervision of the family or child, and referrals to the Department of Education's psychological services.
- (h) Previous appearance—The social worker's report usually gave details of the child's known offence history. The number of previous Children's Court appearances was recorded.
- (i) Reoffending—Since some of those appearing in the Wellington Children's Court would later appear in other courts, their subsequent Children's Court history was traced through the

Police Gazette as well as through the Wellington Children's Court records. Reoffending was measured by the number of appearances (i.e., new cases, adjournments were not counted) in the Children's Court subsequent to first appearance.

(j) Recommendation—The social worker's, or probation officer's, recommendation was recorded and whether or not this concurred with the Magistrate's decision. In some cases a verbal report was given by the social worker and the recommendation was not shown. In cases where the social worker recommended a probation report the outcome was recorded in the "concur" category if the Magistrate called for a probation report and followed the probation officer's recommendation. When the accused was already on probation, a probation officer's report rather than a social worker's report was usually called for.

Attempts were made to evaluate other details which appeared in the social worker's report, including home conditions and the child's attitudes. However, the reports were not consistent in style and content and the results cannot be presented.

Statistics

The data were analysed by cross tabulation and percentaging. In all tables percentages are given with raw figures in brackets. Chi-square values were computed, the criterion level of significance being the 0.05 level. In order to measure the strength of relationship a measure of association known as Yules Q in the two by two case, and Gamma for cases other than two by two, was computed (Davis, 1971:75). This measure will be referred to as Gamma in all cases. Gamma has a direct "percentage reduction in error" interpretation (Costner, 1965). To assist readers who are not familiar with these measures, an explanation is given in appendix II.

Not all of the required data were present for some individuals. Rather than omit these from the sample, they were only omitted from the table containing the relevant variable. In each table the total number of individuals (N) is given, variations from table to table indicate the numbers omitted for the above reason. As indicated under Sample, this did not apply to those whose previous offence history was not known, who were omitted from the sample.

Chapter 5

RESULTS PART I—SENTENCING

The relationships between sentencing and the variables considered are summarised in table 1 in terms of Gamma values and significance. For convenience, the tables corresponding to each relationship are given in appendix III, rather than in the text. Table 1 is broken down by age and sex since, as mentioned earlier, there are likely to be age and sex differences in sentencing. Another reason for keeping the age groups separate is that only the younger age group will be considered in an examination of reoffending and it is necessary to keep the correlates of sentencing in mind when considering the effect of sentencing on reoffending. The table also distinguishes those appearing for the first time and those who have one or more previous appearances. As indicated in the previous chapter, in the male data those cases involving NUPC (etc.) charges were omitted, due to small numbers which would make interpretation difficult. However, the NUPC cases make up a substantial proportion of the female cases and are retained in the female sample.

The relationships in the data for each group will be discussed below.

TABLE 1—Sentencing—Values of Gamma and Significance from Chi-square

Sub-sample	Males					
	First Appearance, 12-14 (N = 84)	Years	One or Previous Appearances, 12-14 Years (N = 58)	More Appea- 12-14 (N = 58)	First Appearance, 15-16 (N = 186)	Years One or Previous Appearances, 15-16 Years (N = 317)
<i>Variable</i>	<i>Sentence</i>					
Seriousness ..	0.43	S	0.50	NS	0.68	S
Social class ..	0.47	S	0.48	NS	0.31	S
Race ..	0.31	NS	-0.28	NS	0.33	NS
Parental situation ..	0.50	S	-0.08	NS	0.03	NS
History ..	0.16	NS	N.A.		0.41	S
Previous appearances	N.A.		0.06	S	N.A.	0.30 S

Sub-sample	Females					
	First 12-14 Years (N = 76)	Appearance, Years	First 15-16 Years (N = 115)	Appearance, Years	One or More Previous Appearances, 15-16 Years (N = 130)	
<i>Variable</i>	<i>Sentence</i>					
Seriousness ..	0.16	NS	0.58	S	0.56 S	
Charge type ..	0.92	S	0.82	S	0.10 S	
Social class ..	0.37	NS	0.09	NS	0.00 NS	
Race ..	0.19	NS	0.36	NS	-0.09 NS	
Parental situation ..	0.51	S	0.38	NS	-0.25 NS	
History ..	0.47	S	0.43	NS	N.A.	
Previous appearances ..	N.A.		N.A.		-0.06 NS	

Notes:

- (1) Females 12-14 years, with one or more previous appearances are omitted due to small numbers.
- (2) S means statistical significance, NS means that chi-square did not reach statistical significance (0.05 level).

Males, First Appearance at Age 12 to 14 Years

For this group there were no custodial sentences. As might be expected the seriousness of the offence for which the child was charged was related to the sentence. Social class and parental situation were also related to sentence to a statistically significant extent, while race showed a moderate, but not statistically significant, relationship with sentence. To make sure that race did not contribute to the relationship between sentence and social class, it is necessary to control for race, as shown in table 2, where it can be seen that a relationship between sentence and social class is maintained, but is not statistically significant for the Polynesian group. This can be taken to indicate that the relationship of social class with sentencing is not spurious with respect to race.

TABLE 2—Sentence by Social Class, Within Racial Groups, Males 12–14 Years, First Appearance

Race	Non-Polynesian						Polynesian					
	1 (high)		2		3 (low)		1 (high)		2		3 (low)	
Sentence	%	N	%	N	%	N	%	N	%	N	%	N
Supervision ..	15	(2)	37	(7)	50	(6)	100	(1)	30	(3)	59	(16)
A & D or fine ..	85	(11)	63	(12)	50	(6)	0	(0)	70	(7)	41	(11)
Total ..	100		100		100		100		100		100	
					(N = 44)						(N = 38)	
Gamma = 0.47, chi square = 3.44, P greater than 0.05						Gamma = 0.37, chi square = 8.69, P less than 0.05 2 by 2 Gamma = 0.55 (omitting class level 1)						

Another variable which could contribute to the relationship between social class and sentencing is seriousness, which is related to social class, as shown in table 3.

Table 3—Seriousness by Social Class, Males 12–14 Years, First Appearance

Social Class	1 (high)		2		3 (low)	
Seriousness	%	N	%	N	%	N
3 (high) ..	23	(3)	31	(9)	40	(15)
2 ..	23	(3)	45	(13)	42	(16)
1 (low) ..	54	(7)	24	(7)	18	(7)
Total (N = 80)	100		100		100	

Gamma = 0.29, chi-square = 6.72, P greater than 0.05.

When seriousness is controlled by considering the relationship between social class and sentence within seriousness categories (table 4), the relationship remains. The distributions in table 4 cannot be expected to maintain statistical significance, due to small numbers in each cell, but the fact that the Gamma values do not vary greatly from that in the original relationship (see table 1) indicates that seriousness cannot account for the correlation between sentence and social class.

TABLE 4—Sentence by Social Class, Within Seriousness Categories*, Males 12–14 Years, First Appearance

Seriousness	1 (low)						2						3 (high)					
	1		2		3		1		2		3		1		2		3	
Sentence	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N
Supervision ..	14	(1)	14	(1)	57	(4)	0	(0)	31	(4)	44	(7)	33	(1)	56	(5)	67	(10)
A & D or fine ..	86	(6)	86	(6)	43	(3)	100	(3)	69	(9)	56	(9)	67	(2)	44	(4)	33	(5)
Total ..	100		100		100		100		100		100		100		100		100	
					(N = 21)						(N = 32)						(N = 27)	
Gamma = 0.64						Gamma = 0.45						Gamma = 0.35						

*One at seriousness level 4 omitted.

Similarly, there is a relationship between social class and parental situation (table 5), although this was not statistically significant except when class levels 1 and 2 were combined. Here again, it is necessary to control for the effects of either variable in its influence on sentencing. When parental situation is controlled by considering the relationship between social class and sentence for only those from intact homes (table 6), it can be seen that the relationship is maintained in strength (Gamma drops slightly from 0.47 to 0.45), although statistical significance is lost, due to smaller numbers in the table. This can be interpreted as showing that the influence of social class on sentencing was not due to the relationship between social class and broken homes.

Table 5—Parental Situation by Social Class, Males 12–14 Years, First Appearance

Social Class	1 (High)		2		3 (Low)	
Parents	%	N	%	N	%	N
Apart ..	14	(2)	7	(2)	27	(10)
Together ..	86	(12)	93	(27)	73	(27)
Total (N = 80)	100		100		100	

Gamma = 0.44, chi-square = 1.69, P greater than 0.05.
For the 2 by 2 case Gamma = 0.57, chi-square = 4.55, P less than 0.05 (omitting social class level 1).

Table 6—Sentence by Social Class, Parents Together, Males 12–14 Years, First Appearance

Social Class	1 (High)		2		3 (Low)	
Sentence	%	N	%	N	%	N
Supervision ..	9	(1)	37	(10)	48	(13)
A & D or fine ..	91	(10)	63	(17)	52	(14)
Total (N = 65)	100		100		100	

Gamma = 0.45, chi-square = 5.12, P greater than 0.05.

Conversely, the effect of broken homes on sentencing could have been boosted by the influence of social class. However, when social class is controlled, the relationship between parental situation and sentence remains (table 7), although statistical significance is lost due to smaller numbers in the table. The table for class levels 1 and 2 was omitted, as only four persons fell into the parents apart category (see table 5). This means that the relationship between sentence and parental situation was not spurious with respect to social class. Finally, the sentence-broken homes correlation could be due to a relationship between seriousness and parental situation. When this relationship is considered (table 8), its low strength indicates that this could not be so, further supporting the argument that the sentence-broken homes correlation is a genuine one.

Table 7—Sentence by Parental Situation, Lowest Social Class Category, Males 12-14 Years, First Appearance

Parents			Together		Apart	
			%	N	%	N
Sentence			48	(13)	80	(8)
Supervision ..	..	..	52	(14)	20	(2)
A & D or fine ..	..	..	100		100	
Total (N = 37)	..	..		

Gamma = 0.62, chi-square = 3.02, P greater than 0.05.

Table 8—Seriousness* by Parental Situation, Males 12-14 Years, First Appearance

Parents			Together		Apart	
			%	N	%	N
Seriousness			34	(22)	38	(6)
3 (high) ..	..	..	39	(25)	44	(7)
2 ..	..	..	28	(18)	19	(3)
1 (low) ..	..	..	100		101	
Total (N = 81)	..	..		

Gamma = 0.13, chi-square = 0.54.

*One at seriousness level 4 omitted.

Males, 12-14 Years, Who Have One or More Previous Appearances

From table 1 it can be seen that although some of the correlations with sentencing are comparable to the sample of males appearing for the first time in this age group, only one of the correlations reaches statistical significance, partly because of the smaller size of this sample. The relationship between sentence and the number of previous appearances is statistically significant, but a low value of Gamma indicates that it is not a linear relationship (see table 10, appendix III).

It must be pointed out that if this sub-sample were to be combined with the sub-sample of males 12-14 years, appearing for the first time, the relationships of both seriousness and social class with sentence would become statistically significant, while the correlation with race would be reduced to almost zero.

Males, First Appearance at 15-16 Years

Similarly with the younger age group, seriousness and social class were related to sentencing, while in contrast parental situation was not. Previous contact with the Child Welfare Division (or more recently the Department of Social Welfare) or the police Youth Aid Section, showed a relationship with sentencing, again in contrast to the younger age group (table 1).

Race showed a moderate, but not statistically significant, relationship with sentence. Here again, to ensure that this did not contribute to the social class-sentence correlation, race was controlled as in table 9, where it can be seen that, rather surprisingly, the correlation decreases in the non-Polynesian group, but increases (from a Gamma value of 0.31 to 0.72) in the Polynesian group. Statistical significance is lost in both cases. Interpretation here is difficult because while race is not significantly related to sentence, it contributes to the overall class-sentence correlation via a class-sentence relation within the Polynesian group.

The sentence-history correlation must also be examined for spuriousness. History was not related to seriousness to a statistically significant extent and with a relatively low Gamma (0.18, table 10), and so the relationship with sentence was not due to seriousness.

TABLE 9—Sentence by Social Class, Within Categories of Race, Males 15-16 Years, First Appearance

Race	Non-Polynesian						Polynesian			
Social Class	1 (high)		2	3 (low)		1 (high)		2	3 (low)	
Sentence	%	N	%	N	%	N	%	N	%	N
Custody	0	(0)	2	(1)	3	(1)	0	(0)	0	(0)
Supervisory	29	(8)	8	(4)	28	(8)	0	(0)	13	(2)
A & D or fine	71	(28)	90	(47)	69	(20)	100	(3)	87	(14)
Total	100		100		100		100		100	
					(N = 117)				(N = 61)	
Gamma = 0.13, chi square = 7.38, P greater than 0.05						Gamma = 0.72, chi square = 5.36, P greater than 0.05				

Table 10—Seriousness* by History, Males 15-16 Years, First Appearance

History		None		Welfare or Y.A.S. Notice	
		%	N	%	N
Seriousness		35	(45)	47	(24)
3 (high) ..	..	41	(52)	33	(17)
2 ..	..	24	(31)	20	(10)
1 (low) ..	..	100		100	
Total (N = 179)	..				

Gamma = 0.13, chi-square = 2.8, P greater than 0.05.

*One at seriousness 4 omitted.

The remaining possible interaction to be considered is that between social class and history. As shown in table 11, this relationship was statistically significant, and so social class must be controlled in the relationship between history and sentence, as in table 12, where it can be seen that a relationship remains at class levels 2 and 3, but reverses for class level 1. Due to small numbers, none of these sub-tables can reach statistical significance.

Table 11—History by Social Class, Males 15–16 Years, First Appearance

Social Class	1 (High)		2		3 (Low)	
History	%	N	%	N	%	N
Welfare or Y.A.S. Notice	16	(6)	25	(17)	38	(26)
None	84	(32)	75	(50)	62	(43)
Total (N = 174)	100		100		100	

Gamma = 0.35, chi-square = 6.23, P less than 0.05.

TABLE 12—Sentence by History, Within Categories of Social Class, Males 15–16 Years, First Appearance

Social Class	1 (high)		2		3 (low)	
History	None	Notice	None	Notice	None	Notice
Sentence	%	N	%	N	%	N
Custodial	0	(0)	0	(0)	5	(2)
Supervisory	22	(7)	8	(4)	26	(11)
A & D or fine	78	(25)	92	(45)	70	(30)
Total	100		100		100	
	(N = 38)		(N = 67)		(N = 69)	
	Gamma = -0.12		Gamma = 0.53		Gamma = 0.29	

Males, 15–16 Years, Who Have One or More Previous Appearances

In this group seriousness showed a statistically significant relationship with sentence, as in the groups of males appearing for the first time. Similarly with the younger age group (one or more previous appearances), the number of previous appearances was also related to sentence. However, in contrast to the other male groups, social class was not related to sentence. Race and parental situation were also unrelated to sentencing.

Females, First Appearance at 12–14 Years

At this point it should again be noted that the female samples differ from the male groups by the inclusion of “not under proper control” cases. While seriousness was not related to sentence (see table 1), the charge category was. The NUPC cases were more likely to receive custodial sentences (see appendix III, table 22), in this case care of the Child Welfare Superintendent (or since April 1972, the Director-General of Social Welfare). Neither race nor social class showed statistically significant relationships with sentence.

Those from broken homes were more likely to receive a custodial sentence. This observation could be explained by a relationship between charge type and broken homes. In table 13, where charge type is controlled, it can be seen that the relationship retains its strength in each sub-table, although statistical significance is lost, due to the smaller numbers in each sub-table.

TABLE 13—Sentence by Parental Situation, Within Charge Categories, Females 12–14 Years, First Appearance

Charge Type	Non-NUPC		NUPC	
Parental Situation	Together	Apart	Together	Apart
Sentence	%	N	%	N
Care	0	(0)	16	(4)
Supervision	30	(9)	80	(20)
A & D or fine	70	(21)	4	(1)
Total	100		100	
	(N = 40)		(N = 35)	
	Gamma = 0.50, 2 by 2 Gamma = 0.40 (omitting care)		Gamma = 0.69, 2 by 2 Gamma = 0.67 (omitting A & D or fine)	

Those females with a previous history of contact with the police or child welfare were more likely to receive custodial or supervisory sentences. Here again it is necessary to control for charge type, and when this is done, as in table 14, it can be seen that the relationship remains, although reduced in strength somewhat.

TABLE 14—Sentence by History, Within Charge Categories, Females 12–14 Years, First Appearance

Charge Type	Non-NUPC		NUPC	
History	None	Welfare or Y.A.S. Notice	None	Welfare or Y.A.S. Notice
Sentence	%	N	%	N
Care	0	(0)	18	(3)
Supervision	32	(9)	82	(14)
A & D or fine	68	(19)	0	(0)
Total	100		100	
	(N = 40)		(N = 36)	
	Gamma = 0.39, 2 by 2 Gamma = 0.26 (omitting care)		Gamma = 0.32, 2 by 2 Gamma = 0.50 (omitting A & D or fine)	

Females, 12–14 Years, Who Have One or More Previous Appearances

The reader is reminded that this sub-sample was not analysed, since only 16 individuals fell into this category, making interpretation of any relationships impossible.

Females, First Appearance at 15-16 Years

In contrast to females in the younger age group, but similar to the males, a relationship between seriousness and sentence was evident (see table 1), but it was not a simple increasing straight line one. Although the Gamma value of 0.58 is surprisingly high, the main contribution comes from the two by two cell grouping, omitting seriousness level 3 and the sentence of care. (See appendix III, table 26). In addition, those who were the subject of NUPC complaints were more likely to receive custodial or supervisory sentences.

Social class was not correlated with sentence to any extent, but race showed a moderate relationship. When charge type is controlled the racial bias remains for the non NUPC cases but is reduced for the NUPC cases (table 15).

TABLE 15—Sentence by Race, Within Charge Categories, Females 15-16 Years, First Appearance

Charge Type	Non-NUPC				NUPC			
Race	Non-Polynesian		Polynesian		Non-Polynesian		Polynesian	
Sentence	%	N	%	N	%	N	%	N
Custodial ..	2	(1)	4	(1)	19	(3)	7	(1)
Supervisory ..	14	(8)	30	(8)	56	(9)	71	(10)
A & D or fine ..	84	(49)	67	(18)	25	(4)	21	(3)
Total ..	101		101	(N = 85)	100		99	(N = 30)
Gamma = 0.45, 2 by 2 Gamma = 0.46 (omitting custodial)				Gamma = -0.11, 2 by 2 Gamma = 0.19 (omitting A & D or fine.)				

Similarly, sentencing was not related to broken homes to a statistically significant extent, except when the two by two case was considered (see appendix III, table 27). Again it is necessary to control for charge type, as in table 16, where a statistically significant relationship remains for the non NUPC grouping, when the two by two case is considered.

TABLE 16—Sentence by Parental Situation, Within Charge Categories, Females 15-16 Years, First Appearance

Charge Type	Non-NUPC				NUPC			
Parental Situation	Together		Apart		Together		Apart	
Sentence	%	N	%	N	%	N	%	N
Custodial ..	2	(1)	0	(0)	13	(3)	14	(1)
Supervisory ..	13	(8)	40	(8)	61	(14)	71	(5)
A & D or fine ..	86	(55)	60	(12)	26	(6)	14	(1)
Total ..	101		100 (N = 84)		100		99 (N = 30)	
For the 2 by 2 case, omitting care, Gamma = 0.64, chi-square = 7.27, P less than 0.05				Gamma = 0.22, chi-square = 0.37, P greater than 0.05				

Previous contact with police or child welfare (or social welfare) was not related to sentence, except in the two by two case. Yet again it is necessary to control for charge type (table 17). Here the Gamma values are reduced, suggesting that the correlation between sentence and previous history was due to a relationship between history and charge type. Table 18 shows that this was in fact the case, previous history was strongly related to the charge type and so the relationship shown in table 1 between sentence and previous history can be regarded as spurious.

TABLE 17—Sentence by History, Within Charge Categories, Females 15-16 Years, First Appearance

Charge Type	Non-NUPC				NUPC			
History	None		Welfare or Y.A.S. Notice		None		Welfare or Y.A.S. Notice	
Sentence	%	N	%	N	%	N	%	N
Custodial ..	2	(1)	6	(1)	13	(2)	14	(2)
Supervisory ..	18	(12)	24	(4)	60	(9)	64	(9)
A & D or fine ..	81	(55)	71	(12)	27	(4)	21	(3)
Total ..	101		101	(N = 85)	100		99	(N = 29)
For the 2 by 2 case				Gamma = 0.10, chi-square				
Gamma = 0.21, chi-square				= 0.00, P greater than 0.05				
= 0.29, P greater than 0.05								

TABLE 18—Charge Type by History, Females 15-16 Years, First Appearance

History	None		Welfare or Y.A.S. Notice	
Charge Type	%	N	%	N
NUPC ..	18	(15)	45	(14)
Non-NUPC ..	82	(68)	55	(17)
Total (N = 114)	100		100	

Gamma = 0.58, chi-square = 8.73, P less than 0.05.

Females, 15-16 Years, Who Have One or More Previous Appearances

As with the females in this age group who appeared for the first time, sentence was related to seriousness. Charge type was also related to sentence to a statistically significant extent, but rather weakly, indicated by a low Gamma value. However, none of the other variables showed a significant relationship with sentences (see table 1).

Sentencing and Previous Court Appearances—The First Appearance and Reappearance Groups Compared

It was asserted in the earlier chapters that those appearing for the first time would have a different sentencing pattern when compared with those who had previously appeared. Empirical evidence of this can be seen in tables 19 and 22 where the sentences of those appearing

for the first time are compared with those who have appeared before, in each sex and age group. The table for females aged 12-14 years does not reach statistical significance, due to the small number of females with a previous court history.

TABLE 19—Sentence by Previous Court Appearances, Males 12-14 Years

Previous Appearances			None		One or More	
			%	N	%	N
Sentence						
Custody	..	..	0	(0)	10	(6)
Supervision	..	..	44	(37)	71	(41)
A & D or fine	..	..	56	(47)	19	(11)
Total (N = 142)	..	..	100		100	

Gamma = 0.71, chi-square = 24.6, P less than 0.05.

TABLE 20—Sentence by Previous Court Appearances, Males 15-16 Years

Previous Appearances			None		One or More	
			%	N	%	N
Sentence						
Custody	..	..	3	(5)	15	(52)
Supervisory	..	..	19	(36)	28	(90)
A & D or fine	..	..	78	(146)	55	(175)
Total (N = 504)	..	..	100		99	

Gamma = 0.59, chi-square = 33.2, P less than 0.05.

TABLE 21—Sentence by Previous Court Appearances, Females 12-14 Years

Previous Appearances			None		One or More	
			%	N	%	N
Sentence						
Care	..	..	15	(11)	31	(5)
Supervision	..	..	51	(39)	56	(9)
A & D	..	..	34	(26)	13	(2)
Total (N = 92)	..	..	100		100	

Gamma = 0.48, chi-square = 4.25, P greater than 0.05.

TABLE 22—Sentence by Previous Court Appearances, Females 15-16 Years

Previous Appearances			None		One or More	
			%	N	%	N
Sentence						
Custodial	..	..	5	(6)	22	(26)
Supervisory	..	..	30	(35)	34	(41)
A & D or fine	..	..	64	(74)	45	(54)
Total (N = 236)	..	..	100		101	

Gamma = 0.41, chi-square = 15.96, P less than 0.05.

Adjournments

While a sentence is the final outcome of a court hearing, this may be delayed by an adjournment. The reader is reminded that those adjourned for psychiatric observation were omitted.

An adjournment in custody was taken to be any period of custody over 2 weeks. Adjournment at large seems to be used in the Children's

Court context as a form of suspended sentence. The child is given time to "settle down" to see if he or she will reoffend or continue to misbehave. Most of the females adjourned in custody were the subject of NUPC, etc, complaints. Details of adjournments within subsamples are given in appendix IV. Of the total 982 cases, 96 (9.8 percent) were adjourned in custody and 53 (5.4 percent) were adjourned at large.

Social Worker's Case Report

Before concluding the discussion on sentencing, the role of the social worker's case report to the court must be considered. Of the total of 982 cases in the sample, 22 (2.2 percent) were covered by verbal reports only. There appeared to be no report in 32 (3.3 percent) cases and for 13 (1.3 percent) cases there was a report but no recommendation. Of the recommendations which were given (915 cases), the Magistrate's decision differed in 72 (7.9 percent) cases. In some 27 (3.0 percent) this difference was minor, for example, a change from a recommendation of a fine to admonished and discharged. For 45 (4.9 percent) of the cases, the change was a major one, for example, from admonish and discharge to supervision. In other words the social worker's recommendation was followed in most cases. Consequently, it is probable that the major determinant of any bias in sentencing comes from the social worker rather than the Magistrate. Since a major change in recommendation occurred in only 4.6 percent of the total cases, this number was too small to examine systematically to see whether or not the Magistrate reduced or amplified the biases in sentencing. The above figures do not include the 13 cases where the number of previous appearances were not known, as mentioned in chapter 4 under Sample, because the social worker's report gave no indication. In those 13 cases, 6 had no reports, 3 were verbal, 1 gave no recommendation, and in 1 there was a major change from the recommendation. Cases where there was a verbal report or no report usually involved less serious offences, such as a person under the legal age on premises licensed to sell liquor.

Chapter 6

REOFFENDING

In this chapter, as in the last, most of the tables are placed in appendix III. The results are summarised in table 23 which shows the degree of relationship between the variables considered in the previous chapter and reoffending, measured by the number of reappearances, in terms of Gamma coefficients and statistical reliability. The reader is again reminded that for this analysis, only those who appeared in the Children's Court for the first time between the ages of 12 and 14 years inclusively were used as the base sample. This allowed a follow-up until those in the sample attained the age of 17 years, and no longer came under the jurisdiction of the Children's Court.

TABLE 23—Reappearance: Values of Gamma and Statistical Significance from Chi-Square*

Variable	Reappearance			
	Males (N = 84)		Females (N = 76)	
Sentence	0.61	S	0.19	NS
Seriousness	0.14	NS	0.08	NS
Social class	0.45	NS	0.27	NS
Race	0.60	S	0.18	NS
Parental situation	0.53	S	0.16	NS
History	0.27	NS	0.28	NS
Charge type	NA		0.25	NS

*S indicates significance, NS non-significance, at the 0.05 level.

Females

From table 23 it can be seen that for the females, reappearance was not related to a statistically significant extent to any of the variables considered, and the values of Gamma are lower than the male values for all variables except for history. The problem of reaching statistical significance partly arises from the small numbers of females who reoffend. In order to compare the Gamma value in the sentence-reappearance correlation with that found in the male data, the non-NUPC cases only were examined, as shown in table 24. The Gamma value (0.27 in the two by two case, omitting one sentence to care) is much lower than the value of 0.61 achieved in the male case.

TABLE 24—Reappearance by Sentence, Females, Non-NUPC Cases at First Appearance*

Sentence	A & D or Fine		Supervision	
	%	N	%	N
Reappearance	..	..	..	..
One or more ..	24	(6)	35	(5)
None ..	76	(19)	64	(9)
Total (N = 39)	100		99	

Gamma = 0.27.

*One sentenced to care omitted.

Males

For the males, sentence showed the strongest relationship with reappearance, supporting the prediction from labelling theory. Race and parental situation also showed fairly strong and statistically significant relationships, while social class did not, although the Gamma value for social class is fairly high. Here again is the problem of interpretation of the observed relationships and the possibility of spuriousness due to the interaction of other variables.

When race is controlled in the relationship between sentence and reappearance (table 25) the relationship remains in strength, but statistical significance is lost in the Polynesian data. Conversely, when sentence is controlled in the correlation between race and reappearance (table 26) the relationship again remains, although it is no longer statistically significant in the supervision category. These results can be interpreted as meaning that race and sentence have independent effects on reappearance.

TABLE 25—Reappearance by Sentence, Within Categories of Race, Males

Race	Non-Polynesian				Polynesian			
Sentence	A & D or fine Supervision				A & D or fine Supervision			
Reappearances	%	N	%	N	%	N	%	N
Twice or more	..	7 (2)	41 (7)		50 (9)		75 (15)	
Once	..	31 (9)	29 (5)		11 (2)		15 (3)	
Nil	..	62 (18)	29 (5)		39 (7)		10 (2)	
Total	..	100	99 (N = 46)		100		100 (N = 38)	
Gamma = 0.62, chi-square = 8.73, P less than 0.05				Gamma = 0.52, chi-square = 5.47, P greater than 0.05				

TABLE 26—Reappearance by Race, Within Categories of Sentence, Males

Sentence	A & D or Fine				Supervision			
Race	Non-Polynesian		Polynesian		Non-Polynesian		Polynesian	
Reappearances	%	N	%	N	%	N	%	N
Twice or more	..	7 (2)	50	(9)	41	(7)	75	(15)
Once	..	31 (9)	11	(2)	29	(5)	15	(3)
Nil	..	62 (18)	39	(7)	29	(5)	10	(2)
Total	..	100	100	(N = 47)	99		100	(N = 37)
Gamma = 0.55, chi-square = 11.82, P less than 0.05				Gamma = 0.57, chi-square = 4.45, P greater than 0.05				

Since parental situation is related to reappearance it is necessary to control for this in the correlation between sentence and reappearance, as in table 27 (the parents apart sub-table is not shown due to small numbers), where it can be seen that the relationship remains. When sentence is controlled in the relationship between parental situation and reoffending, the relationship increases for those admonished and discharged and decreases for those under supervision (table 28). Due to small numbers in the parents apart category, the tables do not reach statistical significance and so interpretation is difficult.

TABLE 27—Reappearance by Sentence, Parents Together, Males

Sentence	A & D or Fine		Supervision	
	%	N	%	N
Reappearances	..	20	56	(14)
Twice or more	..	20	24	(6)
Once	..	61	20	(5)
Nil	..	101	100	
Total (N = 66)	..			

Gamma = 0.65, chi-square = 12.09, P less than 0.05.

TABLE 28—Reappearance by Parental Situation, Within Categories of Sentence, Males

Sentence	A & D or Fine				Supervision				
Parental Situation	Together		Apart		Together		Apart		
Reappearance	%	N	%	N	%	N	%	N	
Twice or more	..	20	(8)	40	(2)	56	(14)	67	(8)
Once	..	20	(8)	60	(3)	24	(6)	17	(2)
Nil	..	61	(25)	0	(0)	20	(5)	17	(2)
Total	..	100		100	(N = 46)	100		101	(N = 37)
	Gamma = 0.71				Gamma = 0.18				

Similarly when parental situation is controlled in the relationship between race and reappearance, there is little change (table 29). It is also necessary to control for race in the relationship between reappearance and parental situation, as in table 30. Here again, the value of Gamma remains fairly high, increasing above that in table 23, for the non-Polynesian group, and decreasing from 0.53 to 0.44 for the Polynesian group. Due to smaller numbers in each sub-table, statistical significance was lost. However, these results indicate that race, sentence, and parental situation have independent effects on reappearance.

TABLE 29—Reappearance by Race, Parents Together, Males

Race	Non-Polynesian		Polynesian	
	%	N	%	N
Reappearance	..	16	57	(16)
Twice or more	..	26	14	(4)
Once	..	58	29	(8)
Nil	..	100	101	
Total (N = 66)	..			

Gamma = 0.60, chi-square = 12.42, P less than 0.05.

TABLE 30—Reappearance by Parental Situation, Within Categories of Race, Males

Race	Non-Polynesian				Polynesian			
Parental Situation	Together		Apart		Together		Apart	
Reappearance	%	N	%	N	%	N	%	N
Twice or more	..	16 (6)	38	(8)	57	(16)	78	(7)
Once	..	26 (10)	50	(4)	14	(4)	11	(1)
Nil	..	58 (22)	13	(1)	29	(8)	11	(1)
Total	..	100	101 (N = 46)		100		100 (N = 37)	
Gamma = 0.64					Gamma = 0.44			

There is one final variable to be considered. Although social class does not show a statistically significant relationship with reappearance, the Gamma value (0.45) is fairly high, so it is important to see if social class is making a contribution to the observed race-reappearance correlation. When social class is controlled, as in table 31, the correlation between race and reappearance remains and is statistically significant, indicating that this relationship was not spurious, that is, not due to the effects of social class.

TABLE 31—Reappearance by Race, Within Social Class Categories*, Males

Social Class	2 (mid)				3 (low)			
	Non-Polynesian		Polynesian		Non-Polynesian		Polynesian	
Race	%	N	%	N	%	N	%	N
Reappearances								
Twice or more	..	26 (5)	70 (7)		17 (2)	65 (17)		
Once	..	26 (5)	0 (0)		33 (4)	12 (3)		
Nil	..	47 (9)	30 (3)		50 (6)	23 (6)		
Total	..	99	100 (N = 29)		100	100 (N = 38)		
	Gamma = 0.53, chi-square = 6.13, P less than 0.05				Gamma = 0.64, chi-square = 7.90, P less than 0.05			

*Class level 1 (high) not shown due to small numbers of Polynesians at that level.

Chapter 7

SUMMARY AND DISCUSSION

Findings—Sentencing

In most sub-samples those who were charged with the more serious offences were more likely to receive a supervisory or custodial sentence. This is what we would expect from the assumption that sentencing operates on a punitive basis* (i.e., "the punishment fits the crime") rather than simply the treatment ideology which suggested that treatment rather than punishment is the prime goal of the juvenile justice system. However, the fact that sentencing was also related to the number of previous court appearances indicates that the "moral character" construct of Emerson's (1969) does apply. This compares with Gibson's (1973:237) suggestion that probation officers perceive offenders in terms of criminal careers and make their recommendations according to the stage at which they see offenders in that career.

In the female sub-samples the type of charge, NUPC or not, was related to sentencing. This is partly because NUPC charges are brought by the social worker in situations where he or she wishes to gain extended control over the child or family. Consequently, we can expect supervision or care to be more likely in these cases since this was the outcome the social worker desired to obtain. Care will be a likely outcome in cases where the social worker believes that it is necessary to remove the child from his or her home situation.

Overall there was no evidence of a racial bias in sentencing. The exception was that Polynesian females appearing for the first time, 15 to 16 years, on non-NUPC charges, were more likely to receive a supervisory sentence than to be admonished and discharged. For the males, social class was generally the more important variable, with the exception of those aged 15-16 years with one or more previous appearances where class and race biases were both absent. This supports Gronfers and Mugford's (1973) suggestion that social class rather than race was the more important variable in sentencing†. However, it must be pointed out that this does not entirely counter the criticism that the judicial system supports institutional racism, but rather suggests that the mechanism lies in factors related to social class rather than resulting from a direct bias, such as racial prejudice.

*To some extent this relationship is "built-in" because the less serious offences have less severe penalties.

†On the other hand, Gronfers and Mugford found that probation officers gave different explanations for the causes of the behaviour of Maori offenders compared with European offenders.

Generally, the correlation with variables other than seriousness (and charge type in the case of females) shown at the time of first appearance are reduced in the samples of those with one or more previous appearances. For the males, the number of previous appearances comes to be an important variable, as noted above.

Other correlations predicted by labelling theory and the treatment ideology are those between sentence and both parental situation and history of previous contact with the Youth Aid Section or welfare workers. These were both shown for the females aged 13 to 14 years at first appearance, while a relationship with parental situation only was shown for males in that age group.

Findings—Reoffending

The reader is again reminded that these observations apply only to the sample comprising those who first appeared at the age of 12 to 14 years, followed up until they attained the age of 17 years. None of the males in this sub-sample received a custodial sentence at the first appearance, while for the females only one non-NUPC case and about one-third of the NUPC cases received custodial sentences.

Males sentenced to supervision at their first appearance were more likely to reoffend than those admonished and discharged, the proportions reappearing being 82 percent and 46 percent respectively. However, this reoffending prediction from labelling theory did not gain support in the data for females. The latter observation counts against labelling theory in so far as we would expect labelling to apply equally as well to either sex.

For the males, Polynesians and those from broken homes were more likely to reappear. This high reoffence rate for Polynesians compares with a similar finding for Maori males in data based on police (youth aid) records (Hampton, 1973, 1974b). However, in that sample, those from broken homes were not more likely to reoffend.

In the female data there were no statistically significant relationships evident, and the strength of the relationships, as measured by Gamma, were generally lower than those observed in the male data.

The lack of relationship between the child's previous contact with police youth aid or welfare workers suggests that early offending and misbehaviour or family pathology are not signs of pre-delinquency. This observation also goes against the prediction from labelling theory that contact with those agencies will lead to reoffending.

Discussion

The general observation that the delinquency rate for females is invariably lower than the rate for males remains problematic for theories of crime and delinquency. This sex difference should provide a basis for comparisons. For example, if broken homes were relevant

in the causation of delinquency we would expect equal numbers of male and female delinquents arising from this source. But this does not seem to be the case. Instead there are probably many interaction effects with sex-role expectations both in the causation of offending and the labelling reactions to it.

An example of sex differences in the official reaction is Hampton's (1974b) finding that in the police decision to prosecute or warn first offenders, females from broken homes or poor home backgrounds were more likely to be prosecuted, but this was not evident in the data for males. On the other hand, in the study of sentencing reported in chapter 5 of this report sex differences were not readily apparent. However, social class was less relevant in the case of females. The fact that a much greater proportion of females compared to males appear as the subject of NUPC and other complaints under the Child Welfare Act accounts for many of the custodial sentences (namely care) received by females.

When delinquency is measured in terms of reoffending sex differences are again evident. The correlations between reappearance and social class, broken homes and race being lower for females, suggesting that these variables interact with sex roles.

The observed high reappearance rate for Polynesian males is not easy to explain. It does not appear to arise from biases in the levels of sentencing, or the decision to prosecute subsequent to the first offence*, nor the labelling effects of sentencing. This does not discount the possibility of discrimination by those who report offences to the police, or that social workers and policemen are more likely to take official action in terms of writing a report in the case of Polynesian suspects, rather than dealing with the matter completely informally (steps one and two, chapter three).

This high rate of reappearance of Polynesians could result from a criminal label being applied before police contact. Duncan (1972) suggests that the media play a role in reinforcing stereotypes held by the general public, including the police. The Department of Social Welfare (1973:16) reports that 40 percent of all Maori youths aged 16 years and under appear in the Children's Court, compared with 10 percent of all non-Maori youths. If one were to include first offenders appearing in the Magistrate's Court, this percentage would probably be greater. In other words, the judicial system labels a large proportion of Maori males as having a criminal character, and this would lead the public and police to give any Maori male the label of "criminal" even before he acquires an official record. This would also help to explain the increased likelihood of prosecution of Maori youths at the first time to notice.

*Not reported elsewhere is the finding in the data collected by Hampton (1973b) that there was no racial bias in the decision to prosecute those males coming to notice for the second or more time.

Another theoretical question must be directed at the social class-race correlation, which leads to an examination of the historical roots of the present structure of New Zealand society. In considering the position of the Maori people in relation to urban growth and industrial development, one must consider the historic alienation of Maori land and the destruction of the indigenous Maori economy (see Ward, 1973). In this way, the explanations of Maori crime in terms of adjustment to city life (Te Punga, 1971; O'Malley, 1973) can be placed in a better theoretical perspective.

Similarly, the migration, both permanent and temporary, from the Pacific Islands must be seen in the context of providing a flexible unskilled work force necessary for the growth of industry in New Zealand. These processes are also relevant to an understanding of the social class structure, and mobility within this structure. A supply of unskilled labour "feeding" in at the bottom of the class structure allows Europeans to become upwardly mobile.

The use of the word race in this study must not be interpreted as indicating genetic factors. While this variable is directly measured by the obviously genetically related genealogical origin and physical characteristics, there is no reason to suspect that the observed high rate of crime among Polynesian males results from genetic causes. While there are probably social and cultural causes, the culture-conflict theory and the related urban adjustment theory both lack sufficient analysis and specific detail, and together with a lack of empirical data fail to give a convincing account.

Pitt and Macpherson (1974) suggest that the Samoan community has adapted to New Zealand life, with their traditional social structure and culture assisting this adjustment. The causes of Samoan crime more probably arise from the problems of status and identity faced by Samoan youth (p. 110).

There remains the question of conflict between Polynesian cultures and the enforcement of European laws, a complex issue which is outside the scope of this study. This issue is discussed by Hohepa (1973), and Ward (1973) gives an historical account.

Labelling

The relationship, in the males data, between reoffending and sentencing is not unequivocal support for labelling theory. This relationship could be explained in two ways.

- (a) Social workers can identify those who are more likely to reoffend and recommend supervision as a remedial sentence. However, supervision has little beneficial effect since less than 20 per cent never reoffend.
- (b) Social workers cannot distinguish those who are more likely to reoffend, the relationship results solely from labelling.

In terms of the present data it was not possible to distinguish these possibilities.

Young males from broken homes were both more likely to be sentenced to supervision and reoffend. However, it appeared that those from broken homes who are sentenced to supervision were no more likely to reoffend than those from intact homes who were also sentenced to supervision. In contrast, of those admonished and discharged, youths from broken homes were more likely to reoffend than those from intact homes. Again, it appears that sentencing those from broken homes to supervision had little remedial effect.

In terms of perception of delinquency risk (hypothesis (a) above) social workers did not make recommendations identifying Polynesians as a group likely to reoffend.

While the five variables listed in hypothesis 1, chapter 3, did not gain consistent support in the overall data some variables held in particular sub-samples, suggesting points where further investigation is necessary.

This research did not examine the reasons given in the social worker's report for the recommendation to the court. An attempt was made to do this, but no useful result was reached since no consistent reasons were evident.

As indicated in earlier chapters, home background data was not used. While one could build up a picture of the offender's background over a number of reports, corresponding to successive appearances, this would build in a correlation with those factors and reoffending. In other words, comparative data for those appearing only once was not easily obtained from sometimes rather sparse reports.

The results reported in this study were based on a sample taken from a particular Children's Court and consequently generalisations are not readily made. Data from courts in rural areas or other cities could give a different picture.

REFERENCES

- Ageton, Suzanne S., and Delbert S. Elliott
1974. "The effects of legal processing on delinquent orientations." *Social Problems*, 22 (October): 87-100.
- Akers, Ronald
1972. "Comment on Gove's evaluation of societal reaction as an explanation of mental illness." *American Sociological Review*, 37 (August): 487-488.
- Akers, R. L.
1968. "Problems in the sociology of deviance: social definitions and behaviour." *Social Forces*, 46 (June): 455-464.
- Armstrong, Gail, and Mary Wilson
1973. "City politics and deviancy amplification." Pp. 61-89 in Jan Taylor and Laurie Taylor (eds), *Politics and Deviance*. Harmondsworth: Penguin.
- Arnold, William R.
1971. "Race and ethnicity relative to other factors in juvenile court dispositions." *American Journal of Sociology*, 77 (September): 211-227.
- Balch, Robert W.
1975. "The medical model of delinquency: theoretical, practical, and ethical implications." *Crime and Delinquency*, 21 (April): 116-130.
- Baldock, Cora Vellekoop
1971. *Vocational Choice and Opportunity*. Christchurch: University of Canterbury.
- Becker, Howard S.
1963. *Outsiders: Studies in the Sociology of Deviance*. Glencoe: Free Press.
- Bedggood, David
1974 (a). "Power and welfare in New Zealand. Notes on the political economy." *Australian and New Zealand Journal of Sociology*, 10 (June): 104-111.
- Bedggood, David
1974 (b). "A simple problem of accounting." *Wagon Mound* (September): 16-18.
- Bedggood, David
1973. Social Problems and Social Policy in New Zealand. Unpublished manuscript. Sociology Department, University of Auckland.
- Berger, Peter L., and Thomas Luckmann
1971. *The Social Construction of Reality*. London: Penguin.
- Black, Donald J.
1970. "Production of crime rates." *American Sociological Review*, 35 (August): 733-747.
- Black, Donald J., and Albert J. Riess, Jr.
1970. "Police control of juveniles." *American Sociological Review*, 35 (February): 63-67.
- Box, Steven, and Julianne Ford
1971. "The facts don't fit: on the relationship between social class and criminal behaviour." *Sociological Review*, 19 (January): 31-52.
- Bryan, J. H.
1966. "Occupational ideologies and individual attitudes of call girls." *Social Problems*, 13 (Spring): 441-450.
- Buikhuisen, Wouter, and P. H. Dijksterhuis
1971. "Delinquent Stigmatization." *British Journal of Criminology*, 11 (2 April): 185-187.
- Burkett, S. R.
1972. "Self-other systems and deviant career patterns." *Pacific Sociological Review*, 15 (April): 169-184.
- Burrows, B. L.
1967. "The role of the New Zealand Police: prevention, detection, and prosecution." Pp. 32-44 in Peter J. Blizard (ed), *Juvenile Delinquency in New Zealand*. Wellington: Royal Society of New Zealand.
- Bytheway, W. R., and D. R. May
1971. "On fitting the 'facts' of social class and criminal behaviour: a rejoinder to Box and Ford." *Sociological Review*, 19 (November): 558-607.
- Chiricos, Theodore G., Philip D. Jackson, and Gordon P. Walds
1971. "Inequality in the imposition of a criminal label." *Social Problems*, 19 (Winter): 553-572.
- Cicourel, Aaron V.
1968. *The Social Organization of Juvenile Justice*. New York: Wiley.
- Cloward, Richard A., and Lloyd B. Ohlin
1960. *Delinquency and Opportunity. A Theory of Delinquent Gangs*. Glencoe: Free Press.
- Cohen, Albert K.
1966. *Deviance and Control*. Englewood Cliffs: Prentice-Hall.
- Cohen, Stanley
1972. *Folk Devils and Moral Panics: the Creation of Mods and Rockers*. London: MacGibbon and Kee.
- Costner, Herbert L.
1965. "Criteria for measures of association." *American Sociological Review*, 30 (June): 341-353.
- Davis, James A.
1971. *Elementary Survey Analysis*. Englewood Cliffs: Prentice-Hall.
- Davis, Nanette J.
1972. "Labelling theory in deviance research: a critique and reconsideration." *Sociological Quarterly*, 13 (Autumn): 447-474.
- DeLamater, John
1968. "On the nature of deviance." *Social Forces*, 46 (June): 445-455.
- Department of Justice
1975. *Justice Department Penal Census 1972*. Wellington: Department of Justice.
- Department of Social Welfare
1973. *Juvenile Delinquency in New Zealand*. Wellington. Government Printer.
- Duncan, Leith S. W.
1972. "Racial considerations in Polynesian crime." Pp. 30-41 in Graham Vaughan (ed.), *Racial Issues in New Zealand*. Auckland: Akarana.
- Duncan, Leith S. W.
1970. Crime by Polynesians in Auckland. Unpublished M.A. thesis, University of Auckland.
- Eisner, Victor
1969. *The Delinquency Label: the Epidemiology of Juvenile Delinquency*. New York: Random House.

- Emerson, Robert M.
1969. *Judging Delinquents: Context and Process in Juvenile Court*. Chicago: Aldine.
- Erikson, Kai T.
1966. *Wayward Puritans: a study in the Sociology of Deviance*. New York: Wiley.
- Erikson, Kai T.
1964. "Notes on the sociology of deviance." Pp. 9-31 in Howard S. Becker, *The Other Side: Perspectives on Deviance*. Glencoe: Free Press.
- Fisher, Gene A., and Maynard L. Erickson
1973. "On assessing the effects of official reactions to juvenile delinquency." *Journal of Research in Crime and Delinquency*, 10 (July): 177-194.
- Fisher, Sethard
1972. "Stigma and deviant careers in school." *Social Problems*, 20 (Summer): 78-83.
- Flaws, John, Mary Court, and David Vaughan
1971. Incarceration and a Sense of the Rules: Strategy Differences Among Juveniles, A Partial Replication. Unpublished manuscript. University of Auckland.
- Foster, Jack Donald, Simon Dinitz, and Walter C. Reckless
1972. "Perceptions of stigma following public intervention for delinquent behaviour." *Social Problems*, 20 (Fall): 202-209.
- Frazer, G.
1963. The Parent-Adolescent Relationship: a Factor in Delinquent Behaviour. Unpublished M. A. thesis, University of Otago.
- Friedman, Samuel
1969. "How is racism maintained?" *et al*, 2 (Fall): 18-21.
- Gibbons, Don C., and J. F. Jones
1971. "Some critical notes on current definitions of deviance." *Pacific Sociological Review*, 14 (January): 20-37.
- Gibson, R. E.
1973. "Recommending sentence—N.Z. probation officer's pre-sentence reports." *The Australian and New Zealand Journal of Criminology*, 6 (December): 231-239.
- Gouldner, Alvin W.
1968. "The sociologist as partisan: sociology and the welfare state." *American Sociologist*, 3 (May): 103-116.
- Gove, W. R.
1970. "Societal reaction as an explanation of mental illness: an evaluation." *American Sociological Review*, 35 (October): 873-884.
- Gronfors, Martti J., and Stephen K. Mugford
1973. Race Justice or Class Justice? Some Data from a Pilot Study on Sentencing of First Offenders. Paper presented to the annual conference of the New Zealand Sociological Association.
- Hackler, James C.
1970. "Testing of a causal model of delinquency." *Sociological Quarterly*, 11 (Fall): 511-522.
- Hagan, John
1973. "Labelling and deviance: a case study in the 'sociology of the interesting'." *Social Problems*, 20 (Spring): 447-458.
- Hampton, Ross E.
1974 (a) Juvenile Delinquency and its Treatment: A Critical Analysis of Social Welfare Policy in New Zealand. Paper presented to the annual conference of the New Zealand Sociological Association.
- Hampton, Ross E.
1974 (b). The Social Construction of Statistics: Labelling Theory Applied to the Police Decision to Prosecute Juveniles. Paper presented to the annual conference of the New Zealand Sociological Association.
- Hampton, Ross E.
1973 (a) "The poverty of the welfare state: the case of delinquency treatment." *New Zealand Social Worker*, 9 (October): 59-60.
- Hampton, Ross E.
1973 (b). Delinquency and Social Process: Labelling Theory Applied to the Police Decision to Prosecute. Unpublished Master's thesis, University of Auckland.
- Harary, Frank
1966. "Merton revisited: a new classification scheme for deviant behaviour." *American Sociological Review*, 31 (October): 693-697.
- Harry, Joseph
1974. "Social class and delinquency: one more time." *Sociological Quarterly*, 15 (Spring): 294-301.
- Hassall, Peter
1974. Delinquency in High Schools. Unpublished Master's thesis, University of Canterbury.
- Heald, Henry T.
1970. Incarceration and a Sense of the Rules: Strategy Differences Among Juveniles. Unpublished PhD. thesis, University of Southern California.
- Hewitt, John P.
1970. *Social Stratification and Deviant Behaviour*. New York: Random.
- Hirschi, Travis
1969. *Causes of Delinquency*. University of California Press.
- Hohepa, Pat
1973. "Social Implications for Polynesians of the enforcement of majority standards." *New Zealand Law Journal* (August): 347-352.
- Jensen, Gary F.
1972. "Delinquency and adolescent self-conceptions: a study of the personal relevance of infraction." *Social Problems*, 20 (Summer): 84-102.
- Jensen, J.
1970. Juvenile Offending Amongst Pacific Islanders Living in New Zealand. Unpublished report, Joint Committee on Young Offenders, Wellington.
- Klein, Malcolm W.
1967. Criminological Theories as seen by Criminologists: an Evaluative Review of Approaches to the Causation of Crime and Delinquency. Governors Special Committee, New York.
- Kraus, J.
1974. "The deterrent effect of fines and probation on male juvenile offenders." *Australia and New Zealand Journal of Criminology*, 7 (December): 231-240.
- Lander, Bernard
1954. "An ecological analysis of Baltimore." Reprinted. Pp. 247-65 in Marvin E. Wolfgang, Leonard Savitz, and Norman Johnston (eds.), *The Sociology of Crime and Delinquency* (2nd ed.). New York: Wiley.
- Lemert, Edwin M.
1974. "Beyond Mead: the societal reaction to deviance." *Social Problems*, 21 (April): 457-468.

- Lemert, Edwin M.
1972. *Human Deviance, Social Problems and Social Control*. (2nd ed.) Englewood Cliffs: Prentice-Hall
- Lemert, Edwin M.
1951. *Social Pathology*. New York: McGraw-Hill.
- Liazos, Alexander
1972. "The poverty of the sociology of deviance: nuts, sluts, and perverts." *Social Problems*, 20 (Summer): 103-120.
- Little W. R., and U. R. Ntsekhe
1959. "Social class background of young offenders from London." *British Journal of Delinquency*, 10: 130-132.
- MacKenzie, D. F.
1973. "Statistical survey of offences committed by ethnic groups in New Zealand." *Australian and New Zealand Journal of Criminology*, 6 (September): 167-181.
- May, David
1971. "Delinquency control and the treatment model: some implications of recent legislation." *British Journal of Criminology*, 11: 359-370.
- McCreary, J. R.
1969. "Consideration of some statistics on Maori offending." *The New Zealand Social Worker*, 5 (April): 40-45.
- McDonald, Lynn
1969. *Social Class and Delinquency*. London: Faber and Faber.
- Meade, Anthony C.
1974. "The labelling approach to delinquency: state of the theory as a function of method." *Social Forces*, 53 (September): 83-91.
- Mercer, Jane R.
1965. "Social system perspective and the clinical perspective: frames of reference for understanding career patterns of persons labelled as mentally retarded." *Social Problems*, 13 (Fall): 18-34.
- Merton, Robert K.
1938. "Social structure and anomie." *American Sociological Review*, 3 (October): 672-682.
- Miller, Walter B.
1958. "Lower class culture as a generating milieu of gang delinquency." *Journal of Social Issues*, 14: 5-19.
- Monahan, Thomas P.
1957. "Family status and the delinquent child: a reappraisal and some new findings." *Social Forces*, 37 (March): 250-258.
- Mooney, Brian S.
1971. The History and Development of the Youth Aid Section of the New Zealand Police. Thesis for Diploma in Criminology, University of Auckland.
- O'Malley, Patrick T.
1973. "The influence of cultural factors on Maori crime rates." Pp. 386-396 in Stephen D. Webb and John Collette, *New Zealand Society: Contemporary Perspectives*. Sydney: Wiley.
- Piliavin, Irving, and Scott Briar
1964. "Police encounters with juveniles." *American Journal of Sociology*, 70 (September): 206-214.
- Pitt, David, and Cluny Macpherson
1974. *Emerging Pluralism: the Samoan Community in New Zealand*. Auckland: Longman Paul.

- Polk, Kenneth
1967. "Urban social areas and delinquency." *Social Problems*, 14 (Spring): 320-325.
- Ray, Marsh B.
1964. "The cycle of abstinence and relapse among heroin addicts." Pp. 163-177 in Howard S. Becker, *The Other Side*. New York: Free Press.
- Roberts, Jocelyn P.
1972. *Self-image and Delinquency: a Study of New Zealand Adolescent Girls*. Wellington: Government Printer.
- Rogers, Joseph W., and M. D. Buffalo
1974. "Fighting back: nine modes of adaptation to a deviant label." *Social Problems*, 22 (October): 101-118.
- Rosen, Lawrence
1970. "The broken home and male delinquency." Pp. 489-495 in Marvin E. Wolfgang, Leonard Savitz, and Norman Johnston (eds). *The Sociology of Crime and Delinquency* (2nd ed.). New York: Wiley.
- Rotenburg, Mordechai
1974. "Self-labelling: a missing link in the 'societal reaction' theory of deviance." *The Sociological Review*, 22 (August): 335-354.
- Rubington, Earl, and Martin S. Weinberg
1968. *Deviance: the Interactionist Perspective*. New York: MacMillan.
- Scarpitti, Frank, R., and Richard M. Stephenson
1971. "Juvenile court dispositions: factors in the decision-making process." *Crime and Delinquency*, 17 (April): 142-151.
- Schmid, C. F.
1960. "Urban crime areas." *American Sociological Review*, 25: 527-42 and 655-78.
- Schrag, Clarence
1967. "Elements of theoretical analysis in sociology." Pp. 220-253 in Llewellyn Gross (ed) *Sociological Theory: Inquiries and Paradigms*. New York: Harper and Row.
- Schumacher, Mary
1971. *Violent Offending: a Report on Recent Trends in Violent Offending and some Characteristics of the Violent Offender*. Department of Justice Research Series No. 2. Wellington: Government Printer.
- Schur, Edwin M.
1971. *Labelling Deviant Behaviour: Its Sociological Implications*. New York: Harper and Row.
- Sellin, Thorsten, and Marvin E. Wolfgang
1964. *The Measurement of Delinquency*. New York: Wiley.
- Skinner, John P.
1971. The Auckland Probation Treatment Centre: a Comparative Study of a Treatment Sample and Non-treatment Sample of Criminal Offenders. Thesis. Auckland University.
- Slatin, Gerald T.
1969. "Ecological analysis of delinquency: aggregation effects." *American Sociological Review*, 34 (October): 894-907.
- Smith, Dusky Lee
1973. "Symbolic interactionism: definitions of the situation from Becker and Lofland." *Catalyst*, No. 7 (Winter): 62-75.
- Smith, Greg
1975. "Kids, cops, and conflict: a participant observation study." *Australian and New Zealand Journal of Sociology*, 11 (February): 21-27.

- Sutherland, O. R. W.
1973. "One out of every three Maoris in prison should not be there." *Care* (April): 3-7.
- Sykes, Gresham M., and David Matza
1972. "Techniques of delinquency." Pp. 292-299 in Marvin E. Wolfgang, Leonard Savitz, and Norman Johnston (eds). *The Sociology of Crime and Delinquency* (2nd. ed.). New York: Wiley.
- Taylor, Ian, Paul Walton, and Jock Young
1973. *The New Criminology: for a Social Theory of Deviance*. London: Routledge and Kegan Paul.
- Taylor, K. W., and James Frideres
1972. "Issues versus controversies: substantive and statistical significance." *American Sociological Review*, 37 (August): 464-72.
- Te Punga, R. C.
1971. "Marois and crime." Pp. 40-56 in W. A. McKean (ed.) *Essays on Race Relations and the Law in New Zealand*. Wellington: Sweet and Maxwell.
- Thio, Alex
1973. "Class bias in the sociology of deviance." *American Sociologist*, 8 (February): 1-12.
- Thornberry, Terence P.
1973. "Race, socioeconomic status and sentencing in the juvenile justice system." *The Journal of Criminal Law and Criminology*, 64 (March): 90-98.
- Trice, Harrison M., and Paul M. Roman
1970. "Delabelling, relabelling, and alcoholics anonymous." *Social Problems*, 17 (Spring): 538-546.
- Turner, Ralph H.
1972. "Deviance avowal as neutralization of commitment." *Social Problems*, 19 (Winter): 308-23.
- Vellekoop, Cora
1969. "Social strata in New Zealand." Pp 233-271 in John Forster (ed), *Social Process in New Zealand*. Auckland: Longman Paul.
- Ward, Alan
1973. *A Show of Justice: Racial "Amalgamation" in Nineteenth Century New Zealand*. Auckland: Auckland/Oxford University Press.
- Weiner, Norman L., and Charles V. Willie
1971. "Decisions by juvenile officers." *American Journal of Sociology*, 77 (September): 199-210.
- Werthman, Carl
1969. "Delinquency and moral character." Pp. 613-632 in Donald R. Cressey and David A. Ward, (eds). *Crime, Delinquency, and Social Process*. New York: Harper and Row.
- West, D. J., and D. P. Farrington
1973. *Who Becomes Delinquent?* London: Heinemann.
- Wilkinson, Karen
1974. "The broken family and juvenile delinquency." *Social Problems*, 21 (June): 726-739.
- Wilson, J. G.
1973. "Causes of female offending." *The New Zealand Medical Journal*, 78 (Oct. 12th): 283-285.
- Wolfgang, Marvin E., Robert M. Figlio, and Thorsten Sellin
1972. *Delinquency in a Birth Cohort*. Chicago: University of Chicago Press.

- Young, Jock
1971. *The Drugtakers: the Social Meaning of Drug Use*. London: MacGibbon and Kee.
- Youngquist, Wayne
1971. "Proposed: five axioms of labelling." Unpublished paper presented to the annual meeting of the American Sociological Association.

Appendix I

SERIOUSNESS SCALE

Rationale

It is very difficult to arrive at a satisfactory seriousness scale, especially when one considers that this may not be a uni-dimensional concept. The scale developed by Sellin and Wolfgang (1964) is not appropriate here because it places too much emphasis on the more serious offences, and too little on differentiating the seriousness of the more trivial offences which make up the bulk of delinquent offending.

The scale that follows is based largely on the author's own opinion of what was a reasonable scale. It is not entirely arbitrary and is based on the following rationale. A scale of over four points would give too few cases in each category. It is assumed that in all offences involving property theft or destruction that seriousness increases with the monetary value of goods involved, but in a non-linear and approximately logarithmic manner. This is in line with many psychometric findings in scaling other kinds of attributes. Consequently, the property scale goes up in increasing jumps: \$0—2.00, \$2.00—100, \$100—1,000, and over \$1,000. Burglary is given the somewhat arbitrary scale value of 3, as it is difficult to assess any degree of seriousness from court records. Offences involving personal injury were placed at seriousness level 4, while the less serious offences against the person (mainly assault) were placed at level 3. In seriousness scaling, offences are usually assumed to form an ordinal scale rather than an interval/ratio scale. In the extreme sample, it is likely that most people would agree that no number of thefts can equal one murder. Or, in other words, no number of offences at level 1 can equal an offence at level 4. However, in order to deal with more than one charge per court hearing, some form of multiplication is needed. In the following scale it is assumed that three or more charges at level one are equivalent to one at level 2, and 3 or more charges at level 2 are equivalent to one at level 3, but there is no equivalent accumulation to level 4. That is, level 3 includes any number of charges at that level. As it turned out in the study reported in this booklet, few cases reached seriousness level 4.

The charges listed in the following scale do not include all possible offences, but cover all of those charges which were actually brought against persons in the sample.

Seriousness Scale

Level 1—Property, less than \$2.

Liquor Act: minor in bar, drinking in public place, liquor near a dance hall.
Obscene language, offensive behaviour, Post Office Act (obscene and annoying phone calls).
Obstruct carriage way, etc.
Drunk.
Depositing dangerous litter.
Arms Act (possession, etc).
Unlawful taking of bicycle.
Wilful trespass, unlawfully in enclosed yard, on premises.
Frequenting.
Begging alms.
Owns dangerous dog.
Peeping.

Level 2—Idle and disorderly.

Resisting, obstructing Police.
Disorderly behaviour, fighting.
Unlawful getting into, interfering with vehicle.
Unlawful intercourse, indecent assault.
Possessing offensive weapon.
Discharging firearm in public place, likely to endanger.
Property, over \$2.00 and under \$100.
False fire alarm.
False statutory declaration, false allegation, false information.
Wilful fire to scrub.
Harbouring a juvenile escaper.
Stowing away.
Three and/or more charges level 1.

Level 3—Property over \$100 and under \$1,000.

Burglary.
Assault.
Unlawful taking motor vehicle.
Drugs, possession and use.
Arson (house).
Three and/or more charges level 2.

Level 4—Robbery.

Wounding with intent.
Property over \$1,000.
Aggravated assault.
Careless use of firearm causing bodily injury.

Notes:

Property includes: Wilful damage, fraud, theft, forgery, receiving, false pretences, and rather than counting charges, total amount in dollars is added up.

Prosecutions under the Child Welfare Act, such as delinquent or indigent child, or not under proper control, were not included in the above scale.

Appendix II

STATISTICS USED—AN EXPLANATION

The chi-square statistic is explained in most elementary statistical texts. The results are reported in this study in terms of the probability, P , that the observed differences in the table were due to chance. P greater than 0.05 means that there was a more than 5 percent probability that the observed results were due to chance alone. P less than 0.05 means, conversely, that there was a less than 5 percent probability that the results were due to chance. The 0.05, or 5 percent level is arbitrary, but is the one most customarily taken. In other words, P less than 0.05 means that we can be reasonably confident that the results were not due to chance alone.

The Gamma coefficient, sometimes called Yules Q in the two by two case, is a simple measure of the strength of the relationship. The calculation is simplest in the two by two case (see example 1 in the diagram below) where Gamma is calculated in terms of the cross products of the raw scores in each cell of the table, taking the cross product in the predicted direction of the relationship first:

$$\text{Gamma} = \frac{cd - ad}{cd + ad}$$

This can be extended to the two by three case, (see example 2 below):

$$\text{Gamma} = \frac{d(b+c) + ec - a(e+f) - bf}{d(b+c) + ec + a(e+f) + bf}$$

In example two we are measuring the strength of relationship in the predicted direction, that of the diagonal from d to c . By analogous procedures, Gamma can be calculated for any number of cells.

Gamma varies between 0.0 (no relationship) and plus or minus 1.0 (perfect relationship). A negative value means that the relationship is in the direction opposite to that predicted, that is along the other table diagonal.

Gamma has a PRE or percentage reduction in error interpretation. A Gamma value of 0.40 means that we have a 40 percent increase of accuracy in the prediction of the distribution of one variable (A), from a knowledge of the distribution of a second variable (B), compared with the errors we would make in predicting the distribution of A , without the knowledge of the distribution of B .

At present there is no satisfactory test of significance for Gamma, other than in the two by two case.

One disadvantage with the Gamma coefficient is that it overestimates the degree of relationship in highly skewed distributions. In

examples 3 and 4 below, Gamma reaches its maximum value of 1.0, but overestimates the strength of relationship in the highly skewed distribution (example 4) as compared with example 3. The figures shown in each cell are hypothetical raw scores.

Example 1

A	high	a	b
	low	c	d
		low	high
		B	

Example 2

A	high	a	b	c
	low	d	e	f
		low	mid	high
		B		

Example 3

A	high	0	20
	low	20	0
		low	high
		B	
		Gamma = 1.0	

Example 4

A	high	20	10
	low	10	0
		low	high
		B	
		Gamma = 1.0	

Appendix III

TABLES OF RESULTS

Part I—Sentencing

TABLE 1—Sentence by Seriousness*, Males 12-14 years, First Appearance

Seriousness	1 (low)		2		3 (high)	
Sentence	%	N	%	N	%	N
Supervision ..	29	(6)	36	(12)	61	(17)
A & D or fine ..	71	(15)	64	(21)	39	(11)
Total (N = 82)	100		100		100	

Gamma = 0.43, chi-square = 5.97, P = 0.05.

*One at seriousness level 4 omitted.

TABLE 2—Sentence by Social Class, Males 12-14 years, First Appearance

Social Class	1 (high)		2		3 (low)	
Sentence	%	N	%	N	%	N
Supervision ..	21	(3)	34	(10)	56	(22)
A & D or fine ..	79	(11)	66	(19)	44	(17)
Total (N = 82)	100		100		100	

Gamma = 0.47, chi-square = 6.39, P less than 0.05.

TABLE 3—Sentence by Race, Males 12-14 years, First Appearance

Race	Non-Polynesian		Polynesian	
Sentence	%	N	%	N
Supervision ..	37	(17)	53	(20)
A & D or fine ..	63	(29)	47	(18)
Total (N = 84)	100		100	

Gamma = 0.31, chi-square = 2.07, P greater than 0.05.

TABLE 4—Sentence by Parental Situation, Males 12-14 years, First Appearance

Parents	Together		Apart	
Sentence	%	N	%	N
Supervision ..	38	(25)	65	(11)
A & D or fine ..	62	(42)	35	(6)
Total (N = 83)	100		100	

Gamma = 0.50, chi-square = 3.95, P less than 0.05.

TABLE 5—Sentence by History, Males 12-14 years, First Appearance

History	None		Welfare or Y.A.S. Notice	
	%	N	%	N
Sentence	42	(26)	50	(11)
Supervision ..	58	(36)	50	(11)
A & D or fine	100		100	
Total (N = 84)	100		100	

Gamma = 0.16, chi-square = 0.43, P greater than 0.05.

TABLE 6—Sentence by Seriousness, Males 12-14 Years with One or More Previous Appearance

Seriousness	1 (low)		2		3 (high)	
	%	N	%	N	%	N
Sentence	0	(0)	11	(2)	14	(4)
Care ..	67	(8)	61	(11)	79	(22)
Supervision ..	33	(4)	28	(5)	7	(2)
A & D or fine	100		100		100	
Total (N = 58)	100		100		100	

Gamma = 0.50, chi-square = 6.29, P greater than 0.05.

Table 7—Sentence by Social Class, Males 12-14 Years with One or More Previous Appearance

Social Class	1 (low)		2		3 (high)	
	%	N	%	N	%	N
Sentence	0	(0)	6	(1)	12	(4)
Care ..	50	(2)	71	(12)	77	(26)
Supervision ..	50	(2)	24	(4)	12	(4)
A & D or fine	100		100		100	
Total (N = 55)	100		100		100	

Gamma = 0.48, chi-square = 6.88, P greater than 0.05.

TABLE 8—Sentence by Race, Males 12-14 Years with One or More Previous Appearance

Race	Non-Polynesian		Polynesian	
	%	N	%	N
Sentence	9	(2)	11	(4)
Care ..	82	(18)	64	(23)
Supervision ..	9	(2)	25	(9)
A & D or fine	100		100	
Total (N = 58)	100		100	

Gamma = -0.28, chi-square = 2.5, P greater than 0.05.

TABLE 9—Sentence by Parental Situation, Males 12-14 Years with One or More Previous Appearance

Parental Situation	Together		Apart	
	%	N	%	N
Sentence	12	(5)	6	(1)
Care ..	68	(28)	77	(13)
Supervision ..	20	(8)	18	(3)
A & D or fine	100		100	
Total (N = 58)	100		100	

Gamma = -0.08, chi-square = 0.60, P greater than 0.05.

TABLE 10—Sentence by Number of Previous Appearances, Males 12-14 Years with One or More Previous Appearance

Previous Appearance	1		2		3 or More	
	%	N	%	N	%	N
Sentence	3	(1)	7	(1)	36	(4)
Care ..	85	(28)	64	(9)	36	(4)
Supervision ..	12	(4)	29	(4)	27	(3)
A & D or fine	100		100		100	
Total (N = 58)	100		100		100	

Gamma = 0.06, chi-square = 13.79, P less than 0.05.

TABLE 11—Sentence by Seriousness, Males 15-16 Years, First Appearance

Seriousness	1 (low)		2		3 (high)	
	%	N	%	N	%	N
Sentence	0	(0)	3	(2)	4	(3)
Custody ..	2	(1)	14	(10)	36	(25)
Supervisory ..	98	(43)	83	(60)	60	(42)
A & D or fine	100		100		100	
Total (N = 186)	100		100		100	

Gamma = 0.68, chi-square = 24.64, P less than 0.05.

TABLE 12—Sentence by Social Class, Males 15-16 Years, First Appearance

Social Class	1 (high)		2		3 (low)	
	%	N	%	N	%	N
Sentence	0	(0)	2	(1)	6	(4)
Custody ..	20	(8)	9	(6)	31	(22)
Supervisory ..	80	(31)	90	(61)	63	(45)
A & D or fine	100		101		100	
Total (N = 178)	100		101		100	

Gamma = 0.31, chi-square = 15.5, P less than 0.05.

TABLE 13—Sentence by Race, Males 15-16 Years, First Appearance

Race	Non-Polynesian		Polynesian	
	%	N	%	N
Sentence	2	(2)	5	(3)
Custody ..	16	(20)	25	(16)
Supervisory ..	82	(101)	70	(44)
A & D or fine	100		100	
Total (N = 186)	100		100	

Gamma = 0.33, chi-square = 4.14, P greater than 0.05.

TABLE 14—Sentence by Parental Situation, Males 15-16 Years, First Appearance

Parental Situation	Together		Apart	
	%	N	%	N
Sentence	3	(4)	3	(1)
Custody ..	19	(27)	21	(8)
Supervisory ..	78	(111)	77	(30)
A & D or fine	100		100	
Total (N = 181)	100		100	

Gamma = 0.03, chi-square = 0.05, P greater than 0.05.

TABLE 15—Sentence by History, Males 15-16 Years, First Appearance

History	None		Welfare or Y.A.S. Notice	
Sentence	%	N	%	N
Custody	2	(1)	6	(3)
Supervisory	16	(21)	29	(15)
A & D or fine	82	(105)	65	(34)
Total (N = 180)	100		100	

Gamma = 0.41, chi-square = 6.55, P less than 0.05.

TABLE 16—Sentence by Seriousness, Males 15-16 Years with One or More Previous Appearance

Seriousness	1 (low)		2		3		4 (high)	
Sentence	%	N	%	N	%	N	%	N
Custodial	3	(2)	7	(8)	29	(36)	86	(6)
Supervisory	8	(6)	32	(36)	38	(47)	14	(1)
A & D or fine	89	(65)	61	(68)	34	(42)	0	(0)
Total (N = 317)	100		100		101		100	

Gamma = 0.68, chi-square = 29.57, P less than 0.05.

TABLE 17—Sentence by Social Class*, Males 15-16 Years with One or More Previous Appearance

Social Class	1 (high)		2		3 (low)	
Sentence	%	N	%	N	%	N
Custodial	12	(3)	19	(19)	16	(29)
Supervisory	36	(9)	23	(23)	30	(56)
A & D or fine	52	(13)	58	(57)	54	(99)
Total (N = 308)	100		100		100	

Gamma = 0.02, chi-square = 2.7, P greater than 0.05.
*Omitting nine unknowns.

TABLE 18—Sentence by Race, Percent, Males 15-16 Years with One or More Previous Appearance

Race	Non-Polynesian		Polynesian	
Sentence	%	N	%	N
Custodial	14	(16)	18	(36)
Supervisory	32	(36)	27	(54)
A & D or fine	54	(62)	55	(113)
Total (N = 317)	100		100	

Gamma = 0.01, chi-square = 1.27, P greater than 0.05.

TABLE 19—Sentence by Parental Situation*, Males 15-16 Years with One or More Previous Appearance

Parental Situation	Together		Apart	
Sentence	%	N	%	N
Custodial	16	(32)	16	(17)
Supervisory	28	(56)	30	(33)
A & D or fine	55	(109)	54	(59)
Total (N = 306)	99		100	

Gamma = 0.01, chi-square = 0.12, P greater than 0.05.
*Omitting five unknown and five with both parents dead.

TABLE 20—Sentence by Number of Previous Appearances, Males 15-16 Years with One or More Previous Appearance

Previous Appearances	1		2		3 or More	
Sentence	%	N	%	N	%	N
Custodial	2	(3)	20	(16)	29	(33)
Supervisory	34	(41)	31	(25)	21	(24)
A & D or fine	64	(77)	49	(40)	50	(58)
Total (N = 317)	100		100		100	

Gamma = 0.30, chi-square = 31.72, P less than 0.05.

TABLE 21—Sentence by Seriousness, Females 12-14 Years, First Appearance

Seriousness	1 (low)		2		3 (high)	
Sentence	%	N	%	N	%	N
Care	0	(0)	5	(1)	0	(0)
Supervision	29	(4)	41	(9)	25	(1)
A & D or fine	71	(10)	55	(12)	75	(3)
Total (N = 40)	100		101		100	

Gamma = 0.16, chi-square = 1.82, P greater than 0.05.

TABLE 22—Sentence by Charge Category, Females 12-14 Years, First Appearance

Charge Category	Non-NUPC		NUPC	
Sentence	%	N	%	N
Care	3	(1)	28	(10)
Supervision	35	(14)	69	(25)
A & D or fine	63	(25)	3	(1)
Total (N = 76)	101		101	

Gamma = 0.92, chi-square = 32.59, P less than 0.05.

TABLE 23—Sentence by Social Class*, Females 12-14 Years, First Appearance

Social Class	1 (high)		2		3 (low)	
Sentence	%	N	%	N	%	N
Care	0	(0)	12	(4)	13	(3)
Supervision	44	(4)	47	(16)	65	(15)
A & D or fine	56	(5)	41	(14)	22	(5)
Total (N = 66)	100		100		100	

Gamma = 0.37, chi-square = 4.60, P greater than 0.05.
*Omitting 10 unknown.

TABLE 24—Sentence by Race, Females 12-14 Years, First Appearance

Race	Non-Polynesian		Polynesian	
	%	N	%	N
Sentence				
Care	13	(6)	18	(5)
Supervision	50	(24)	54	(15)
A & D or fine	38	(18)	29	(8)
Total (N = 76)	101		100	

Gamma = 0.19, chi-square = 2.81, P greater than 0.05.

TABLE 25—Sentence by Parental Situation, Females 12-14 Years, First Appearance

Parental Situation	Together		Apart	
	%	N	%	N
Sentence				
Care	7	(4)	30	(6)
Supervision	53	(29)	50	(10)
A & D or fine	40	(22)	20	(4)
Total (N = 75)	100		100	

Gamma = 0.51, chi-square = 7.39, P less than 0.05.

TABLE 26—Sentence by History, Females 12-14 Years, First Appearance

History	None		Welfare or Y.A.S. Notice	
	%	N	%	N
Sentence				
Care	7	(3)	26	(8)
Supervision	51	(23)	52	(16)
A & D or fine	42	(19)	23	(7)
Total (N = 76)	100		101	

Gamma = 0.47, chi-square = 6.72, P less than 0.05.

TABLE 27—Sentence by Seriousness, Females 15-16 Years, First Appearance

Seriousness	1 (low)		2		3 (high)	
	%	N	%	N	%	N
Sentence						
Custodial	0	(0)	3	(1)	9	(1)
Supervisory	5	(2)	32	(12)	18	(8)
A & D or fine	95	(35)	65	(24)	73	(8)
Total (N = 85)	100		100		101	

Gamma = 0.58, chi-square = 12.32, P less than 0.05.

TABLE 28—Sentence by Charge Category, Females 15-16 Years, First Appearance

Charge Type	Non-NUPC		NUPC	
	%	N	%	N
Sentence				
Custodial	2	(2)	13	(4)
Supervisory	19	(16)	63	(19)
A & D or fine	79	(67)	23	(7)
Total (N = 115)	100		99	

Gamma = 0.82, chi-square = 42.3, P less than 0.05.

TABLE 29—Sentence by Social Class, Females 15-16 Years, First Appearance

Social Class	1 (high)		2		3 (low)	
	%	N	%	N	%	N
Sentence						
Custodial	5	(1)	4	(2)	5	(2)
Supervisory	19	(4)	33	(16)	30	(13)
A & D or fine	76	(16)	63	(30)	65	(28)
Total (N = 112)	100		100		100	

Gamma = 0.09, chi-square = 1.49, P greater than 0.05.

TABLE 30—Sentence by Race, Females 15-16 Years, First Appearance

Race	Non-Polynesian		Polynesian	
	%	N	%	N
Sentence				
Custodial	5	(4)	5	(2)
Supervisory	23	(17)	44	(18)
A & D or fine	72	(53)	51	(21)
Total (N = 115)	100		100	

Gamma = 0.36, chi-square = 5.49, P greater than 0.05.

TABLE 31—Sentence by Parental Situation, Females 15-16 Years, First Appearance

Parental Situation	Together		Apart	
	%	N	%	N
Sentence				
Custodial	5	(4)	4	(1)
Supervisory	25	(22)	48	(13)
A & D or fine	70	(61)	48	(13)
Total (N = 114)	101		100	

Gamma = 0.38, chi-square = 5.10, P greater than 0.05.

For the 2 by 2 case, omitting care, Gamma = 0.47, chi-square = 5.01, P less than 0.05.

TABLE 32—Sentence by History, Females 15-16 Years, First Appearance

History	None		Welfare or Y.A.S. Notice	
	%	N	%	N
Sentence				
Custodial	4	(3)	10	(3)
Supervisory	25	(21)	42	(13)
A & D or fine	71	(59)	48	(15)
Total (N = 114)	100		100	

Gamma = 0.43, chi-square = 5.46, P greater than 0.05.

For the 2 by 2 case, omitting care, Gamma = 0.42, chi-square = 3.94, P less than 0.05.

TABLE 33—Sentence by Seriousness, Females 15-16 Years with One or More Previous Appearance

Seriousness	1 (low)		2		3 (high)	
	%	N	%	N	%	N
Sentence	9	(3)	28	(17)	45	(9)
Custodial	16	(5)	28	(17)	40	(8)
Supervisory	75	(24)	43	(26)	15	(3)
A & D or fine	100		99		100	
Total (N = 112)						

Gamma = 0.56, chi-square = 18.97, P less than 0.05.

TABLE 34—Sentence by Charge Type, Females 15-16 Years with One or More Previous Appearance

Charge Type	Non-NUPC		NUPC	
	%	N	%	N
Sentence	26	(29)	11	(2)
Custodial	27	(30)	83	(15)
Supervisory	47	(83)	6	(1)
A & D or fine	100		100	
Total (N = 130)				

Gamma = 0.10, chi-square = 22.26, P less than 0.05.

TABLE 35—Sentence by Social Class, Females 15-16 Years with One or More Previous Appearance

Social Class	1 (high)		2		3 (low)	
	%	N	%	N	%	N
Sentence	21	(3)	16	(6)	27	(20)
Custodial	50	(7)	42	(16)	30	(22)
Supervisory	29	(4)	42	(16)	43	(32)
A & D or fine	100		100		100	
Total (N = 126)						

Gamma = 0.00, chi-square = 4.01, P greater than 0.05.

TABLE 36—Sentence by Race, Females 15-16 Years with One or More Previous Appearance

Race	Non-Polynesian		Polynesian	
	%	N	%	N
Sentence	24	(16)	23	(15)
Custodial	38	(23)	31	(20)
Supervisory	38	(25)	45	(29)
A & D or fine	100		100	
Total (N = 130)				

Gamma = 0.09, chi-square = 0.84, P greater than 0.05.

TABLE 37—Sentence by Parental Situation, Females 15-16 Years with One or More Previous Appearance

Parental Situation	Together		Apart	
	%	N	%	N
Sentence	23	(19)	21	(9)
Custodial	42	(35)	23	(10)
Supervisory	36	(30)	56	(24)
A & D or fine	100		100	
Total (N = 127)				

Gamma = -0.25, chi-square = 5.46, P greater than 0.05.

TABLE 38—Sentence by Number of Previous Appearances, Females 15-16 Years with One or More Previous Appearance

Previous Appearances	1		2		3 or More	
	%	N	%	N	%	N
Sentence	24	(16)	19	(7)	30	(8)
Custodial	41	(27)	22	(8)	37	(10)
Supervisory	35	(23)	59	(22)	33	(9)
A & D or fine	100		100		100	
Total (N = 130)						

Gamma = -0.06, chi-square = 7.36, P greater than 0.05.

Part II—Reoffending

TABLE 39—Reappearance by Sentence at First Appearance, Males

Sentence	A & D or fine		Supervision	
	%	N	%	N
Reappearances	23	(11)	60	(22)
Twice or more	23	(11)	22	(8)
Once	53	(25)	19	(7)
Nil	99		101	
Total (N = 84)				

Gamma = 0.61, chi-square = 13.26, P less than 0.05.

TABLE 40—Reappearance by Seriousness*, Males

Seriousness	1 (low)		2		3 (high)	
	%	N	%	N	%	N
Reappearances	19	(4)	47	(15)	43	(13)
Twice or more	38	(8)	16	(5)	18	(4)
Once	43	(9)	38	(12)	39	(11)
Nil	100		100		100	
Total (N = 81)						

Gamma = 0.14, chi-square = 6.14, P greater than 0.05.
*One at seriousness level 4 omitted.

TABLE 41—Reappearance by Social Class, Males

Social Class	1 (high)		2		3 (low)	
	%	N	%	N	%	N
Reappearances	7	(1)	41	(12)	50	(19)
Twice or more	36	(5)	17	(5)	18	(7)
Once	57	(8)	41	(12)	32	(12)
Nil	100		99		100	
Total (N = 81)						

Gamma = 0.45, chi-square = 8.29, P greater than 0.05.

TABLE 42—Reappearance by Race, Males

Race	Non-Polynesian		Polynesian	
	%	N	%	N
Reappearance	20	(9)	63	(24)
Twice or more	30	(14)	13	(5)
Once	50	(23)	24	(9)
Nil	100		100	
Total (N = 84)				

Gamma = 0.60, chi-square = 16.59, P less than 0.05.

TABLE 43—Reappearance by Parental Situation, Males

Parental Situation		Together		Apart	
Reappearances		%	N	%	N
Twice or more	.. ..	33	(22)	59	(10)
Once	.. ..	21	(14)	29	(5)
Nil	.. ..	46	(30)	12	(2)
Total (N = 83)	.. ..	100		100	

Gamma = 0.53, chi-square = 6.65, P less than 0.05.

TABLE 44—Reappearance by History*, Males

History		None		Welfare or Y.A.S. Notice	
Reappearances		%	N	%	N
Twice or more	.. ..	36	(22)	50	(11)
Once	.. ..	23	(14)	23	(5)
Nil	.. ..	42	(26)	27	(6)
Total	.. ..	101		100	

Gamma = 0.27, chi-square = 1.79, P greater than 0.05.

*Before first appearance.

TABLE 45—Reappearance by Sentence at First Appearance, Females

Sentence		A & D or Fine		Supervision		Care	
Reappearances		%	N	%	N	%	N
Once or more	.. ..	23	(6)	44	(17)	27	(3)
Nil	.. ..	77	(20)	56	(22)	73	(8)
Total (N = 76)	.. ..	100		100		100	

Gamma = 0.19, chi-square = 2.68, P greater than 0.05.

For the 2 by 2 case, omitting care, Gamma = 0.44, chi-square = 2.87, P greater than 0.05.

TABLE 46—Reappearance by Seriousness, Females

Seriousness		1 (low)		2		3 (high)	
Reappearances		%	N	%	N	%	N
One or more	.. ..	36	(5)	18	(4)	74	(3)
Nil	.. ..	64	(9)	82	(18)	25	(1)
Total (N = 40)	.. ..	100		100		100	

Gamma = 0.08, chi-square = 5.54, P greater than 0.05.

TABLE 47—Reappearance by Charge Type, Females

Charge Type		Non-NUPC		NUPC	
Reappearances		%	N	%	N
Once or more	.. ..	30	(12)	42	(15)
Nil	.. ..	70	(28)	58	(21)
Total (N = 76)	.. ..	100		100	

Gamma = 0.25, chi-square = 1.13, P greater than 0.05.

TABLE 48—Reappearance by Social Class, Females

Social Class		1 (high)		2		3 (low)	
Reappearances		%	N	%	N	%	N
Once or more	.. ..	22	(2)	32	(11)	44	(10)
Nil	.. ..	78	(7)	68	(23)	56	(13)
Total (N = 66)	.. ..	100		100		100	

Gamma = 0.27, chi-square = 1.48, P greater than 0.05.

TABLE 49—Reappearance by Race, Females

Race		Non-Polynesian		Polynesian	
Reappearances		%	N	%	N
Once or more	.. ..	31	(15)	39	(11)
Nil	.. ..	69	(33)	61	(17)
Total (N = 76)	.. ..	100		100	

Gamma = 0.18, chi-square = 0.51, P greater than 0.05.

TABLE 50—Reappearance by Parental Situation, Females

Parental Situation		Together		Apart	
Reappearances		%	N	%	N
Once or more	.. ..	33	(18)	40	(8)
Nil	.. ..	67	(37)	60	(12)
Total (N = 75)	.. ..	100		100	

Gamma = 0.16, chi-square = 0.34, P greater than 0.05.

TABLE 51—Reappearance by History*, Females

History		None		Welfare or Y.A.S. Notice	
Reappearances		%	N	%	N
One or more	.. ..	29	(13)	46	(13)
Nil	.. ..	71	(32)	58	(18)
Total (N=76)	.. ..	100		100	

Gamma = 0.28, chi-square = 1.39, P greater than 0.05.
*Before first appearance.

Appendix IV

DETAILS OF ADJOURNMENTS WITHIN SUB-SAMPLES

(1) Males 12-14 years, First Appearance (N=84): Three of those sentenced to supervision were adjourned in custody. Three were adjourned at large (one sentenced to supervision, two admonished and discharged).

(2) Males 12-14 years, One or More Previous Appearance (N=58): Nine were adjourned in custody, of these six were sentenced to supervision and three admonished and discharged.

(3) Males 15-16 years, First Appearance (N=186): Seven were adjourned in custody (one custodial sentence, three supervisory, three admonished and discharged); five adjourned at large (two supervisory sentences, three admonished and discharged or fined).

(4) Males 15-16 years, One or More Previous Appearance (N=317): Twenty adjourned in custody (5 custodial sentence, 15 supervisory); 32 adjourned at large (3 custodial, 7 supervisory sentences).

(5) Females 12-14 years, First Appearance (N=76): Sixteen adjourned in custody (8 sentenced to supervision, 8 care), 2 at large (1 supervisory sentence, 1 admonished and discharged).

(6) Females 12-14 years, One or More Previous Appearances (N=16): Three adjourned in custody (one sentenced to care, two supervision).

(7) Females 15-16 years, First Appearance (N=115): Twenty adjourned in custody (1 custodial sentence, 15 supervisory, 3 admonished and discharged or fined); 1 adjourned at large (admonished and discharged).

(8) Females 15-16 years, One or More Previous Appearances (N=130): Eighteen adjourned in custody (15 supervisory sentences, 3 admonished and discharged); 10 adjourned at large (2 sentenced to custody, 6 to supervisory and 2 admonished and discharged or fined).

END