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AN IMPACT STUDY OF TWO DIVERSION PROJECTS

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Introduction

The past decade has been marked by an increasing disillusionment with the juvenile justice system as an effective method for controlling or preventing further delinquency among those youth who penetrate it. Criticisms focus upon the ambiguous and arbitrary definitions of delinquency, idiosyncratic decisions by police, probation and court personnel, the realization that the police and courts do not have the resources to deal effectively with the range of problems they are often called upon to handle, and the growing belief that many youth suffer adverse consequences as a result of their processing in the juvenile justice system. Acknowledging these difficulties, the President's Commission (1967) challenged the juvenile justice system and the community to "jointly seek alternative ways of treating juveniles" (1967:279). The commission specifically recommended the establishment of Youth Service Bureaus, "an agency to handle many troubled, trouble-some young people outside of the criminal justice system" (1967:7). Diversion from the juvenile justice system through some substitute community agency was clearly the basic underlying reason for the Commission's advancement of the concept of youth service bureaus.

Today there are hundreds of youth service bureaus and community-based programs operating with diversion as their primary objective. A recent survey of 140 federally funded youth service bureaus estimated that in a twelve-month period in 1970-71, 50,000 youth "who were in immediate jeopardy of the juvenile justice system" were diverted to youth

1. This research was supported by a grant from Office of Youth Development, DHEW.

service bureaus where they received some type of direct service (DHEW, 1973). Diversion of youth from the juvenile justice system has also been endorsed by the Law Enforcement Assistance Administration's Commission on Standards and Goals (1973), and constitutes a major emphasis of present LEAA Program funding. The Youth Development and Delinquency Prevention Administration (currently the Office of Youth Development) has also emphasized diversion as a primary objective for HEW funding.

While there seems to be widespread agreement about the desirability of diverting youth from the juvenile justice system and a sizeable mobilization of federal, state and local resources for the development of community diversion programs, there is as yet no systematic evaluation of the consequences of diverting youth compared to simply releasing them or maintaining them in the justice system. The little research which has addressed this question has focused exclusively upon a comparison of recidivism rates with no attention to other postulated "effects" of this processing practice on youth.

Theoretical Rationale

The theoretical justification for diversion as a delinquency prevention strategy appears to have come primarily from labeling theory. The concept of labeling was introduced by Tannenbaum (1938) who suggested that once an individual was "tagged" or labeled as deviant, others would see him as deviant and treat him accordingly. This idea was not developed, however, until Lemert (1951) suggested that an individual's self-definition was influenced and shaped by his particular exposure to the actions of social control agents. He argued that the nature of

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social reaction was critical in determining whether the deviation remained "primary" and situational or developed into a consistent pattern of non-conforming behavior. The latter outcome Lemert referred to as secondary deviation, that which occurs when an individual accepts and internalizes the deviant label society and its social control agents have conferred upon him. More recent theorists (Garfinkel, 1956; Becker, 1964; Matza, 1964; Lofland, 1969; Simmons, 1964; Shur, 1971, 1973) have supported and elaborated upon this theme and placed even greater emphasis upon public identification and labeling as the critical factor leading to the acquisition of a deviant role.

From this perspective, then, it is the social reactions to specific forms of behavior which create deviance and maintain deviant roles. While social reactions may be either formal or informal, labeling theorists would argue that it is the experience of being caught and publicly labeled as a delinquent that propels one into a delinquent role or criminal career. Formal agents of social control (police, probation, courts) are thus particularly instrumental in this process. By singling out and tagging an individual act and actor as delinquent or criminal, it is argued that the police and courts create and perpetuate the very behavior they are attempting to reduce. The labeling which occurs in the apprehension and adjudication of juveniles in the juvenile justice system thus serves to isolate and stigmatize the offender, restricting his opportunities for maintaining a competing (conforming) identity and limiting his access to conventional social roles. The result is an internalization of the delinquent label, transforming the identity of the labeled person, from his own perspective as well as society's. Having accepted a delinquent role, delinquent behavior is no longer problematic, it is simply the epiphenomenal outgrowth of one's identity (Hirschi, 1969:40).

Perhaps the most direct statements tying labeling theory to diversion are found in the work related to the Office of Youth Development's National Strategy for Youth Development (Gemignani, 1971; Elliott, 1971; Cartwright, 1971). The original OYD-DHEW statement identified three processes which operate to block youth from a favorable course of social-psychological development and weaken their ties to the conventional social order. These are: 1) entrapment of negative labeling, 2) limited access to acceptable social roles, and 3) resulting reciprocal processes of rejection, alienation and estrangement.

The basic argument in OYD's National Strategy Statement comes directly from labeling theory.² It asserts that the labeling of youth as "troublemakers", "slow-learners", "mentally retarded", "delinquent", etc. has the effect of limiting their opportunities for acquiring meaningful, responsible, conventional roles, which in turn generates feelings of normlessness, powerlessness and social isolation and produces an increasing propensity toward delinquent behavior. Limited access to desirable conventional roles also increases the vulnerability of these youth to the application of negative labels and increased alienation and delinquency. Negative labeling and limited access to conventional social roles are thus viewed as mutually reinforcing processes which are tied directly to alienation and delinquency.³

As the basic conceptual framework for the diversion strategy, labeling theory provides both an apparent explanation for the high rates of recidivism which appear to increase with the degree of penetration into the juvenile justice system and a theoretical basis for expecting that

2. It is also reasonable to argue that the emphasis on access to conventional social roles comes from Opportunity Theory (Cloward & Ohlin, 1960; Cohen, 1955) or Control Theory (Hirschi, 1969; Reiss, 1951; Toby, 1957).

3. There is some empirical support for these postulated relationships. See Brennan, 1974 and Behavioral Research and Evaluation Corp., 1974.

diversion from the juvenile justice system to less stigmatizing community youth service agencies should reduce the likelihood of further delinquency. But the objectives of diversion are not only to avoid the negative labeling associated with processing in the juvenile justice system, an objective readily achieved through screening, but simultaneously to provide youth with a set of positive experiences, new opportunities, and effective resolutions of specific problems or needs. The assertion that the juvenile justice system is stigmatizing and lacks the resources to deal effectively with certain kinds of problems does not obviate the fact that many youth apprehended by the police have serious medical, mental or social difficulties, and are already alienated and disenfranchised from conventional social roles. Screening these youth out of the justice system may avoid the reinforcement and escalation of these difficulties, but it does little to resolve them. From the labeling perspective, what is needed is a reversal of the labeling processes of segregation, isolation and disenfranchisement. Thus the OYD National Strategy hypothesizes that diversion should: 1) reduce negative labeling, 2) provide increased access to conventional social roles, 3) reduce feelings of alienation and low self-esteem, and 4) thereby reduce involvements in delinquent activity. From a theoretical perspective, then, these constitute the major propositions concerning the objectives or anticipated "effects" of diversion.

The Study

Two separate diversion programs are evaluated with respect to their impact on participating youth's attitudes, perceptions and behavior. Both projects were funded by the Office of Youth Development (DHEW) with

diversions as one of their primary objectives and the evaluation was based upon the theoretical propositions contained in OYD's National Strategy for Youth Development as described above. The objectives of both projects were thus 1) to increase perceived access to desirable social roles, 2) to reduce the stigma associated with traditional processing within the juvenile justice system, 3) to reduce feelings of alienation and rejection and 4) to reduce involvement in delinquent behavior.

The first project (YSB) served a small city of approximately 70,000 in the northwest. During the evaluation year (FY73), 111 referrals were made to the YSB from local police and county probation departments, accounting for 25 percent of the total YSB referrals during this period.

While a majority of YSB clients were referred from parents, school counselors and welfare caseworkers, and the YSB staff viewed their role in the community as a more general youth development agency (i.e., not limited to referrals from the justice system), the YSB was the primary diversion agency for youth in this community and the staff did see diversion as one of their primary objectives. The youth served by the YSB were predominantly anglo, with a median age of 15.

The second project (NYRC) served an economically deprived area of approximately 70 square blocks in a large eastern city. Over 80% of the youth in this area were black and numerous gangs were active in the area during the evaluation period. The NYRC received 139 referrals during the study period with 35% coming from the justice system (predominantly from the probation department). The project staff for NYRC also saw diversion as one of their primary objectives although a majority of referrals to the project came from other than justice agencies.

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In both cases (YSB and NYRC) it was felt that the diversion agency should try to achieve some balance in referrals from the justice system and other sources so as to avoid a negative agency image and reduce the likelihood of negative labeling effects on youth served.

Both projects involved a casework approach, providing intensive counseling services for both youth and their families. Where it was deemed necessary, arrangements were also made for a variety of other services (medical, crisis shelter, psychiatric, etc.) either through purchase of service agreements or volunteered services.

The first 50 youth entering each of these projects after Nov. 1, 1973, constitute the two diversion samples. The actual entry period was from Nov. 1 through January 30, 1974. In each city a comparison group was obtained from youth placed on probation during this same period.

An attempt was made to match the diversion and probation samples in each city by age, sex and ethnicity. Initially, the matching procedure was a precision match, but toward the end of the entry period it became impossible to maintain this procedure. In the YSB, the diversion sample had a substantially higher proportion of females than did the probation sample (70% to 35%); in NYRC, the probation sample was slightly older (16.02 compared to 15.00) than the diversion sample, and had a slightly higher proportion of blacks (100% compared to 94%). All four samples were similar with respect to age, but substantial differences existed between cities with respect to the sex-ratio and ethnic composition of the samples. Further, there are major differences in the social ecology of the two cities.

Youth in the two diversion samples were interviewed with a structured interview schedule as a part of their intake procedure. Interviews

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with the probation samples were completed during the same time period, but not as a part of the normal probation intake procedure. An attempt was made to re-interview all youth after 4 months and again 12 months after the initial interview. The data reported here deal only with the longer (12 month) pre-post lag and involve only those subjects with data from all three interviews. The resulting N's are as follows: YSB diversion - 20; YSB probation - 8; NYRC diversion - 41; NYRC probation - 28. Attrition is thus a serious problem, and was particularly great with respect to the YSB probation sample. Given this problem, caution should be exercised in interpreting the results of the comparisons presented.

Variables

Four major variables were identified in the OYD National Strategy Statement: 1) access to desirable social roles, 2) negative labeling, 3) alienation, and 4) delinquent behavior. Three measures of desirable roles were developed. The first was a six item scale reflecting one's present image with friends as a good athlete, popular with students, leader in school activities, etc. The second was a similar scale dealing with one's image with teachers (on the same dimensions). The third was also a six item scale concerned with perceptions of future educational opportunities, chances of graduating, getting along well with teachers, etc. All three scales had satisfactory reliability and homogeneity characteristics.⁴

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Three measures of perceived negative labeling were utilized.

Each involved the use of the semantic differential and asked the subject

4. A full description of all scales and psychometric properties is available upon request.

to rate how he thought his friends, parents, or teachers would rate him on 6 continuum, such as polite-rude, obedient-disobedient, conforming-deviant. A measure of self-esteem was also utilized as a measure of negative labeling on the assumption that a negative change in self-esteem across time would be a direct measure of negative self labeling. This 6 item scale is a modification of Rosenberg's (1965) self esteem measure. All of these scales had good reliability and homogeneity characteristics.

Three separate measures of alienation were developed. The first was a 6 item scale reflecting powerlessness, i.e., the belief that one has little influence over the outcomes he seeks or experiences. The second is a 6 item scale reflecting perceived indifference and lack of trust. The final alienation measure was a 3 item scale reflecting normlessness, i.e., the belief that one must use illegitimate means to achieve valued goals. Only the societal estrangement scale (perceived indifference/lack of trust) yielded satisfactory scale properties. The reliabilities for powerlessness and normlessness were very low (.32-.42) as was the homogeneity ratio for powerlessness (.07).

The last scale utilized was a self-reported delinquency measure similar to that developed by Nye and Short (1957). This scale contains 16 items such as "taken little things (worth \$5 or less) that didn't belong to you", "broken into a place that is locked just to look around", "participated in gang fights". This scale represents the measure of delinquent behavior and had good scale properties. No attempt was made to compare official rates of recidivism.

Findings - Impact Analysis

A comparison of the four sub-group means on the eleven scales revealed some initial differences. In only two instances were there statistically significant differences between diversion and probation samples. The first involved scores on the self-esteem measure which were lower for the diversion samples in both cities. The second involved a greater perceived negative labeling on the part of the diversion sample in NYRC. Except for these two instances, the diversion and probation samples did not differ at the point they entered the study.

There were five instances where initial differences between cities emerged. The probation samples in YSB and NYRC differed substantially ($p < .05$) in access to desirable roles with both friends and teachers, with the NYRC sample perceiving higher access. These same two groups differed substantially ($p < .01$) with respect to normlessness, with the NYRC group perceiving more normlessness. The two diversion groups from the two cities differed significantly ($p < .01$) with respect to perceived negative labeling from parents and self-reported delinquency. The NYRC group perceived more negative labeling but reported less delinquency. In sum, there were few initial differences between diversion and probation samples within either city, but a substantial number of differences between diversion or probation samples across cities.

Given the presence of some initial differences among the study groups, the comparisons by treatment group and city involved the use of residual gain scores, i.e., pre-post change scores, in which an individual's initial score has been partialled out.⁵ The specific analysis involved

5. Technically, residual gain scores are the difference between the observed second score and a predicted second score which is based upon the regression of initial scores on second scores. For a full discussion of residual gain scores see Bohrnstedt (1969), Lord (1963), Manning and DuBois (1962), Elliott and Voss (1974) Bereiter (1963), Heise (1970).

a two-way analysis of variance (treatment x city) with residual gain score means. The results of this analysis are presented in Table I.

In only two instances were there significant treatment effects. Relative to probation groups, diversion groups evidenced positive gains in access to desirable social roles with friends and positive changes in perceived labeling by friends.⁶ None of the other differences between diversion and probation mean scores were significant, although an examination of the means for all access scales and all labeling scales indicated positive gains for diversion groups compared to negative gains for probation groups.

With respect to the alienation scales, the significant effects were by city. On societal estrangement, both YSB groups generated negative gains and both NYRC groups generated positive gains. A similar city effect was observed with respect to normlessness. A city effect was also found with the teacher labeling scale, with the YSB generating more positive changes in perceived labeling.

Finally, there were no significant city or treatment effects on gains in delinquency. An examination of the respective means indicates that while the NYRC probation sample had a substantial increase in delinquency, all other groups had slight declines.

Impact Summary

Overall, there was only limited evidence to support the position that treatment in a diversion program as compared to a probation program is more effective in producing changes in those variables specified in

6. These same differences were observed with respect to raw gains, i.e., simple pre-post score differences. Thus, friend access scores and labeling scores increased in actual magnitude across time for the diversion samples.

TABLE I.

Residual Gain Score Means
by City and Treatment Group

| <u>Scales</u> | City (A) | Treatment (B) | | Significance | | |
|--------------------------------------|-------------|------------------|------------------|---------------|--------------|--------------|
| <u>Access</u> | | <u>Diversion</u> | <u>Probation</u> | <u>A</u> | <u>B</u> | <u>AXB</u> |
| Friends | YSB | .452 | -2.472 | NS | $p \leq .05$ | NS |
| | NYRC | .464 | - .295 | | | |
| Teachers | YSB | .626 | -1.163 | NS | NS | NS |
| | NYRC | .225 | - .444 | | | |
| Education | YSB | .508 | - .079 | NS | NS | NS |
| | NYRC | .134 | - .538 | | | |
| <u>Alienation</u> | | | | | | |
| Societal Estrangement | YSB | .546 | - .444 | $p \leq .001$ | NS | NS |
| | NYRC | .010 | .503 | | | |
| Powerlessness | YSB | .001 | - .295 | NS | NS | $p \leq .01$ |
| | NYRC | -.230 | .432 | | | |
| Normlessness | YSB | -.330 | - .246 | $p \leq .01$ | NS | NS |
| | NYRC | .104 | .154 | | | |
| <u>Labeling (positive)</u> | | | | | | |
| Parents | YSB | 1.301 | -1.353 | NS | NS | NS |
| | NYRC | .622 | -1.454 | | | |
| Friends | YSB | 2.335 | -2.073 | NS | $p \leq .05$ | NS |
| | NYRC | 1.083 | -2.662 | | | |
| Teachers | YSB | 4.635 | 2.962 | $p \leq .01$ | NS | NS |
| | NYRC | .602 | -5.039 | | | |
| Self-Esteem | YSB | .207 | -.203 | NS | NS | NS |
| | NYRC | .411 | -.692 | | | |
| <u>Self Reported Delinquency</u> | YSB | -1.179 | -1.236 | NS | NS | NS |
| | NYRC | -.898 | .2510 | | | |

OYD's National Strategy for Youth Development as leading to reduced involvement in delinquency. There was evidence that a greater access to positive peer roles is associated with treatment in a diversion program, but no statistically significant differences were found for the other access measures. It is also the case that treatment in probation was associated with more negative labeling by friends, but this difference was not found with respect to perceived labeling by teachers or parents or with respect to an improved self-esteem. With respect to the ultimate criterion - a reduction in delinquent behavior - there was no evidence that the diversion programs were any more effective than the traditional probation programs.

Findings - The Intervention Theory

At this point we are concerned with the validity of the National Strategy for Youth Development as an intervention strategy for delinquency prevention. While the two diversion programs seemed no more successful in reducing delinquent behavior than did the probation programs, the validity of the theory linking changes in perceived access to desirable social roles, negative labeling, and alienation to changes in delinquent behavior is neither confirmed nor rejected by this finding. To test the theoretical model, all 97 subjects were classified into one of the following groups on the basis of their residual gain scores on self-reported delinquency:⁷

7. Those within $\pm .37$ standard deviations from the mean of zero were classified as stable. Those with positive gains $> .37$ standard deviations were classified as increasing and those with negative gains $< -.37$ were classified as decreasing. These cutting points divided subjects into approximate thirds.

Group I (N=32) - Increasing delinquency across time.

Group II (N=26) - Stable delinquency across time

Group III (N=39) - Decreasing delinquency across time

A stepwise discriminant analysis was then completed with initial scale scores as origin predictors (O) and residual gain scores on each of the scales as gain predictors (Δ). In addition to the 11 scales, both city and treatment group were also included as predictors. The results of this analysis is presented in Table II.

The data in Table II offer substantial support for the intervention model contained in OYD's National Strategy for Youth Development.⁸ The strongest predictor was the access to educational goals gain score ($r=.41$) followed by the negative labeling friends gain score ($r=.34$) and normlessness origin score ($r=.33$). The introduction of the city variable produced a .02 reduction in Wilks-Lambda and treatment only a .01 reduction. The classification table indicates an overall accuracy of 69% with these predictors. These predictors were particularly successful in identifying those with decreasing involvements in delinquency (accuracy of 80%).

General Conclusion

The above data provide good support for the intervention model contained in OYD's National Strategy for Youth Development. At the same time it does not appear that the diversion programs evaluated were much more successful than traditional probation programs in generating the

8. The multiple R for these variables with residual gains in self-reported delinquency was .68; $R^2 = .47$. Without city and treatment, $R = .67$, $R^2 = .45$. Thus, city and treatment contribute relatively little explanatory power for changes in delinquency involvement. The other predictors account for nearly half the variance in delinquency change scores.

TABLE II

Stepwise Discriminant Analysis
with Origin and Gain Predictors on Change
in Self-Reported Delinquency

| <u>Step No.</u> | <u>Variable</u> | <u>F to Enter</u> | <u>Wilks Lambda</u> |
|-----------------|--------------------------------------|-------------------|---------------------|
| 1 | Access to Educational Roles Δ | 9.61 | .83 |
| 2 | Negative Labeling - Peers Δ | 3.48 | .77 |
| 3 | Societal Estrangement 0 | 2.70 | .73 |
| 4 | Normlessness 0 | 3.26 | .68 |
| 5 | Normlessness Δ | 2.52 | .64 |
| 6 | Self Concept 0 | 1.82 | .62 |
| 7 | City | 1.58 | .60 |
| 8 | Societal Estrangement Δ | 1.32 | .58 |
| 9 | Access to Roles-Peers 0 | 1.28 | .56 |
| 10 | Negative Labeling Peers 0 | 1.79 | .54 |
| 11 | Powerlessness 0 | .92 | .53 |
| 12 | Treatment | 1.12 | .52 |

All remaining F's to enter below .80

Classification Table

| | <u>Predicted</u> | | | N |
|--------------------------|------------------|--------|------------|----|
| | Increasing | Stable | Decreasing | |
| <u>Actual</u> Increasing | 20 | 7 | 5 | 32 |
| Stable | 6 | 16 | 4 | 26 |
| Decreasing | 3 | 5 | 31 | 39 |
| N | 29 | 28 | 40 | 97 |

changes specified in this model. The one access measure which was associated with diversion programs (access roles-friends) was not a very powerful predictor of decreasing delinquency and the access measure which was a powerful predictor (educational goals) was not associated with diversion. The one potentially positive result of the diversion-probation comparison was the finding that the diversion programs generated less perceived negative labeling from friends than did probation and a decrease in this variable was associated with a declining involvement in delinquent behavior. This suggests that the diversion programs may be less stigmatizing than probation, but there is no evidence that they are more effective in increasing access to educational goals or reducing alienation or delinquency than are the traditional probation programs.

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