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NATIONAL STUDY OF THE AFTERMATH OF APPREHENSION†

Martin Gold and Jay R. Williams***

I. Introduction

It appears, unfortunately, that what legal authorities now commonly do upon apprehending a juvenile for his delinquent behavior is worse than not apprehending him at all. Two independent studies demonstrate that apprehension itself encourages rather than deters further delinquency. Such a conclusion constitutes a serious indictment of current procedures. This article documents that conclusion and, together with the reactions to these data of men professionally concerned with the problem of delinquency, suggests what might be done about this problem.

II. The Philosophy and Practice of Juvenile Law

In theory, the police and the courts, when dealing with juvenile offenders, "are not looking outwardly at the act but, scrutinizing it as a symptom, are looking forward to what the child is to become."¹ One accurate description of the entire legal approach to delinquency, in a discussion of the philosophy of the juvenile court, is that

By using juvenile court procedures we have attempted to avoid applying the "stigma of crime" to the acts of children. In theory, the juvenile court does not determine the guilt or

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¹ WHITE HOUSE CONFERENCE ON CHILD HEALTH AND PROTECTION, *THE DELINQUENT CHILD* 257 (1932).

innocence of a criminal; it merely acts in behalf of a child who is in need of help. The court's objective is treatment, not the meting out of penalties.²

The issue under consideration is the degree to which the authorities, upon apprehending a juvenile, begin a chain of events which makes constructive diagnostic use of the offense and which contributes positively to "what the child is to become." Certainly one significant measure of progress is the child's behavior subsequent to apprehension.

Evidence of the shortcomings of juvenile courts and reformatories is well-established. Too large a percentage of juveniles who appear before the juvenile courts subsequently return to the court or to a reformatory.³ Yet, most of them do not return, and however much one may be dissatisfied with the degree of success of rehabilitation, there might be some consolation in the fact that some good is accomplished; some delinquents are rehabilitated who otherwise would not have been. It is unsettling however to realize that the number of recidivists is not only larger than one would reasonably expect, but the number is also larger than if *nothing had been done*—larger than if no delinquents had been incarcerated, had appeared before the court, or indeed, *had been caught at all*. Such appears to be the case.

Documenting the effects of apprehension upon delinquent behavior is very difficult. Such an endeavor requires detailed knowledge of the subsequent delinquency not only of apprehended juveniles, but also of juveniles who have never been caught. Furthermore, in order to confidently attribute subsequent delinquent behavior to apprehension itself, it is necessary to control for several other variables which might affect later delinquency.

The data required to establish the effect of apprehension have only recently become available. Since the inferences to be drawn from these data are so disturbing, it is necessary to describe their collection and analysis in some detail.

² E. SUTHERLAND & D. CRESSEY, *PRINCIPLES OF CRIMINOLOGY* 8 (7th ed. 1966).

³ *Id.*, at 468-70.

III. The National Survey of Youth

This study of apprehension was part of a larger study of adolescence in America. In the late spring and summer of 1967, the Institute for Social Research at the University of Michigan, under a grant from the National Institute of Mental Health, interviewed a representative sample of 13- through 16-year old boys and girls in the contiguous forty-eight states. The sample was systematically selected so that it would be possible to generalize legitimately from the data on the 847 teen-agers who were interviewed to their age group as a whole.

Among other aspects of adolescent life, the study inquired about the delinquent behavior of each adolescent during the three years prior to the interview. Every effort was made to encourage the respondents to be frank about such behavior. They were assured of the anonymity and confidentiality of the interview protocols. All interviews were taken in strict privacy, outside of the respondents' homes and away from their families. Interviewers were carefully selected from among university upperclassmen and graduate students and were thoroughly trained. Young men interviewed the boys; young women, the girls.

These efforts to obtain valid records of delinquent behavior, *apprehended or not*, were fairly successful. The authors estimate that about seventy percent of the respondents were altogether truthful in their reports, about fifteen percent hedged somewhat about their offenses and another fifteen percent, for the most part, concealed their transgressions.⁴ Most important for this particular study, there is no indication that the more delinquent adolescents concealed their offenses any more than did their less delinquent peers; that is, although some respondents concealed their offenses, comparisons may safely be made between adolescents who differ in the degree of their delinquency.

Interviewers probed for the details of the respondents' delinquent behaviors, recording such information as the nature of

⁴ For a discussion of how these estimates of the validity of the self-reported delinquency were made, see Gold, *Undetected Delinquent Behavior*, 3 J. OF RESEARCH ON CRIME & DELINQUENCY 27-46 (1966).

each offense,⁵ when it was committed, whether it resulted in apprehension, and, if apprehended, what was the ultimate disposition of the case. In the event that an adolescent had committed more than three offenses of any one type, such as theft, property destruction, truancy, assault, or drug use, in the previous three years, only details of the three most recent offenses were documented.

IV. Investigating the Effects of Apprehension

A study of the effects of apprehension clearly required that the apprehended teenagers among the 847 respondents be identified. Furthermore, to allow for the possibility that some offenses were committed after apprehension, only those apprehended teenagers who confessed to at least four offenses were studied. It was not known at the point of initial selection how many of their offenses were committed before and how many after their apprehension. Following the identification of such offenders, their age, sex, race, the month and year of their first apprehension, and the number of offenses they had committed prior to being caught were noted.

The next step was to identify a control group of unapprehended offenders. The authors attempted to match each apprehended offender with an unapprehended offender of the same sex and race who was within six months of the apprehended offender's age, who had committed a delinquent act within six months of the offense at which his apprehended match had been caught, and who had committed about the same number of offenses prior to that act.

This set of criteria for matching was intended to rule out other important differences between the apprehended respondents and their controls so that the effect of apprehension itself might be observed. For example, it was known from some of our other data that older juveniles are more delinquent than younger ones; hence the criterion of age. Also, since a history of delinquent behavior during one time period is predictive of delinquency at a later time, the matching criterion of number of prior offenses was

⁵ For example, if something was stolen—what was it? how was it taken? what was done with it?

established to equalize the degree of delinquency up to the time of the key offense.

It is almost inevitable that, with as many as seven criteria for matching, matched controls would not be found for all of the apprehended respondents in our sample. Initial identification yielded seventy-four apprehended respondents out of the 847 respondents in the sample. Acceptable matches for thirty-five of them were found. The delinquent history of a matched pair is presented below for the purpose of illustration.

Respondent 306 is a white male who was thirteen years, ten months old when he was interviewed in May, 1967. On a Saturday night during the previous October, he and four friends climbed through an open window in the Elks Club building in their California community. Apparently someone saw them enter, because two police officers surprised them in the building shortly thereafter. The officers took the boys to the local police headquarters, fingerprinted them, and called their parents to take them home.

In the two and one-half years prior to this first apprehension, the boy told his interviewer that he had committed three other chargeable offenses which had not been detected. He had twice deliberately hunted on posted land and once had taken a jeep for a joyride.

His matched control, Respondent 554, is a white male from Michigan who was thirteen years, eight months at the time he was interviewed. On a Saturday afternoon of the previous June, he and some companions entered an empty school building through an unlocked door, played about in the halls and the gymnasium for awhile, then left undetected. Prior to that time, he admitted ganging up on and beating another adolescent, beating another boy by himself, and, in a fit of anger, destroying some art prints that belonged to his father. He reported no contact with police for these acts or for any other behavior.

The experience of being caught by the police, taken to the police station, fingerprinted, warned by the police, and "grounded" by his parents apparently did not deter Respondent 306 from further delinquencies. A few weeks later, he and three friends broke a fence on property near their homes. Some weeks after that, he went for a twenty-minute joyride on a motorcycle.

Between January and May prior to the interview, he and some friends drank beer at a girlfriend's house when her parents were out; he shoplifted fruit from a local supermarket; he destroyed an ornamental lamppost in front of a downtown office. He was apprehended by the police again for destroying the lamppost.

Meanwhile, the matched control, who had not been apprehended for entering a school building, committed only one offense between that time and his interview. He began carrying a large knife on his person "just to have it when I go out." It is quite possible that this boy, with his history of aggression and of destructive anger, is potentially more dangerous to the community with his knife than is his apprehended match. It is clear, however, that the apprehended match's level of delinquent activity was higher in the months after his apprehension than was the delinquent activity of the unapprehended match after his undetected offense.

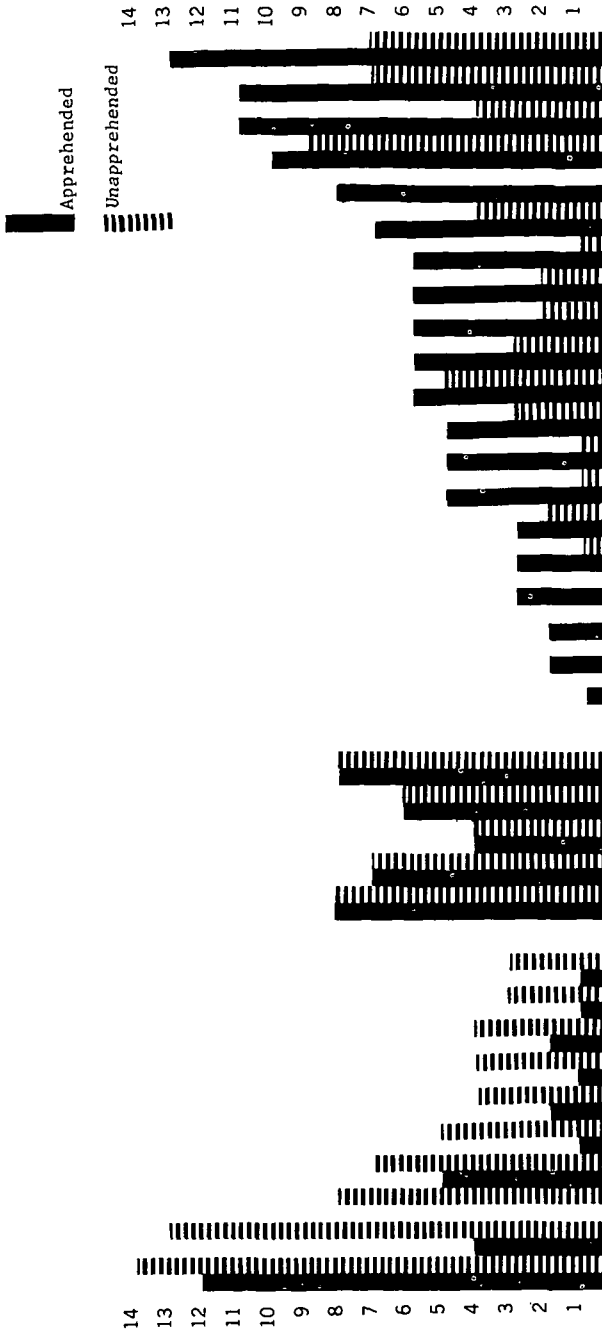
The data on all thirty-five matched pairs selected for this study indicate that the pattern of the illustrative pair is the common one. In twenty of the thirty-five comparisons, the apprehended member of the pair subsequently committed more offenses than his unapprehended control. In ten of the thirty-five, the unapprehended control committed more offenses. Five pairs committed an equal number. Table I summarizes the data for the thirty-five matched pairs.

The frequency of delinquent acts occurring *after* the date of apprehension for the caught teenager and the corresponding date for the matched unapprehended youngster is represented by paired solid and striped vertical bars. The solid bars represent apprehended youngsters and the striped bars, unapprehended youngsters.

While the data are not presented in the table, the number of offenses prior to the key offense are matched closely for the apprehended and unapprehended groups. The average number of offenses prior to apprehension for all the apprehended offenders is 6.6 offenses. The average number of prior offenses among unapprehended offenders, the control group, is 6.8 offenses.

Statistical analysis demonstrates that the more frequent subsequent delinquent behavior of the apprehended respondents as compared to their unapprehended matches is so large that it could

TABLE 1
Matched pairs: Frequency of delinquency subsequent to apprehension.



Apprehended youngsters committed more offenses after apprehension than the unapprehended controls. (Matched pairs = 20)

Apprehended and unapprehended youngsters committed an equal number of offenses. (Matched pairs = 5)

Apprehended youngsters committed fewer offenses after apprehension than the unapprehended controls. (Matched pairs = 10)

have occurred by chance only once in ten times.⁶ Confidence in the reliability of this finding is increased by the knowledge that this is the second set of data to produce such findings. An earlier and identical study of the effects of apprehension was conducted as part of a pilot project on adolescence and delinquency in Flint, Michigan. There too, the apprehended juveniles committed markedly more offenses than their unapprehended controls.⁷ It is unlikely that two separate studies would both yield statistically significant similarities in continuing delinquent behavior between apprehended and unapprehended juveniles merely by chance. The authors believe that these data indicate that apprehension itself contributes to further delinquency.

V. A Few Considerations

Before one might explain, with any confidence, *why* apprehension has the negative effect it apparently has, much more research is necessary, specifically on the nature of a juvenile's experiences and feelings surrounding his apprehension. At this point, one can only speculate on the basis of limited data.

The dispositions of apprehended offenses so far have not provided any clues. It appears that the authorities' official actions do not make any difference. Fifty-nine percent of the cases of apprehended juveniles are disposed of by the police themselves without involving the courts. The great majority of police dispositions are simply warnings followed by release to parents, although informal probation imposed by the police and referral to other community agencies which serve youth are occasionally utilized.

A small proportion (five percent) of the apprehended juveniles in the sample were simply warned and released by the juvenile court. Approximately twenty-four percent were placed on probation, while four percent were incarcerated. A variety of dispositions not easily categorized account for the remaining eight percent.

An observer from the "get tough" school might contend that too many of these young offenders were "coddled." Approxi-

⁶The statistical test applied was the Wilcoxon Signed-Ranks Test. See S. SIEGEL, *NON-PARAMETRIC STATISTICS* 75-83 (1956).

⁷See M. GOLD, *DELINQUENT BEHAVIOR IN AN AMERICAN CITY* (1969).

mately sixty-three percent of apprehended delinquents are merely warned and released. However, if lenient treatment is at fault, then what of those offenders who go undetected? In a sense, they are the most "coddled" of all the young offenders, yet they are subsequently less delinquent than offenders who are caught.

One might argue that the authorities should act sternly once they have an offender in hand. Any disposition less than a referral to juvenile court, for example, may suggest a level of tolerance which encourages further delinquency. But if this were so, then those apprehended youngsters whom police referred to court would subsequently be less delinquent than those whom police warned and released. On this point, the numbers of cases are too small to permit systematic analysis. Our data on inspection, however, reveal no differences in subsequent delinquent activity between those referred to court and those only warned and released by police.

It would be easy, but unfortunate, to conclude from these data that authorities should stop apprehending juvenile offenders. According to the findings of this study, such a policy is likely to effect a reduction in their delinquency. Since apprehended juveniles are among the most delinquent teenagers,⁸ measures to reduce their delinquency will make a significant contribution to ameliorating the entire problem.

Lest some individuals fear that non-apprehension of juvenile offenders will encourage delinquency among less-delinquent or non-delinquent teenagers by eliminating the deterrent effect of being caught and punished, it should be pointed out that there is no evidence substantiating such a deterrent effect.

Ceasing to apprehend offenders, however, is not a constructive approach to the problem of juvenile delinquency. The authors believe that the philosophy of juvenile law is essentially good: delinquent behavior should be viewed diagnostically. It may be a signal that a juvenile needs help of some kind. Of course, the young offender must be caught if he is to receive help unless those juveniles who need rehabilitation can be otherwise identi-

⁸ Getting caught seems to be mostly a matter of chance. So the more delinquent a youngster is, the more likely he is to be apprehended. Simple frequency of delinquent behavior is the best predictor of getting caught that we have found so far. For a discussion of these data, see Gold, *Id.*

fied. Relatively few delinquents are apprehended; less than three percent of chargeable offenses result in detection and a large majority of the most delinquent teenagers never become known to the authorities. The above data on the effects of apprehension demonstrates that the juvenile system is even less competent at diagnosis and treatment after apprehension.

VI. Conclusion

Everyone treating the problem of delinquency should realize that analysis of this problem is in an experimental phase. Common-sense wisdom, pet ideas, and fads in treatment are acceptable if they are put to systematic test. Much trial and error at this experimental stage can be avoided by adopting at least two measures. First, experimental treatment programs carefully formulated from what is scientifically known about delinquency should be established. Second, carefully documented successes and failures should be shared openly among those working in this problem area. There have been successful programs⁹ which seem promising enough to merit further application and elaboration. It is simply wasteful, especially in an environment of scarce resources, to repeat others' mistakes.

⁹ See, for example, Massimo & Shore, *A Comprehensive, Vocationally Oriented Psychotherapeutic Program for Delinquent Boys*, 33 AM. J. OF ORTHOPSYCHIATRY 634-642 (1963).