



Gender differences in effects of teen courts on delinquency: A theory-guided evaluation

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ABSTRACT

Teen Court (TC) is an innovative juvenile diversion program that has spread rapidly across the United States in recent years. Despite its popularity, rigorous research on TC effectiveness is lacking. This study used data from a recent randomized trial of the effectiveness of TCs to examine gender differences and mediators anticipated by labeling theory. The study found gender differences in the effect of TC on delinquency. TC was found to increase delinquency for males and to have no effect for females. Implications related to the findings are discussed.

Published by Elsevier Ltd.

Introduction

Teen court (TC) is an innovative juvenile justice diversion program that involves teens in judicial decision-making about the behavior of other juveniles who have committed misdemeanor offenses. These programs are an attempt to hold minor offenders accountable for their behaviors, but also to reduce formal labels compared to traditional juvenile justice services. TCs incorporate components of restorative justice and positive peer pressure to deter future crime by these juveniles. The program is growing in popularity despite mixed findings on its effectiveness from evaluation studies. This study extended an earlier study of the effectiveness of TCs (Stickle, Connell, Dugas, & Gottfredson, 2008) by applying criminological theory to understand the mechanisms through which TCs might influence subsequent delinquency. It tested the hypothesis, based on labeling theory, that TCs may increase informal labels. Gender socialization research suggests that males and females will subjectively interpret these labels differently, leading to different influences on self-concept and subsequent delinquent behavior.

Teen court overview

Approximately 2.3 million juveniles, under the age of eighteen, were arrested in 2002 (Snyder, 2004). In a juvenile justice system operating over capacity, only a small fraction of youthful offenders can be formally sanctioned through full court action. Diversion programs are often used to process the less serious offenses so that valuable court resources can be devoted to the more serious offenders. TCs, a form of youthful diversion program, have been in existence since at

least the 1970s, although they have recently become increasingly popular across the U.S. According to Pearson and Jurich (2005), there were 1,035 TCs in operation in 2005.¹ It is estimated that between 110,000 and 125,000 teenage offenders are involved in TCs every year. In addition, another approximately 100,000 youth participate as volunteers (Butts, Buck, & Coggeshall, 2002; Pearson & Jurich, 2005).

Most TCs generally accept first-time offenders who commit a minor offense and admit guilt. Juvenile offenders are subject to a trial by their peers, consisting of both previous offenders and volunteers, who evaluate the offense committed and other related circumstances.² Appropriate sanctions are then assigned and the offender is given a time period to complete the sanctions. Once the sanctions are complete, the offense is removed from the juveniles' record. If the sanctions are not completed, the case is referred back to the juvenile justice system. The structure of TCs is intended to hold juvenile delinquents responsible for their actions without the stigma of a formal label.

Previous research on teen court

Rigorous research is lacking on TCs. Some researchers have reported on TC completion and recidivism rates. Completion rates between 71 percent and 92 percent and recidivism rates between 10 percent and 32 percent have been reported (Harrison, Maupin, & Mays, 2001; Hissong, 1991; Minor, Wells, Soderstrom, Bingham, & Williamson, 1999; Rasmussen, 2004; Seyfrit, Reichel, & Stutts, 1987). Unfortunately, because prior evaluations have generally used less than optimal research designs and varying definitions of recidivism with vague descriptions of the follow-up period, it is difficult to determine the actual effectiveness of TCs for reducing subsequent crime.

In 2005, Povitsky conducted a more rigorous study of TCs. The participants were not randomly assigned to treatment and control groups, but an adequate comparison group was used and the follow-up period was clearly defined. Povitsky (2005) compared the recidivism

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rates of a sample of first-time TC offenders to a similar sample experiencing traditional juvenile justice sanctions, the Department of Juvenile Services group (DJS). The TC sample consisted of 211 teens processed by a Maryland county TC between July 2000 and June 2003. The control group was selected from a demographically similar county, with no existing TC or alternative diversion program. These 781 teens committed similar offenses during the same time period and were in the same age range as the TC sample. Recidivism was measured eighteen months following arrest and was defined as a rearrest. The results showed that the TC sample was significantly more likely to recidivate than the DJS sample. This finding provided evidence suggesting that TC is less effective than traditional juvenile justice services in reducing subsequent recidivism.

Another rigorous study of TCs was conducted by Butts et al. (2002). These researchers also failed to randomize, but used adequate comparison groups as well as a sufficient sample size. They collected data on 500 youth referred to TCs in Alaska, Arizona, Maryland, and Missouri. Comparison groups in each state were composed of youth who were involved in the regular juvenile justice system and were matched on demographics and offense. The programs varied on a number of factors resulting in slight differences in comparison groups and outcomes measures, with the greatest difference in Maryland.³ Results showed that the TC groups were significantly less likely to recidivate than the controls in Alaska and Missouri. The TC group was also less likely to recidivate in Arizona, but the difference was not statistically significant. In Maryland the control group was less likely to recidivate, but the difference was not significant and both comparison and treatment groups had low rates of recidivism, 4 percent and 8 percent respectively. Butts et al. (2002) concluded that TCs are a “promising alternative for the juvenile justice system.” Contrary to the findings by Povitsky (2005), this study suggested TCs are effective or at least as effective as traditional services in reducing recidivism.

The most rigorous study of TCs to date was implemented by Stickle et al. (2008). Participants who qualified for TC were randomly assigned to either TC or to receive “treatment as usual” by the Department of Juvenile Services (DJS). The seventy-five participants were surveyed approximately six months following entry into the study. The study found that TC participants were significantly more likely to report delinquent behaviors during the follow-up period than the controls. Consistent with this finding, although not significant, all of the findings on attitudes targeted by the program were in the direction of TC participants fairs worse than the controls. Effect sizes were small to moderate and also were favoring the control group. Official records were also collected six months following registration. The difference failed to reach significance but consistent with the self-reports, the TC sample recidivated more than the DJS sample (11 percent and 9 percent, respectively). Again this study questioned the effectiveness of TC in comparison to traditional services.

Results from the limited research available on TCs reflect uncertainty as to its effectiveness. To date, sufficient evidence is lacking to either confirm or deny the ability of TCs to significantly reduce recidivism compared to traditional juvenile justice services. This study used the data from the Stickle et al. (2008) study to explore mechanisms through which TCs might influence subsequent behavior, specifically through the possibility of increased informal labels. The following sections demonstrate how labeling theory as rooted in symbolic interactionism and gender differences in socialization may lead to differences in the subjective interpretation of informal labels during the TC process.

Labeling theory

Symbolic interactionism is one of two perspectives in which labeling theory has its roots. According to symbolic interactionism, individuals interact with their environment and actively construct meanings given to situations, actions, and themselves (Blumer, 1969).

This dynamic process suggests that labeling an individual may result in negative consequences depending on the construction of the meaning of the label to the labeled individual. Thus, it is not the application of the label that results in further delinquency, but the interpretation of the label.

Lemert, an influential labeling theorist, used the symbolic interactionism framework to develop a labeling theory that distinguished between primary and secondary deviance. The source of primary deviance was never fully developed, but Lemert (1981) believed that secondary deviance resulted from the internalization of the deviant label. As Becker (1963) suggested, the deviant identity becomes the master status through which all other roles are filtered. Labeling theory was prominent during the 1970s, but fell out of favor when researchers failed to correctly interpret the theory. One of the reasons for the declining interest in labeling theory was the failure of researchers to properly identify and test the mediating mechanisms between labeling and delinquency, and instead assumed that the label was directly related to delinquency. Lemert (1981) himself suggested that the label is not as important as the individual's reaction to it; failure of researchers to realize this important proposition contributed to decreased interest in the theory.

In 1989, Paternoster and Iovanni wrote a seminal article in which they called for a revitalization of labeling theory. They suggested that the misinterpretation of labeling theory as rooted in symbolic interactionism was pivotal to its downfall. With improved research tests, labeling theory could help to explain delinquency through the examination of the mechanisms often neglected by researchers. Relevant to this study, the formation of a deviant self-concept was one of the proposed mechanisms that required attention.

A number of revitalizations to labeling theory arose from the article by Paternoster and Iovanni (1989). Matsueda (1992) developed a theory of differential social control which is heavily rooted in symbolic interactionism. The theory suggests that “reflected appraisals” are a major component in defining oneself as delinquent, which presumably leads to more delinquency. Reflected appraisals are conceptualized as an individual's perceptions of how others see him or her. These subjective interpretations are then internalized and become a part of the self. Greater specification of the intervening mechanism was only one of Matsueda's contributions to labeling theory; he also stressed the importance of informal labels (from those close to the individual such as parents, peers, teachers, and the community) over formal labels. Research related to the relationship between official sanctions and both self-concept and delinquency has been mixed (Bartusch & Matsueda, 1996). On the other hand, informal labeling has more recently been found to have similar or even greater effects on subsequent delinquency (Adams, Robertson, Gray-Ray, & Ray, 2003; Jensen, 1980; Zhang, 1997). Considering these mixed findings and consistent with the symbolic interactionism perspective, informal labels may be more salient reflected appraisals. Using data from the National Youth Survey (NYS), Matsueda (1992) found support for the contribution of reflected appraisals in leading to delinquency for boys. Specifically, he found that reflected appraisals as a rule violator significantly predicted delinquent behavior as well as mediated the effect of parental labeling on delinquency. The findings provided evidence for the importance of informal labels in generating a delinquent self-concept and more delinquency.

There are important implications of Matsueda's theory for the proposed effectiveness of TC. TC was developed to reduce effects of formal labeling, yet the Stickle et al. (2008) study found that TC participants fairs worse than the control participants on a number of evaluated criteria suggesting either that formal labels have no effect on subsequent behavior or that the control condition in the study did not in fact formally label youths. The latter explanation is consistent with observations that in an overtaxed juvenile justice system, first-time misdemeanor offenders are likely to “fall through the cracks.” In comparison to traditional juvenile justice services, however, TC is

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