

THE UNIVERSITY OF MANITOBA

CHARACTERISTICS AND METHODS OF DISPOSITION
RELATED TO SUCCESSFUL OUTCOME IN
CASES OF JUVENILE DELINQUENCY

BEING A THESIS SUBMITTED IN PARTIAL
FULFILMENT OF THE REQUIREMENTS FOR
THE DEGREE OF MASTER OF SOCIAL WORK

by

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CHAPTER I

INTRODUCTION

In the light of the large number of juvenile offenders who do not respond successfully to the court's attention, the authorities and agencies concerned with the welfare of children have become increasingly aware of the need for illumination of certain aspects of the court's treatment of the juvenile delinquent.

There is a remarkable diversity of delinquency prevention programs in North America revealing much confusion and lack of consistency. This is due to a conflict between two points of view. On the one hand the process of law is inherited from the adult courts where the emphasis is on the offence and protection and the revenge of society. On the other hand the social worker's focus is on diagnosis and treatment of the offender.

In spite of efforts of those working in the field, delinquency appears to be mounting instead of diminishing. The public generally is showing concern as is evidenced by material in all media such as newspapers, magazines, radio and television.

As the policy and procedures of juvenile courts on the North-American continent are not uniform, any action or program in this respect can only be viewed locally.

The Juvenile and Family Court of Winnipeg, Man., has two ways of dealing with youthful offenders (1) formal and (2) informal. The case is considered to be disposed of formally when the offender is brought to the attention of court and appears before the judge. When the child is brought to the attention of court but does not appear before the judge the case is considered to be disposed of informally. Traditionally, each child, with the exception of those committing car theft or liquor offences, is dealt with informally at first. However, there are no set rules about it and the chief probation officer has the right to make an arbitrary decision as to the disposition of the case. For the purpose of this study, the child who does not appear in court within one year of his first contact with the court is considered to respond successfully to treatment. The detailed definition is to be found in Chapter III.

The court authorities are interested in determining certain identifiable peculiarities of juvenile delinquents which peculiarities will facilitate the decision as to the disposition of the case. This interest and subsequent suggestion for research in this field stems from the recognition by the court authorities of the complexity of factors contributing to the successful response of offenders to court attention and the necessity of deciding on the form of treatment very early in the case.

It is natural to ask to what extent is the success of response to the court's attention due to the method of the handling of the case.

It is hoped that this study done by a group of social work students may contribute to the establishment of a reliable way of determining the best disposition of a case.

Thus this study sets out to examine the hypothesis that certain characteristics in the life of a juvenile offender offer some criteria for predicting the successful or unsuccessful response of the offender to the court's disposition of the case.

As former studies on Juvenile delinquency point clearly to the nature of characteristics of youthful offenders, the ideal approach would be to study psychological, economic, social and cultural factors most intensively. A study of such proportion would entail more personnel, skill and time than is available. Therefore the investigation must be limited to certain selected areas of the peculiarities of juvenile delinquents to see whether there are certain criteria for predicting the response to treatment e.g. is the boy who is a truant from school apt to be a repeater?

This study will focus its exploration on the boys who appeared in the Juvenile Court of Winnipeg, Man. in the period of April 1, 1958 to August 1, 1958. The study eliminates boys younger than 13 years and older than 15. The pertinent literature and contact with the Court indicated that boys of this particular age constitute a most significant and characteristic segment of juvenile delinquents. The same criteria for choosing this particular time of the year were applied. Previous researches done in this field point to the more uniform occurrence of crime during the warm season of a year. The study did not include girls in the sample as they are not considered typical offenders.

The further review of literature and contact with Court Officials was an influence in narrowing down the search for certain peculiarities of juvenile delinquents to the three main areas of his life:

1. Personal performance especially his school attendance and progress.
2. Family situation.
3. Economic situation.

It should be borne in mind that the depth of such exploration was limited by the material available and was rather confined to overt and easily observable behaviour.

Research of others has shown that many delinquents began their careers as truants from school. Studies have shown that the academic performance of children is one of the most sensitive areas to measure the degree of their disturbance. It is anticipated that boys with these problems are less likely to respond successfully to court attention. It is also expected that court attention will be more successful with boys who committed offences with others because it was felt that an individual breaking law independently is probably more asocial and less amenable to social pressures.

In exploration of the family situation of the delinquent the study limited the investigation to the supervision at home, the number of siblings and the delinquent records of the family.

Various authors emphasize the unfavorable home conditions as contributing factors to delinquency. Evidence points to the fact that

children coming from large families are prone to be more delinquent than those coming from smaller ones. Identification with parents and siblings predisposes the child from the family where other members are known to court, to asocial behavior.

Originally the plan was to look at the cultural aspects of delinquency as it affects the Indian and Metis, knowing that in their attempts to be part of the community they may take on the less desirable features of contemporary life. Because of the difficulty in isolating the Indian and Metis delinquent in the court records this aspect had to be dropped. It was possible, however, to look at the child born out of Canada. Our literature indicates that foreign born children find difficulty in reconciling themselves with different, sometimes contradictory, social values and mores.

The economic aspects of the family will be looked at. Since poverty may create or intensify family friction or lessen the capacity of parents to discharge their responsibilities the study will explore regularity of employment of the breadwinner and his contact with welfare agencies to throw some light on the family.

It was assumed, on the basis of previous studies, that the rating of the child in these three areas could have some relationship to his response to the court's attention. As pointed before the depth of the exploration by the study and limitation of the project to specific areas of characteristics will determine the significance of the findings accordingly.

The study will isolate and define nine characteristics of

the juvenile offender, each characteristic having two aspects: one negative and one positive. For instance the school attendance will be looked upon as satisfactory (positive aspects) and unsatisfactory (negative aspect). The study will use the following criteria in testing the hypothesis:

The higher than average success rate in any of the positive characteristics, and the lower than average success rate in any of the negative characteristics will tend to support the hypothesis while the reverse situation will tend to invalidate it.

The study will also review the success rate of boys with the positive and negative characteristics in relation to the disposition of the case (formal or informal).

In proceeding chapters the study will present the material as follows:

In Chapter II the review of pertinent literature will be discussed. Certain contradictory views of various authors will be discussed. Although there are some disagreements among students of human behavior, their seemingly differing findings point to the three areas of human life, which areas became the field of exploration for the study.

Chapter III describes the method used in this study with more detailed discussion of the scope and limitation of the data and measures and defines other terms used. The primary source of the information will be the case records of the Juvenile Court of

Winnipeg. For the specific information concerning the school attendance and academic progress questionnaires will be sent to the principals of the schools. Use of the schedule to collect the data will be discussed also.

In Chapter IV the data will be compiled and analyzed, as explained above, and material presented in tables.

In the final chapter (V) the findings will be summarized in relation to the sub-hypotheses and the results evaluated in relation to the hypothesis.

CHAPTER II

BACKGROUND LITERATURE

In perusing literature it became apparent that the views of authors varied from the most optimistic to the most discouraging statements about delinquency. There is a tendency on the part of social research theoreticians to suggest that human behavior can be explored, and predicted with relative preciseness. G. A. Lundberg¹ in his "Social Research" leaves little doubt that he believes science will ultimately arrive at the point when human behavior will be expressed in formulas. According to him this will enable us to find more intelligent methods in remedying the unfavorable aspects of human behavior.

Authors who attempt to confine their studies to more specific fields of social research do not entirely share the views of theoreticians. Thus, for instance, Dr. Cabot in his foreword to Glueck's 500 Criminal Careers wrote that the problem (of delinquency) is "too difficult for any wisdom yet existent".²

D. Taylor³ in his studies of juvenile delinquency was able to arrive at relatively correct ways of predicting the behavior of youthful offenders.

Similarly Glueck⁴ constructed prediction scales which could be used successfully in assessing and predicting delinquent behavior of children.

D. Taylor speaking of his findings says that assessment and prediction of juvenile delinquency cannot be arrived at by mathematical computations of weighted variables. E. Powers in his evaluation of Taylor's study wrote, "There is little doubt the judgments were configurational or impressionistic the determining elements of which could not be separated". He concludes that "reliability of prediction is far greater than the reliability of reasons for the prediction... The experts (in j.d.) are not able fully to verbalize the grounds for their diagnosis and prognosis".⁵

Authors generally agree that juvenile delinquency is an established pattern rather than a series of isolated incidents. This pattern governs a child's behavior and is a most important factor in the success, or failure of court attention. Patterns of children's behavior could be illuminated by exploring certain characteristics of individuals and their families. S. E. Glueck is most explicit in this respect and all his studies point to the relationship of successful court treatment and the characteristics of juvenile offenders.

The peculiarities of juvenile offenders which have attracted the attention of many authors could be classified broadly under three groups: (1) Socio-economic status (2) familial background (3) personal abilities of the offender, mainly his school performance.

Not all authors, however, agree on interpretation and emphasis of the characteristics of juvenile offenders. Thus for instance opinion as to the influence of the socio-economic status on

behavior of children is divided. T. Nye⁶ states that socio-economic background has no relation to the delinquent behavior of juveniles. He bases his findings on surveys conducted among school children. According to him police and court records are inadequate in assessing the ratio of low-class delinquents.

The majority of authors, however, with various emphasis, point to the correlation of juvenile delinquency and low socio-economic status of the family.

N. Morris⁷ in his book The Habitual Criminal, brings forth some evidence in support of the latter supposition. K. Rogers⁸ in his study of street groups in Toronto draws the attention of the reader to the disproportionate number of delinquent boys who came from the low socio-economic class. D.A. Ulman⁹ in his article "Some Social Characteristics of Misdemeanants" lists the low socio-economic background as one of the most prevalent peculiarities of offenders. Most of the authors tend to base their findings on data derived from police and court files.

There appears to be general agreement among the authors on the nature of delinquency as related to the social class. Such offences as theft and assault are prevalent among poor families, while calculated fraud attracts children from the middle class. H. M. Shulman¹⁰ brings out strong evidence of this phenomenon while reviewing structures of low and middle class families in his study of 966 delinquents (Boston Juvenile Court Study).

Broken and malfunctioning homes are recognized as a second prevalent characteristic of juvenile offenders. Some authors emphasize

the economic hardship which comes as a result of family disruption. M. B. Clinard¹¹ in his "Sociological Factors in Juvenile Delinquency" points to the subsequent economic deterioration of broken families and the predisposition to crime.

Shulman, Glueck, Witmer, Powers, Taylor and many others view broken and malfunctioning homes as a contributory factor to juvenile delinquency from the angle of parent-child relationships.

Emotional deprivation or rejection by parents places the child in a retaliatory position which may be manifested in asocial acts.

E. Powers in his review of malfunctioning homes writes, "The best evidence points to the conclusion that broken homes are not nearly so serious as a causal factor in producing delinquents as disorganized homes. It is not physical absence of the father or even the mother but a fault of the human relationship which causes the child to go astray".¹²

Working mothers are regarded by some authors as a sign of weakness in the family. V. E. Leonard¹³ compares several studies done in Holland and U.S.A. He finds that children whose mothers work are more predisposed to delinquent behavior. It is suggested that the equilibrium of roles becomes upset in such families. As a result children are deprived of adequate attention.

H. M. Shulman¹⁴ in his study of 500 youth committed to the Massachusetts Reformatory finds that 60% of them come from broken homes. He also established that 48% of 966 juvenile delinquents who came to

the attention of the Boston Juvenile Court had backgrounds of disrupted families. This author supports the observation of E. Powers that broken homes are less injurious to children than chronic dissatisfaction of parents with their marital life.

The third area of interest in characteristics of juvenile offenders seems to focus around his school performance and group activities. E. Powers¹⁵ in the Cambridge-Somerville Study says that school attendance and academic progress are the most important indicator of the child's disturbance for the school child must conform to certain norms approved by society. The potential offender will most probably come in conflict with such norms and manifest his asocial behavior.

N. Morris¹⁶ in his study of 270 habitual criminals points to low education as one of the common characteristics of these individuals. Their asocial behavior prevented them from satisfactory functioning in school. Both above named authors agree that the observation of disturbances in children in school has probably the greatest validity.

According to E. Powers many juvenile delinquents go undetected by authorities. Closer attention to seemingly benign misconduct in school would deal with the juvenile delinquency in its initial stages.

W.C. Kvaraceus¹⁷ in his study of 661 delinquents found that 43.5% had repeated one term ($\frac{1}{2}$ year) or more compared to 17% for the total school population. Examination of research projects of this author shows that incidence of truancy among delinquents is much higher

than non-delinquents. Glueck¹⁸ found that only 15.5% of the group of 935 studied delinquents were not retarded in school. He also observes that poor school conduct and school retardation are the most closely related factors in the court failure.

Dealing with measuring success of courts many authors are cautious in attributing it to court attention. D. Lewis¹⁹ states that courts have no facilities to deal with the underlying causes of juvenile delinquency. The extensive case studies of 15 most delinquent boys in The Cambridge-Somerville Study point to the failure of deterrent methods of court.²⁰ B. M. Clinard²¹, a sociologist, says that the social situation of arrest and incarceration of youth under present circumstances is worse than untreated juvenile delinquency. E. T. Glueck and Sheldon, G.²² in their study of inmates of the Concord Reformatory and their follow-up studies of juvenile delinquents point to the factor of "maturation" in accounting for reformation of delinquents. Glueck found that delinquency runs a fairly steady and predictable course; that some underlying process in the lives of some of these youthful offenders account for falling-off of criminality. They found that this decrease in criminality occurred at a certain distance from the time the boys first began to be delinquent.

These writers say that dealing with the overt behavior of delinquents without some understanding of underlying causes is usually unsuccessful. They also say that the success allegedly attributed to the court action might in many instances be a result of some processes within the personality. Such processes might not necessarily be accelerated by court attention.

The briefly reviewed findings of students of juvenile delinquency helped our study to focus our attention on specific characteristics of offenders as related to his successful response to court attention and also warns against attributing too much to the result of court attention.

Our study was most probably unique of its kind. The analogy between our efforts and Cambridge-Somerville Study²³ could be drawn in order to illuminate certain points.

The Cambridge-Somerville Study compared the delinquent behavior of two groups of selected and matched boys. The Control group was left without any attention from the Study while the Treatment group received counselling and other help aimed at the betterment of their social functioning. Three successive comparisons of the behavior of these two groups did not reveal any significant differences between them. The study applied many tests and a survey of police and court records. Boys were interviewed by the study members.

Our study limited its source of material to the Juvenile Court of Winnipeg and schools of greater Winnipeg. Neither the boys or their families were interviewed.

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