

Sociology - labeling and deterrence

Law, Criminology



Reflection Paper #2 How to deal with juvenile offenders is controversial. In the 1960's and 1970's, sociologists warned treating juveniles like common criminals would make them more likely to break the law. The nation listened to this and began diverting youths with minor or status offenses away from the juvenile justice system. They would experience other, less punitive sanctions such as counseling. What is interesting in this scenario is that this actually "widened the net." More juveniles were actually in the system, which would not be otherwise, because the punishment was less punitive. In the late 70's the public began to demand harsher punishments for juveniles. Research indicates that a juvenile accused of a violent crime was more likely to be prosecuted and receive a longer sentence. The recidivism rate also increased. The trend continued in the 1990's and 2000, juveniles were treated more punitively. Juvenile crime actually declined in the 1990's which shows that this punitive treatment was a response to a myth of increasing juvenile violence. Scott Dyleski, if convicted of murder (and this paper assumes he will be), could serve his time in a California youth detention center. These centers are plagued by violent behavior and excessive lock up times. Decrepit conditions and overcrowding are serious problems as well. These centers have received so much attention that some state legislators want to shut them down. Under the deterrence theory, general deterrence occurs when someone decides not to break a law because they fear legal punishment, this did not happen in the case of Scott Dyleski, because he did commit murder. Specific deterrence could occur if Dyleski is charged as either an adult or juvenile, because the punishment for murder could be severe enough to keep him from committing another one. The relativist

definition under the labeling theory says the murder of Pam Vitale is only a crime because it is labeled as so. Therefore Scott Dyleski is a deviant, because he is labeled as so by those with power, lawmakers and those involved with the court. Labeling often reduces law abiding opportunities for employment, for this and other reasons Lemert would argue that Dyleski is likely to commit secondary (continuous) deviance. If the labeling theory holds true Dyleski should be tried as an adult and given the maximum sentence so he will not have the opportunity to commit secondary deviance. This is different from deterrence, because it argues the label of deviant will cause/increase Dyleski's deviance. Deterrence argues that the deviant label that will apply to Dyleski will increase his chance of arrest in the future. It appears official labeling promotes deviance for some and deters others. I believe that the labeling theory holds more weight here. Scott Dyleski will likely serve a very long sentence. A long sentence is common for someone who commits murder, and this did not deter Dyleski. Research has shown that the get tough approach which encourages longer sentences and more prisons is not correlated with lower crime rates. I believe that a very harsh sentence could encourage some not commit other crimes, but it is not generally supported. The labeling theory suggests that the deviant label that Scott Dyleski will carry with him for the rest of his life could encourage recidivism. Others will consider and treat Dyleski as a deviant which will likely shape Scott Dyleski's conception of himself. If convicted in court he will have been officially labeled and some opportunities will no longer be available to him, because of this label. Dyleski is likely to resort to crime again. I believe that the Chapter 8 insert shows that juveniles who commit minor crimes should

be responded to differently. The less punitive sanctions seem to lower the rate of recidivism. When harsher punishment was inflicted, the recidivism rose. Juveniles with minor offenses have a greater chance of rehabilitation; therefore I believe we should to try to rehabilitate juveniles instead of trying to deter them by harsher sentences.