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COMPARISON OF RISK PERCEPTION BETWEEN DELINQUENTS AND NON-DELINQUENTS*

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Delinquents have been said to differ from non-delinquents in the way in which they perceive the risk of committing crimes. Such a difference may appear in sociological, psychological, or social-psychological terms. This study found evidence for differences at the psychological and social-psychological, but not at the sociological level. The findings suggest that the greater "impulsivity" found among delinquents is related to their feelings of immunity from the law.

The classical school of criminology asserts that criminal behavior can be deterred by fear of punishment.¹ The positivist school does not reject this concept of deterrence, but it rejects the classical assumption that deterrence is equally applicable to all persons. By emphasizing differences in crime proneness,² positivism views deterrence in terms of factors that make some persons less susceptible to threatened sanctions than others.³

The present study was undertaken to determine whether different susceptibilities to sanctions can be explained by differences in perceiving the risk of arrest and conviction for criminal behavior. A questionnaire was constructed to measure risk perception. Using official statistics⁴ as a baseline, delinquents and non-delinquents are first compared as to how they perceive arrest and conviction rates for various crimes. Second, their perceptions of the risk to themselves of arrest and conviction for three hypothetical offenses are compared.

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¹ BECCARIA, AN ESSAY ON CRIMES AND PUNISHMENTS 31 (1819).

² VOLD, THEORETICAL CRIMINOLOGY 27 (1958).

³ Ball, *The Deterrence Concept in Criminology and Law*, 46 J. CRIM. L., C. & P.S. 347 (1955).

⁴ The Federal Bureau of Investigation's Annual Uniform Crime Reports present comparable data of this sort from law enforcement agencies throughout the United States.

Three major hypotheses are tested: (a) delinquents perceive law enforcement, measured by percentage of crimes cleared by arrest and conviction in the United States, to be less effective than do non-delinquents; (b) delinquents see themselves as more likely to violate the law in hypothetical situations than do non-delinquents; and (c) delinquents perceive their chances of apprehension and conviction for these hypothetical offenses to be less than non-delinquents perceive their own chances. Hypothesis (a) reflects the position that delinquents view the external world differently from non-delinquents, (b), that delinquents perceive themselves differently from non-delinquents, and (c), that delinquents differ in how they perceive themselves in relation to the larger social environment.

The first hypothesis is an example of the sociological approach to criminality.⁵ That view explains criminality as part of a larger cultural pattern, characteristic of persons who have been socialized in groups which support anti-social values. Members of these groups begin early to learn about police inefficiency and corruption, unfair court practices, etc. They are exposed to adults who make a living, frequently a good living, by crime. Among them, the idea does not exist of law as a desirable institution, assented to by society's members to protect themselves. On the contrary, they see it as an obstacle to desired goals and are attuned to the weaknesses of the legal structure. If this view of delinquent

⁵ Glaser, *The Sociological Approach to Crime and Correction*, 23 LAW & CONTEMP. PROB. 683 (1958).

subcultures is correct, that they are characterized by considerable skepticism of the general efficiency of law-enforcement, then this skepticism should lead members of these groups to make lower judgments of arrest and conviction rates for the United States than others not so acculturated, as predicted by the hypothesis.

Hypothesis (b) is addressed to the conceptualization of delinquency as a psychological impulse disorder.⁶ It is based on two assumptions: first, that offenders are less capable of controlling the impulse to act out in an anti-social fashion, and second, that this tendency is in some way accessible to conscious awareness. Previous studies encourage us to pursue this hypothesis. Reckless, Dinitz, and Murray found non-delinquents higher on the social responsibility scale of the California Personality Inventory than delinquents, which is indicative of greater "social control" according to Gough, who developed the scale.⁷ Another study, using Cattell's Junior Personality Questionnaire, showed delinquents high on impulsivity (surgency scale).⁸ Our hypothesis differs from the findings of these studies in that it operationalizes impulsivity situationally, by describing hypothetical circumstances in which an individual might commit a criminal offense through loss of control, while the studies cited measure impulsivity as a more general personality characteristic.

The third hypothesis expresses what Redl and Wineman call the "delusion of exceptionalistic exemption from the laws of cause and effect".⁹ They describe how delinquents develop a peculiar notion involving both self-perception and perception of law-enforcement: that they themselves are immune from the legally prescribed consequences of their misdeeds. For such individuals, visible enforcement against others and even against themselves when they have previously been caught is said to have no deterrence effect. Describing this defect in reality testing, Schmideberg notes:

One of the most striking things about offenders is that they do not believe that they will ever

⁶ McCORD & McCORD, *PSYCHOPATHY AND DELINQUENCY* 8 (1956).

⁷ Reckless, Dinitz, & Murray, *Self Concept as an Insulator against Delinquency*, 21 *AM. SOCIO. REV.* 744 (1956).

⁸ Kelly and Veldman, *Delinquency and School Behavior as a Function of Impulsivity and Nondominant Values*, 69 *J. ABN. & SOC. PSYCHOL.* 190 (1964).

⁹ REDL & WINEMAN, *THE AGGRESSIVE CHILD* 163 (1957).

be caught or brought to justice. Even after going to jail, many believe that they will never be caught again. They have a magical belief in their own cleverness, luck, or whatever they call it—often in obvious contrast to the facts. One patient expressed to me, as an explanation for committing his offenses, his "sense of gloating" that he got away. I said, somewhat amazed, "But you did not get away, you got arrested several times". In his mind he had managed to deny the fact of the arrests and dwelt only on the occasions when he had escaped.¹⁰

This phenomenon derives from the impulsivity attributed to delinquents in the second hypothesis, but the third hypothesis goes further and holds that impulsivity is not confronted squarely; to do so would be too painful because it would evoke the fear of apprehension and punishment. This view posits that delinquents deny their lack of control by perceiving themselves to be beyond the reach of the law. Insofar as it characterizes delinquency in terms relating personality to perception of the social environment, it may be called a social-psychological hypothesis.

METHOD

A questionnaire was constructed to measure the perceptions hypothesized among delinquents and non-delinquents. It consists of three parts. In the first part there are six items. Each item consist of a definition of one class of criminal offense, an example of that offense, and a question requiring respondents to check one of four percentage figures, at ten per cent intervals, which they believe correctly represents the "cleared by arrest" rates for that crime. The first item is: "Murder—killing a person on purpose. For instance: a man plans to kill his wife. He buys a gun, takes it home, and shoots her. What per cent of murders end up with someone being arrested for the crime? 62%, 72%, 82%, 92%." Similar items are included for the crimes of negligent manslaughter, aggravated assault, robbery, burglary, and auto theft.

The second part of the questionnaire contains six items that ask respondents to give the percentage of persons arrested for the crimes mentioned in the first part who are convicted.

In both these parts, one of the alternatives is

¹⁰ Schmideberg, *The Offender's Attitude toward Punishment*, 51 *J. CRIM. L., C. & P. S.* 332 (1960).

based on official statistics for the year 1960.¹¹ Alternatives are presented in ascending order in each item. The position of the correct alternative is varied for the twelve items in the first two parts of the questionnaire, so that it comes first in three cases, second in three cases, etc.

The third part of the questionnaire consists of three hypothetical situations in which a criminal act results from the absence of customary control. The first situation is one of anger giving way to murder; the second, burglary resulting from financial necessity; and the third, careless driving leading to vehicular homicide. For each situation there are three questions, sections *a*, *b*, and *c*. In section *a* the respondent is asked whether he thinks he definitely could, probably could, probably could not, or definitely could not commit the acts in the situations described. Only if he definitely could, or probably could, is he to answer sections *b* and *c* for that situation. Section *b* asks him to judge whether his chances of evading arrest, if he did commit such an act, would be greater, less than, or equal to 50%, and section *c* asks what he perceives his chances of conviction if arrested to be, given the same forced-choice alternatives as in section *b*.

The delinquents to whom questionnaires were administered consisted of all the inmates in the sixth grade and above at the training school for juvenile offenders of one of the East South Central states. Non-delinquent responses were obtained from all the eighth and ninth grade boys who were assigned to study halls at a given hour, at a lower to lower-middle class school in a large city in that state.¹² Only questionnaires from white male respondents were used in the analysis reported here. Training school respondents with I.Q. scores less than 80 were also excluded.

The 42 delinquents remaining range in age from 13 years, 7 months to 18 years, 9 months, with a median of 15 years, 10 months. Their median I.Q. measured by the Wechsler Intelligence Scale for Children (W.I.S.C.) is 95, with a range from 80 to 117.

¹¹ U.S. Federal Bureau of Investigation, Uniform Crime Reports 13, 15 (1961).

¹² Unfortunately, it was not possible to ascertain whether any of the public school boys had been convicted of delinquency, but we assume that the incarcerated subjects were more delinquent than those at liberty. If questionnaires of convicted delinquents could have been purged from the public school group, the probably effect would have been to increase the magnitude of difference found.

The 65 boys in the non-delinquent group range in age between 13 years, 1 month and 16 years, 1 month; the median is 14 years, 2 months. Their I.Q. scores are based on the California Test of Mental Maturity, and extend from 90 to 133 with a median of 109.

Questionnaires were administered to both training school and junior high school students in class groups during school hours. The stated purpose of the questionnaire was "to find out people's ideas of how laws work in the United States". Respondents were assured of confidentiality by being told the investigator would not reveal their answers to anyone at their schools. An incentive was offered—a two-dollar prize—for the person in each school who had the most correct answers on items 1 through 12, those questions for which there are "correct" answers.

The items in the first part, per cent of reported crimes cleared by arrest, and items in the second part, per cent of arrested persons who were convicted, were scored in this same way. A correctly estimated item received a score of 0. If the correct per cent was overestimated by 10 points the item was scored +1, by 20 points, +2, by 30 points +3, and corresponding minus scores were given for underestimation.

The six items in each part were combined in two ways for each respondent. One consisted of simply counting the number of correct responses he gave. The other consisted of adding the overestimation and underestimation scores to arrive at a net plus or minus score, reflecting tendency to overestimate or underestimate. Thus the first six items yielded a score for number of correct estimates and a score for over, or under, estimation of the cleared by arrest rates for the crimes included. In like manner the second six items yielded a score for correctness and an overestimation or underestimation score for conviction rates.

In the third part of the questionnaire, the *a* sections of items 13, 14 and 15, asking whether respondents thought they might commit the criminal acts in the situations given, were scored on a four point scale, "definitely could" equal to three points and "definitely could not" equal to zero points. These scores were then summed across the three situations to reflect self-perceived absence of control. Sections *b* and *c* were similarly scored on a three point scale, high scores reflecting perception of relative likelihood of arrest and

TABLE 1

COMPARISON OF DELINQUENTS AND NON-DELINQUENTS ON OVERESTIMATION AND CORRECTNESS OF U.S. ARREST AND CONVICTION RATES FOR SIX CRIMES

	Delinquents (<i>N</i> = 42)	Non-Delin- quents (<i>N</i> = 65)	<i>t</i>	Level of Significance
Mean overestimation of arrest rates.....	.38	-.26*	1.20	$p < .20\ddagger$
Mean overestimation of conviction rates.....	4.05	4.09	.08	$p > .90\ddagger$
Mean number of correct arrest rate estimates.....	2.31	2.06	1.10	$p < .40\ddagger$
Mean number of correct conviction rate estimates.....	1.67	1.48	.97	$p < .40\ddagger$

* Minus score indicates mean underestimation.

† One-tailed test.

‡ Two-tailed test.

conviction, respectively. Because section *b* and *c* were to be answered only if the response to section *a* of the corresponding situation was "definitely could" or "probably could", individuals' summated scores for sections *b* and *c* were sometimes based on one response, sometimes on two and sometimes on three. In order to give each individual equal weight in comparing groups, the summated *b* and *c* scores were divided by the number of responses appropriate for him.¹³

RESULTS

Results of the analysis of the first two parts of the questionnaire are given in Table 1. None of the differences between means for delinquents and non-delinquents reached the criterion of significance at the .05 level. The direction of the difference which did appear for estimates of the cleared by arrest rate was opposite to that hypothesized: mean judgment of delinquents was an overestimate of .38 points, while that of non-delinquents was an underestimate of .26 points. In judgment of conviction rate there was virtually no difference between delinquents and non-delinquents; both groups overestimated by a little more than 4 points.

No hypothesis as to accuracy of judgments has been advanced. It was felt that the selective experiences of delinquents and non-delinquents would lead each group to systematic distortion, but there was no reason to think the degree of distortion would be greater for one group than the other. Nevertheless, the data were analyzed to see if there is such a difference. It turns out that the mean number of correct estimates by

delinquents is slightly greater than that for non-delinquents, both in arrest rate and conviction rate estimates, but the probability is two in five that these differences are due to chance, so that the hypothesis of no difference cannot be rejected with confidence.

Tables 2 and 3, however, which deal with self-perceptions, indicate more striking differences between delinquents and non-delinquents. In Table 2 the delinquent group is higher, with a mean score of 4.75, than non-delinquents, whose mean is 3.57, in the extent to which they think themselves prone to commit crimes by failing to exercise self control in situations where such controls are normally expected to operate. This difference, analyzed by the Mann-Whitney *U* test, turns out to be highly significant; there are only three chances in a thousand that it is due to sampling error.

Table 3 is based on only those boys who admitted that they might commit one or more of the offenses in the three situations described; thus two of the original forty-two training school boys and twenty-three of the sixty-five junior high school respondents previously used were omitted from the analysis of sections *b* and *c* of questions 13, 14 and 15. Comparing those who remained in these groups, the hypothesis that delinquents perceive themselves to be more immune from arrest than non-delinquents was strongly confirmed. Non-delinquents' score for self-perceived likelihood of being arrested is 1.54, while that for delinquents is 1.18, a difference significant at the .003 level of confidence.

Self-perceptions as to probability of conviction if arrested for these offenses differ in the same direction as probability of arrest between the groups, but the difference does not reach an ac-

¹³ If respondents did not acknowledge that they probably could commit any of the acts there would be no responses in sections *b* and *c*. Of course, such respondents were omitted in the analysis of these sections.

TABLE 2

COMPARISON OF DELINQUENTS AND NON-DELINQUENTS ON PERCEPTION OF LIKELIHOOD THAT THEY COULD COMMIT THREE HYPOTHETICAL CRIMES

	Delinquents (<i>N</i> = 42)	Non-Delinquents (<i>N</i> = 64)	<i>z</i>	Level of Significance*
Self-perceived likelihood of committing crimes.....	4.75	3.57	2.72	<i>p</i> = .003

* One-tailed test.

TABLE 3

COMPARISON OF DELINQUENTS AND NON-DELINQUENTS ON PERCEPTION OF OWN LIKELIHOOD OF ARREST AND CONVICTION IF THEY COMMITTED HYPOTHETICAL CRIMES

	Delinquents (<i>N</i> = 40)	Non-delinquents (<i>N</i> = 42)	<i>z</i>	Level of Significance*
Self-perceived likelihood of being arrested.....	1.18	1.54	2.73	<i>p</i> = .003
Self-perceived likelihood of being convicted.....	1.29	1.39	1.13	<i>o</i> = .13

* One-tailed test.

ceptable level of significance. The non-delinquents estimated the likelihood for themselves of conviction if arrested with an average score of 1.39 points, and the delinquents' average score was 1.29. The difference between them might have a one-eighth probability resulting from chance, though, so that it cannot be taken as a real difference.

As noted above, there were differences between training school and public school boys on two attributes, age and IQ, in addition to the main independent variable, current incarceration for delinquency. Thus it was necessary to examine the relationship between these antecedent variables and the scores on which delinquents differed from non-delinquents, to determine whether the delinquent-non-delinquent differences are artifacts of the group differences in age and IQ. For this purpose, both training school and public school boys were divided into subgroups of those above and below the group median in age. Those above the median were then compared with those above, within each group, on the scores for which significant delinquent-non-delinquent differences were found. The results indicated no significant differences between older and younger boys in questionnaire responses. Similar comparisons of higher-IQ with lower-IQ boys likewise revealed no differences. Thus the possibility that delinquent-

non-delinquent differences in questionnaire scores are explainable by age and IQ differences between the groups is not supported.

DISCUSSION

Taking our findings as a whole, they support an explanation of the differential impact of deterrence in terms of differences in personality expressed as perceptions of self vis-a-vis the legal structure. The delinquent group's greater self-perceived propensity to engage in violations, confirming hypothesis (b), and greater belief in ability to evade arrest, confirming the first part of hypothesis (c), provides quantitative evidence for the "magical immunity" mechanism posited in psychoanalytic ego psychology. Moreover, it suggests a more careful examination of the greater "impulsivity" attributed to delinquents. Frequently, the concept of "impulsivity" carries with it the connotation that some force overwhelms the individual's attempts to restrain himself—for example, the legal notion of "irresistible impulse" implies that some effort is made to resist. However, the indication in this study that the presumed effect of sanctions is significantly less applicable to delinquents suggests that the exercise of restraint is repressed, and appears in consciousness as distorted self perception.

At what point does this distorted perception come about? The delinquents had committed their delinquent acts and been incarcerated before expressing their perceptions for this study, so that perceptual distortion cannot be taken to have preceded delinquency. To demonstrate perception as causal, it would be necessary to administer the questionnaire to non-delinquents and to predict delinquency from it. Yet the present findings are striking just because the perception of immunity was shown among boys who were caught and incarcerated, many of them repeatedly, for delinquent offenses.

The mechanism of perceptual distortion leads delinquents to perceive themselves invulnerable to arrest, but there is not a correspondingly significant difference in perceived immunity from conviction. Why does the mechanism operate selectively? Perhaps the very fact that the first part of the hypothesis was confirmed explains the failure to confirm the second part: if a magical belief in immunity from arrest serves to neutralize fear of punishment, a simultaneous belief in immunity from conviction is unnecessary. An alternative explanation is that the delinquent may be able to develop a rationale to support the delusion of arrest immunity on the basis of abilities he thinks he has in the area of crime commission and evasion of arresting authorities, but the process of trial conviction, in which the principal actors are lawyers, judges, etc., may be too remote to support such a rationale.

Failure to confirm the first hypothesis supports the view, recently advanced by Matza,¹⁴ that the discrepancy between delinquents' and non-delinquents' relations to larger social processes has been heretofore greatly exaggerated. Inkeles¹⁵ has argued cogently for interpreting the interplay between social structure and behavior by means of mediating psychological processes, and the Gluecks' approach¹⁶ to delinquency provides an example of such interpretation. As a whole, our findings lend support to interpretations at this level.

The present investigation bears on two areas of inquiry not usually concerned with criminology. One of these, the study of decision-making under

conditions of risk,¹⁷ has received much recent research attention. McClelland and others have shown that a particular pattern of risk preference is characteristic of persons oriented toward achievement through socially acceptable channels.¹⁸ If the delinquent is also seen as motivated to achieve, but differs from the middle class achiever in the criteria of success,¹⁹ he too may turn out to have the middle class achiever's pattern of risk preference. Future research might explore the relation between perception as measured in this study, risk preference, and achievement motivation among delinquents.

A second area concerns the relation between fear of punishment and the sense of morality. As child psychology explains it, normal development consists of "internalizing" prohibitions, so that the fear of external punishment becomes a moral standard, which then produces conformity in the absence of situational sanctions.²⁰ Part of the "ethical risk" hypothesis which was confirmed by Rettig and Rawson holds that unethical behavior depends on expectancy of censure.²¹ Aronfreed has shown that middle class children are more likely to give self-critical responses to stories of transgression, while working class children focus more on external responsibility.²² Sears, Maccoby and Levin have studied some of the socialization practices which are likely to lead to such "internalization",²³ and Redl and Wine-

¹⁷ This approach has been applied to formal legal decisions on the part of judges, jurors, and enforcement officers. EXAMPLES & SCHUBERT, JUDICIAL DECISION MAKING (1963); Strodtbeck, *Social Process, the Law, and Jury Functioning*, in EVAN, LAW AND SOCIOLOGY 152 (1962); LAFAYE, ARREST: THE DECISION TO TAKE A SUSPECT INTO CUSTODY (1965). A study in progress by Kaplan, which applies decision theory to the criminal process, is mentioned in a recent survey, Skolnick, *The Sociology of Law in America: Overview and Trends*, 13 SOCIAL PROBLEMS SUPPLEMENT ON LAW AND SOCIETY 36 (1965).

¹⁸ McClelland, *Risk Taking in Children with High and Low Need for Achievement*, in ATKINSON, MOTIVES IN FANTASY, ACTION, AND SOCIETY 306 (1958); Atkinson, Bastian, Earl & Litwin, *The Achievement Motive, Goal Setting, and Probability Preferences*, 60 J. ABN. & SOC. PSYCHOL. 27 (1960).

¹⁹ COHEN, DELINQUENT BOYS 27 (1955).

²⁰ Kohlberg, *Moral Development and Identification*, in STEVENSON, CHILD PSYCHOLOGY 277 (1963).

²¹ Rettig and Rawson, *The Risk Hypothesis in Predictive Judgments of Unethical Behavior*, 66 J. ABN. & SOC. PSYCHOL. 243 (1963).

²² Aronfreed, *The Nature, Variety, and Social Patterning of Moral Responses to Transgression*, 63 J. ABN. & SOC. PSYCHOL. 223 (1961).

²³ SEARS, MACCOBY & LEVIN, PATTERNS OF CHILD REARING 362 (1957).

¹⁴ MATZA, DELINQUENCY AND DRIFT 62 (1964).

¹⁵ Inkeles, *Personality and Social Structure*, in MERTON, BROOM, & COTTRELL, SOCIOLOGY TODAY 249 (1959).

¹⁶ GLUECK & GLUECK, UNRAVELING JUVENILE DELINQUENCY 278 (1950).

man describe a program for helping children develop internal controls.²⁴ But these methods do not bear directly on the task of a psychotherapist concerned with how to correct deficiencies in internal control for persons whose characters have reached a relatively stable equilibrium. Schmideberg sees the aims of psychotherapy with

²⁴ REDL & WINEMAN, CONTROLS FROM WITHIN (1952).

offenders as threefold: to sensitize them to social pressure, to develop a normal attitude toward punishment, and to teach them to foresee consequences and be motivated rationally by such foresight.²⁵ The present study supports this focus by confirming the location of offenders' problems as a distortion of self perception in relation to the real world.

²⁵ Schmideberg, *supra* note 10, at 334.