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SELF-DEFINED "DESERT" AND CITIZENS' ASSESSMENT OF THE POLICE*

EDNA EREZ**

I. THE PROBLEM

The relationships between the police and citizens, particularly blacks or other minorities, have received much attention in the last two decades from politicians, community activists, and social scientists. In the United States, police treatment of blacks was claimed to trigger or to be the main reason behind past racial riots in Los Angeles, Detroit and New York, and recently in Miami. Police-community relationship continues to be an issue of concern to minorities in general, and to blacks in particular.¹

Social science researchers have investigated various aspects of police-community relationship, particularly minorities' feelings toward or assessment of the police, and minorities' experiences with the police. This study attempts to provide further insight into the link between experience with, and assessment of, the police. It also suggests a framework that may illuminate findings of disparity between actual experiences with and evaluation of law enforcement agencies.

II. LITERATURE REVIEW

Evidence on the type of treatment police accord to various so-

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¹ NATIONAL MINORITY ADVISORY COUNCIL ON CRIMINAL JUSTICE, *THE INEQUALITY OF JUSTICE: A REPORT ON CRIME AND ADMINISTRATION OF JUSTICE IN THE MINORITY COMMUNITY* (1982).

cial groups is essential for the dominant theoretical paradigms in the field of sociology: conflict and consensus. Because police work is most readily identified by the dimension of social control,² police exercise of their control function, particularly who is selected to carry the burden of enforcement, is of prime importance for both conflict and consensus perspectives.

The conflict approach views police work as reflecting the power structure that underlies the social order³ or its stratification system.⁴ This perspective therefore will predict that members of disadvantaged groups, such as blacks and youths, are more likely to be the target of law enforcement efforts, both in terms of the frequency of their arrests as well as the quality of their treatment, or in terms of police regard for their lives.⁵

The consensus perspective views police work as reflecting the agreed upon and shared ideas, sentiments, values and norms of society.⁶ According to this perspective, police are equally responsive to the interests of all groups and their decisions reflect widely accepted criteria for invoking the law.⁷ This perspective will predict, for instance, that an important factor influencing police decisions is the seriousness of the offense.⁸

Police work and the manner of law enforcement is an important topic because the police initiate and regulate the flow of persons into the criminal justice system and other social control agencies.⁹ Decisions of the police to invoke the law thus have far-reaching consequences for those who are selected for legal intervention and control.¹⁰

For all these reasons, research on various aspects of police work, particularly police treatment of and relations with minorities, has received increased attention in the past decade. Two lines of research may be identified. The first concerns the study of actual treatment of citizens by the police, especially whether race is associ-

² D. BLACK, *THE MANNERS AND CUSTOMS OF THE POLICE* 1 (1980).

³ See Chambliss, *Functional and Conflict Theories of Crime*, in *WHOSE LAW? WHAT ORDER?* 1 (W. Chambliss & M. Mankoff eds. 1976).

⁴ E.g., D. BLACK, *THE BEHAVIOR OF LAW* (1976).

⁵ E.g., Jacobs & Britt, *Inequality and Police Use of Deadly Force: An Empirical Assessment of a Conflict Hypothesis*, 26 SOC. PROBS. 403 (1979).

⁶ E.g., Chambliss, *supra* note 3.

⁷ *Id.*

⁸ Smith & Visher, *Street-Level Justice: Situational Determinants of Police Arrest Decisions*, 29 SOC. PROBS. 167 (1981).

⁹ Clark & Sykes, *Some Determinants of Police Organizations and Practice in a Modern Industrial Democracy*, in *HANDBOOK OF CRIMINOLOGY* 455, 461 (1974).

¹⁰ Bottomley, *Police Discretion in Law Enforcement*, in *DECISION IN THE PENAL PROCESS* 35 (1973).

ated with differential treatment by the police in their encounters with citizens. A separate line of research concerns the attitudes of citizens—particularly blacks and ghetto residents—toward the police.

Research on minorities' attitudes and feelings toward the police has consistently demonstrated that blacks have negative attitudes and feelings toward the police.¹¹ In those instances in which blacks were relatively satisfied with the police, their level of satisfaction was considerably lower than that of whites.¹² Studies that attempted to probe into the source of these lower evaluations by blacks reported that blacks claim to be subjected to more frequent searches, unnecessary frisks and "rough-ups" than do whites.¹³ Furthermore, blacks not only feel that they are stopped and searched more often, but that they are treated more harshly, in an unfriendly, abusive and degrading manner.¹⁴

In contrast to consistent findings about minorities' negative attitudes and feelings toward the police and law enforcement, research on actual police behavior did not produce consistent patterns of differential treatment by race.¹⁵ Research on actual behavior of police that used observational methods indicated that blacks were at a disadvantage in some cases, and not in others. For instance, it has been shown that the police are more likely to give traffic tickets to blacks,¹⁶ more likely to arrest blacks under conditions later viewed as inadequate to justify prosecution,¹⁷ and more likely to use punitive and coercive measures when they handle disputes among blacks.¹⁸ In addition, it also has been shown that the police are

¹¹ Hahn, *Ghetto Assessments of Police Protection and Authority*, 6 LAW & SOC'Y REV. 183 (1971); Jacob, *Black and White Perceptions of Justice in the City*, 6 LAW & SOC'Y REV. 69 (1971).

¹² Jacob, *supra* note 11.

¹³ Campbell & Schumann, *A Comparison of Black and White Attitudes and Experiences in the City*, in THE END OF INNOCENCE: A SUBURBAN READER (C. Haar ed. 1972); Jacob, *supra* note 11.

¹⁴ President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society* 99-100 (1967); R. STARK, *POLICE RIOTS: COLLECTIVE LAW ENFORCEMENT* (1972); Edwards, *The Conflict Between Negroes and Police*, in POLICE-COMMUNITY RELATIONS 256, 261 (P. Crowell & G. Keefer eds. 1973); Furstenberg & Wellford, *Calling the Police: The Evaluation of Public Service*, 7 LAW & SOC'Y REV. 393 (1973); Jacob, *supra* note 11; Thomas & Hyman, *Perceptions of Crime, Fear and Victimization, and Public Perceptions of Police Performance*, 6 J. POLICE SCI. & AD. 305 (1977).

¹⁵ Sherman, *Causes of Police Behavior: The Current State of Quantitative Research*, 17 J. RESEARCH CRIME & DELINQ. 69, 79-81 (1980).

¹⁶ Lundman, *Organizational Norms and Police Discretion: An Observational Study of Police Work with Traffic Law Violators*, 17 CRIMINOLOGY 159, 164-66 (1979).

¹⁷ Hepburn, *Race and the Decision to Arrest: An Analysis of Warrants Issued*, 15 J. RESEARCH CRIME & DELINQ. 54 (1978).

¹⁸ D. BLACK, *supra* note 2, at 134-41 (1981).

more likely to shoot and kill blacks,¹⁹ more likely to interrogate, search and arrest blacks, and less likely to recognize complaints of blacks when the latter are victims.²⁰ Other observational studies, however, failed to show differences of this kind between whites and blacks.²¹ Moreover, the interpretation of the data that showed difference in the police treatment of blacks and whites varies substantially.²² In some studies the significant relationships between race and arrest were explained by disrespect for the police²³ or by preference of the complainant for disposition of the complaint.²⁴ In other studies, however, disrespect did not account for the differential treatment,²⁵ or it was not clear whether disrespect preceded and caused arrest or vice versa.²⁶

The few multivariate studies that address jointly various independent variables, situational as well as personal attributes of police and citizens, again arrived at conflicting findings. Friedrich's study indicated that legal seriousness is the most powerful predictor of arrest while the effect of suspect demeanor or personal characteristics, including race, are negligible.²⁷ Smith and Visser, however, found that race does matter, and that after controlling for effect of all other variables in their model (including demeanor and offense seriousness), black suspects are more likely to be arrested.²⁸ But Smith, Visser and Davidson later found that the bivariate association between race of suspect and the probability of arrest is attributable to the larger proportion of blacks residing in lower status neighborhoods.²⁹

¹⁹ Jacobs & Britt, *supra* note 5; Meyer, *Police Shooting at Minorities: The Case of Los Angeles*, 452 ANN. AM. ACAD. POL. & SOC. SCI. 98, 103 (1980); Sherman, *Execution Without Trial: Police Homicide and the Constitution*, 33 VAND. L. REV. 71, 95-97 (1980).

²⁰ Black & Reiss, *Police Control of Juveniles*, 35 AM. SOC. REV. 63, 76, 81 (1970); Ferdinand & Luchterhand, *Inner-City Youth, the Police, the Juvenile Courts and Justice*, 17 SOC. PROBS. 510, 570 (1970); Smith, Visser & Davidson, *Equity and Discretionary Justice: The Influence of Race on Police Arrest Decisions*, 75 J. CRIM. L. & CRIMINOLOGY 234 (1984); R. Friedrich, *The Impact of Organization, Individual and Situational Factors on Police Behavior* (unpublished Ph.D. dissertation 1977).

²¹ D. BLACK, *supra* note 2, at 105; Pastor, *Mobilization in Public Drunkenness Control: A Comparison of Legal and Medical Approaches*, 25 SOC. PROBS. 373, 379-80 (1978); Lundman, *Routine Police Arrest Practices: A Commonwealth Perspective*, 22 SOC. PROBS. 130-33 (1974). Lundman, Sykes & Clark, *Police Control of Juveniles: A Replication*, 15 J. RESEARCH CRIME & DELINQ. 82-84 (1978).

²² Sherman, *supra* note 15, at 79.

²³ Black, *The Social Organization of Arrest*, 23 STAN. L. REV. 1087, 1102-04 (1971).

²⁴ Black & Reiss, *supra* note 20, at 70-71.

²⁵ Lundman, *supra* note 21 at 127-41.

²⁶ Sherman, *supra* note 15, at 80.

²⁷ Friedrich, *supra* note 20.

²⁸ Smith & Visser, *supra* note 8, at 172.

²⁹ Smith, Visser & Davidson, *supra* note 20, at 243.

Studies that used statistical (non-observational) data to infer differential police practices by race also appear to indicate inconsistent findings. For instance, Hindelang compared the race of arrestees from UCR data with the race of offenders as reported through victimization surveys.³⁰ His study suggests that blacks are overrepresented in the arrestee population relative to their size in the offender population for the crimes of rape and assault, but not for robbery. Bogomolny's study of aggressive field interrogation found that police were more likely to stop black males than the presence of black males in either the city population or city arrest population will predict.³¹ A recent study based on California Offender-Based Transaction Statistics and survey of inmates in California, Texas, and Michigan indicates racial similarities in probability of arrest.³²

In sum, while research on police behavior and practices indicates conflicting findings concerning the police's differential treatment of various social groups, particularly blacks, research on minorities' attitudes and feelings toward the police consistently shows low evaluation of, and negative attitudes toward the police. Thus, it seems that there are additional factors besides experience that influence citizens' perceptions of the police and lead to low assessment of, or negative feelings toward the police.³³

The relationship between actual experience with and assessment of the police is important for both theoretical and practical reasons. Recommendations to improve police-community relations, particularly the black community, to a large extent have been based on the assumption that blacks' lower evaluation of the police is a direct result of greater abuse at the hands of police.³⁴ Research on perceptions of police suggested, however, that other factors related to race may influence the assessment of the police, or may color citizens' perceptions of the police. Some researchers argue that the very presence of police in ghettos is symbolic of an alien intruder,³⁵ or of the white oppressive regime.³⁶ Viewed from these perspectives, police and the black community have typically abrasive rela-

³⁰ Hindelang, *Race and Involvement in Common Law Personal Crime*, 43 AM. SOC. REV. 93, 100 (1978).

³¹ Bogomolny, *Street Patrol: The Decision to Stop a Citizen*, 12 CRIM. L. BULL. 544, 569, 571 (1976).

³² J. PETERSILIA, RACIAL DISPARITIES IN THE CRIMINAL JUSTICE SYSTEM 46 (1983).

³³ See Jacob, *supra* note 11, at 77.

³⁴ Decker & Smith, *Police Minority Recruitment: A Note on Its Effectiveness in Improving Black Evaluations of the Police*, 8 J. CRIM. JUST. 387, 388 (1980).

³⁵ Jacobs & Cohen, *The Impact of Integration on the Police*, 6 J. POLICE SCI. & AD. 168, 169 (1978).

³⁶ President's Commission on Law Enforcement and Administration of Justice, *The*

tionships. Other researchers suggest that a crucial factor in the assessment of police behavior is citizens' expectations. Campbell and Schumann argue that the blacks' lower expectations with respect to the public sector services in general may account for their low evaluation of the police, who are the main providers of law enforcement services.³⁷ Jacob refers to the gap or incongruence between expectations from justice officials and the perceptions of their actual behavior as a measure of "injustice," and states that the greatest differential between the two existed for ghetto residents who are black.³⁸

III. THE CURRENT STUDY

This article attempts to provide further insight into the link between experience and assessment of the police, and factors that may influence citizens' expectations from the police. Methodologically, the study attempts to measure citizens' assessment of the police in an event-specific but comprehensive manner. It elicits respondents' assessment of various aspects of police behavior in some memorable encounters, by using a multiplicity of descriptive items. It then juxtaposes respondents' experiences and assessments of the police and draws upon a theoretical orientation that may account for the discrepant results.

The underlying conceptual framework is the social psychological theory of exchange,³⁹ specifically the rule of distributive injustice,⁴⁰ of which Jacob's formulation of injustice—the incongruence between citizen's expectations and perceptions of police work—may be viewed as a special case. Distributive injustice occurs when a person does not get the amount of reward he expects to get in comparison with the reward another person gets. Expectations are based on contributions in social exchange, or investments, which include background characteristics.⁴¹

Distributive injustice is a "fertile source of hostility between persons and groups. When a person gets less than he believes he ought to get by the standards of justice, he will . . . feel some degree of anger and express some degree of hostility toward the

Police: Task Force Report 183 (1967); See generally Swan, *The Politics of Identification: A Perspective of Police Accountability*, 20 CRIME & DELINQ. 119 (1974).

³⁷ Campbell & Schumann, *supra* note 13..

³⁸ Jacob, *supra* note 11, at 87.

³⁹ See generally P. BLAU, EXCHANGE AND POWER IN SOCIAL LIFE (1964); K. GERGEN, THE PSYCHOLOGY OF BEHAVIOR EXCHANGE (1969); G. HOMANS, SOCIAL BEHAVIOR: ITS ELEMENTARY FORMS (rev. ed. 1974).

⁴⁰ G. Homans, *supra* note 39, at 241-69.

⁴¹ *Id.* at 268.

others who caused the injustice or benefited from it".⁴² The present study suggests an explanation for blacks' negative feelings and hostility toward the police by introducing a factor that may influence expectations from the police and account for differential assessment of similar experiences. This factor may be conceptualized as a self-defined "desert"⁴³ or fairness; as such it is particularly suitable for analysis of exchange behavior in a criminal justice context.

Because the police are most readily identified with formal social control, i.e., with law and order,⁴⁴ their behavior is viewed by citizens as a tangible manifestation of law. Furthermore, the style of social control ordinarily associated with the police is penal in character, because the police often relate to people as offenders who have violated the prohibitions of the criminal law and therefore deserve punishment.⁴⁵ Identification of the police with law and justice may influence one's expectations according to one's own relations with the law. Police treatment of citizens is then evaluated by juxtaposing what one perceives himself to deserve from the police ("the law") and what this agency actually delivers. This factor of "desert" or fairness may lead to, or result in, differential evaluation of similar experiences with the police, depending on the evaluators' self-definition of their "deserts." The advantage of that concept for analyzing citizens-police relationships is that it implies evaluation of "rewards" citizens get from the police, in this case police response or treatment, as the first component in the punitive-legal process.

To examine this proposition, and offer some indirect evidence for its explanatory power, a comparison of experience and assessment of the police by categories of individuals that are likely to differ in their self-definition of "desert" is presented. Two categories were selected: blacks and officially labeled offenders. Homans' articulation of exchange theory emphasizes that status factors or background characteristics such as age, sex, skill or race are related to expectations about rewards.⁴⁶ Although differences in received rewards that are based on background characteristics do not necessarily reflect justice,⁴⁷ background characteristics nonetheless influence expectations and are therefore important variables in exchange theory.

Race in particular is likely to produce differences in expecta-

⁴² *Id.*

⁴³ See generally A. VON HIRSCH, *DOING JUSTICE* (1976). The term "desert" as used by von Hirsch refers to things that are deserved, such as prizes and punishments. *Id.* at 46.

⁴⁴ D. BLACK, *supra* note 2.

⁴⁵ *Id.* at 3.

⁴⁶ G. HOMANS, *supra* note 39, at 202.

⁴⁷ P. BLAU, *supra* note 39, at 58.

tions from the police. In addition to the special history of blacks as a minority group in the U.S., and the institutionalized differential treatment by the police and other justice-related institutions, blacks also suffer from a high victimization rate.⁴⁸ Victimization experiences, particularly in offenses against the person, have been found to influence negative attitudes toward the police.⁴⁹ These high costs, coupled with the awareness and consciousness of blacks concerning their civil rights, are likely to result in increased or higher expectations from the police. Blacks are likely to expect more protection as well as sympathy, understanding and courtesy from the police.

Deference exchange orientation as applied to police-citizens encounters, namely that encounters between citizens and police are governed by an asymmetrical status norm,⁵⁰ further suggests that recent heightened expectations of minorities distort minority perception of police behavior and adequacy of police deference. This distortion may result in problems in police-minorities relationships.

As Sykes and Clark have stated:

From the point of view of a minority citizen it may be difficult to discriminate subjectively between the general operation of the asymmetrical status norm and the special symmetrical norm governing relations based on ethnic stratification . . . in a time when upward mobility is arduously pursued and subordination is sharply denied as an aspect of identity, display of deference is rejected decisively. 'Pride, self-help and militance' . . . become especially salient values The asymmetrical status norm, operative in most police-citizen encounters, is difficult to distinguish from [a] special asymmetrical status norm operative when ethnic subordinates interact with superordinates.⁵¹

Studies of minorities' feelings toward the police confirm that blacks feel they are mistreated and harassed by the police; that is, they often are questioned, stopped and frisked,⁵² or unequally and unfairly treated.⁵³

The other status factor used in this study, that of an officially branded offender, may constitute the polar end of the continuum

⁴⁸ President's Commission on Law Enforcement and Administration of Justice, *supra* note 14, at 40.

⁴⁹ Smith & Hawkins, *Victimization, Types of Citizen-Police Contacts and Attitudes Toward the Police*, 8 LAW & SOC'Y REV. 135, 139-40 (1973).

⁵⁰ Sykes & Clark, *A Theory of Deference Exchange in Police-Civilian Encounters*, 81 AM. J. SOC. 584, 587 (1975).

⁵¹ *Id.* at 589-90.

⁵² Jacob, *supra* note 11.

⁵³ Hahn, *supra* note 11; Hahn, *Philosophy of Law and Urban Violence*, 52 SOUNDINGS 110, 113 (1969).

with regards to both expectations from and experience with the police. Official offenders are known to have more frequent, and at times harsher, contacts with the police. Police surveillance of known offenders dates back to the days of the European absolute monarchies,⁵⁴ and it is still widely practiced by police departments in the U.S. and other countries in the western world.⁵⁵ Police "knowledge" of prior law violations is an important factor that the police use in exercising their discretion in deciding whether to stop or arrest a person.⁵⁶ Furthermore, some known offenders, such as drug addicts, have come to be called "police property"; the police think they have a right to stop them at any time for a "check up".⁵⁷ It therefore is plausible to expect that officially designated offenders are likely to be contacted much more often than any other category of citizens.

In addition, whether the police espouse a policy of "aggressive" or "passive" patrol, their efforts to reduce crime may be viewed as potentially more fruitful if directed against known criminals and the activities and movements of such criminals are closely monitored.⁵⁸ Recent research on the effect of the police on crime rates suggests that patrol strategies may influence the rate at which crime is committed⁵⁹ and field experiments indicate that aggressive patrol may in certain communities increase arrests without necessarily hampering police-community relations.⁶⁰

While official offenders are likely to experience more frequent and harsher contacts with the police, studies have indicated that their expectations of treatment from the police are low. Ex-convicts tend to interpret any harshness on the part of police as a necessary or inevitable aspect of police role fulfillment.⁶¹ Such phrases as "if you commit a crime do your time" or "if you play be ready to pay,"

⁵⁴ Damaska, *Adverse Legal Consequences of Conviction and Their Removal: A Comparative Study* (pt.2), 59 J. CRIM. L., CRIMINOLOGY, & POLICE SCI. 542 (1968).

⁵⁵ Davis, *Records of Arrest and Conviction: A Comparative Study of Institutional Abuse*, 13 CREIGHTON L. REV. 863 (1980).

⁵⁶ GOLDSTEIN, *POLICING A FREE SOCIETY* 67-68 (1977); W. LAFAVE, *ARREST: THE DECISION TO TAKE A SUSPECT INTO CUSTODY* (1965).

⁵⁷ Note, *Philadelphia Police Practice and the Law of Arrest*, 100 U. PA. L. REV. 1182, 1195 (1952).

⁵⁸ See GOLDSTEIN, *supra* note 56, at 67.

⁵⁹ See Wilson & Boland, *The Effect of Police on Crime: A Response to Jacob and Rich*, 16 LAW & SOC'Y REV. 163 (1981); Wilson & Boland, *The Effect of Police on Crime*, 12 LAW & SOC'Y REV. 367 (1978) (suggests that aggressive policing will deter crime). *But cf.* Jacob & Rich, *The Effect of Police on Crime: A Second Look*, 15 LAW & SOC'Y REV. 109 (1981) (suggests that a focus upon a crime problem by police is associated with an increase in recorded crime activity).

⁶⁰ J. Boydston, *San Diego Field Interrogation: Final Report* (1975).

⁶¹ Baldwin, *The Police and the Ex-Convict*, 8 CRIMINOLOGY 279, 285-90 (1970).

which indicate understanding or acceptance of punishment as "desert," are commonly used and exchanged by offenders or prisoners. It is therefore expected that while the experience of offenders with the police will be more frequent, and perhaps harsher, offenders will evaluate the police more favorably due to their lower investments in law abiding behavior which results in a differential self-definition of "desert."

IV. DATA COLLECTION

The study is based on data collected in the follow-up of *Delinquency in a Birth Cohort*.⁶² A ten percent representative sample of the cohort of 9,945 males born in Philadelphia in 1945, who lived in this city at least from the ages of ten to eighteen, was selected. The official arrest records of the Philadelphia police department were searched for all available information on criminal and arrest history. Because the project staff had detailed information on each of the subjects, including full name, date of birth, race, sex and past addresses, it was easy to determine whether the subject had an official record. For those subjects who did, information on each arrest was recorded so that the project had a complete history of all arrests in Philadelphia. In addition, the FBI provided the "rap sheets" of all sample members who appeared in their files so that offenses not already uncovered in Philadelphia police files were added to the subject's criminal history. Information also was collected for each arrest from the Philadelphia police investigation report.

The majority (ninety-three percent) of the subjects' official criminal history comes from Philadelphia police files. The second source of information on the delinquent and criminal career of the sample members comes from personal interviews conducted when the subjects were twenty-six years of age. The purpose of these interviews was to provide information about criminal activities and experiences from the perspectives of the subjects themselves. In these interviews the experiences of the subjects are viewed, through the lens of each subject's psyche rather than through those of official agencies. This dual perspective can produce a more complete picture of their criminal career.

The interview schedule included questions concerning the subjects' personal and social history (e.g., educational development, employment and marital history) as well as a detailed description of their contacts and experiences with the police and other agencies of the criminal justice system. Questions concerning their experiences

⁶² M. WOLFGANG, R. FIGLIO & T. SELLIN, *DELINQUENCY IN A BIRTH COHORT* (1972).

with the police included questions about the type and frequency of their contacts. Also, the detailed descriptions of their first contact with the police that did not result in an arrest, and their first and last offense that led to an arrest were elicited. These offenses were selected for reasons of primacy and recency, which are thought to enhance their recollection.

Despite enormous efforts to locate all sample subjects,⁶³ only 567 subjects could be reached and interviewed—a success rate of fifty-eight percent. In addition, fifty subjects (or fourteen percent) refused to be interviewed. Thus, of those located the response rate was ninety-two percent. The non-response rate was primarily due to inability to locate subjects; the interview process took place eight years after the subjects left high school.

To examine the effect of non-response (forty-two percent), the extent to which the interviewed group differs from the non-interviewed group, and the extent to which the non-response rate could bias or distort the findings was studied. The comparison indicates that members of the interviewed group are more likely to be white, to be of higher SES (measured by the median income of the census tract of residence), and to be non-offenders.⁶⁴ Thus, blacks, lower SES subjects and official offenders are under-represented in the interviewed group.

Although the interview subset (567) of the random sample (971) was somewhat over-represented by official white nondelinquents and unrepresented by official black delinquents, the distributions of self-reported crime and of officially recorded crime up to age twenty-six were as expected. It was concluded that a weighted interview subset would not significantly alter the internal conclusions of variables included in the interview.⁶⁵ If anything, the findings from the interviewed sample may be construed as underreported in comparison to the true universe of crime and delinquency experiences. Also, examination of the distributions of officially recorded nondelinquents, recidivists (two to four offenses) and chronics (five or more offenses) among interviewees are so similar in comparison with the original random sample, that analyses within the smaller sample retain their own integrity and validity.⁶⁶ In short, the findings minimally pertain to the data at hand and to

⁶³ M. Wolfgang, T. Thornberry & R. Figlio, *From Boy to Man: From Delinquency to Crime* (unpublished manuscript).

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ Collins, *Deterrence by Restraint: Two Models to Estimate Its Effect in a Cohort of Offenders* (1977) (unpublished dissertation).

the respondents who were interviewed. More likely, however, because our main purpose is to compare experiences and assessments of the categories of blacks (relative to whites) and official offenders (relative to nonoffenders), the under-representation of these categories in the sample probably results in an underestimation of the differences in experiences and assessments of these categories.

V. EMPIRICAL EXAMINATION

To explore the relationship between citizens' experience with, and assessment of the police, the study examines first the frequency of various types of contact the police usually have with citizens in their efforts to enforce the law or to combat crime. Previous research has indicated that frequency of contacts is likely to produce negative public reactions and attitudes toward the police,⁶⁷ particularly if no explanations or reasons for the contacts are offered by the police.⁶⁸

In accordance with the theoretical underpinning of the study, the frequencies of two classifications were compared: by race and by official offender status. Respondents were asked how often they were questioned, searched, chased, or warned by the police.

Table 1 indicates that race (controlling for offender status) is not related to more frequent contacts with the police, except for being searched (Table 1B). Blacks are not questioned (Table 1A), warned (Table 1C) or chased (Table 1D) by the police more often than whites (the level of significance p for differences by race is denoted as W/B). On the other hand, Table 1 shows that offender status (controlling for race) has an effect on the frequency of contacts with the police. Official offenders are more commonly questioned, chased, searched, or warned by the police than non-offenders. (The level of significance p for differences by official offender status is denoted as N/O.)

⁶⁷ J. Boydston, *supra* note 60; Bordua & Tifft, *Citizens Interviews, Organizational Feedbacks and Police-Community Relations Decisions*, 6 LAW & SOC'Y REV. 155, 165 (1971); See generally Reich, *Police Questioning of Law Abiding Citizens*, 75 YALE L.J. 1161 (1966).

⁶⁸ Wiley & Hudik, *Police-Citizen Encounters: A Field Test of Exchange Theory*, 22 SOC. PROBS. 119, 125 (1974).

TABLE 1A
How Often Questioned by Police

	<u>Non-offenders</u> (N=332)		<u>Offenders</u> (N=235)	
	<u>White</u>	<u>Black</u>	<u>White</u>	<u>Black</u>
Never	44% (128)	37% (15)	18.5% (30)	19% (14)
Once	17% (48)	22% (9)	9% (15)	6% (4)
Two or three times	21% (62)	17% (7)	23.5% (38)	34% (25)
More often	18% (53)	24% (10)	49% (79)	41% (30)
	100% (291)	100% (41)	100% (162)	100% (73)
	$\chi^2=2.11$ 3df $p < .55$ W/B(for non-offenders)		$\chi^2=3.72$ 3df $p < .29$ W/B(for offenders)	
	$\chi^2=56.8$ $p < .0000$ N/O(for whites)		$\chi^2=14.2$ $p < .0026$ N/O(for blacks)	

TABLE 1B
How Often Been Searched by Police

	<u>Non-offenders</u> (N=332)		<u>Offenders</u> (N=235)	
	<u>White</u>	<u>Black</u>	<u>White</u>	<u>Black</u>
Never	68% (199)	49% (20)	33% (54)	14% (10)
Once	16.5% (48)	20% (8)	22% (35)	12% (9)
Two or three times	9% (25)	24% (10)	18.5% (30)	22% (16)
More often	6.5% (19)	7% (3)	26.5% (43)	52% (38)
	100% (291)	100% (41)	100% (162)	100% (73)
	$\chi^2=10.8$ $p < .01$ W/B(for non-offenders)		$\chi^2=19.2$ $p < .0002$ W/B(for offenders)	
	$\chi^2=63.2$ $p < .0000$ O/N(for whites)		$\chi^2=27.9$ $p < .0000$ O/N(for blacks)	

TABLE 1C
How Often Warned by Police

	<u>Non-offenders</u> (N=332)		<u>Offenders</u> (N=235)	
	<u>White</u>	<u>Black</u>	<u>White</u>	<u>Black</u>
Never	60% (175)	56% (23)	28% (45)	37% (27)
Once	9% (26)	20% (8)	9% (15)	8% (6)
Two or three times	10% (30)	7% (3)	15% (25)	22% (16)
More often	21% (60)	17% (7)	48% (77)	33% (24)
	100% (291)	100% (41)	100% (162)	100% (73)
	$\chi^2=4.7$ $p<.21$ W/B(for non-offenders)		$\chi^2=5.2$ $p<.15$ W/B(for offenders)	
	$\chi^2=49.6$ $p<.0000$ O/N(for whites)		$\chi^2=10.7$ $p<.01$ O/N(for blacks)	

TABLE 1D
How Often Chased by the Police

	<u>Non-offenders</u> (N=332)		<u>Offenders</u> (N=235)	
	<u>White</u>	<u>Black</u>	<u>White</u>	<u>Black</u>
Never	66% (193)	76% (31)	47% (76)	51% (37)
Once	10% (30)	12% (5)	11% (18)	7% (5)
Two or three times	8% (22)	5% (2)	10.5% (17)	14% (10)
More often	16% (46)	7% (3)	31.5% (17)	29% (21)
	100% (291)	100% (41)	100% (162)	100% (73)
	$\chi^2=2.7$ $p<.44$ W/B(for non-offenders)		$\chi^2=1.6$ $p<.65$ W/B(for offenders)	
	$\chi^2=19.6$ $p<.0002$ N/O(for whites)		$\chi^2=11.3$ $p<.01$ N/O(for blacks)	

While frequency of contact may not be related to race, the quality of contact may differ; blacks could experience harsher contacts than whites. A probe was therefore conducted into various ingredients of the contact, such as pushing and shoving, name calling, beating or kicking, or gun drawing. The responses indicated that in eighty-five percent of the contacts the subjects experienced neither verbal nor physical abuse. Even among those reporting having been arrested, the overwhelming majority had not experienced untoward police behavior. Few claimed to have been kicked (six percent), beaten (seven percent), or experienced having a gun drawn in the encounter (eleven percent). Fewer than three percent reported any racial slurs. Although thirty percent of those who described their first arrest-offense were handcuffed, such restraint is generally viewed as acceptable and not abusive. But examination of the distribution of these few cases with harsh ingredients disclosed that they are related to race rather than to offender status (e.g., the rates of being pushed appear as .08 for whites, but .37 for blacks; and as .17 for offenders and .11 for non-offenders; the rates of name calling are .12 for whites, but .30 for blacks; and .16 for offenders and .19 for non-offenders).

The second issue of interest for the study was the respondents' assessment of their encounters with the police. For that purpose the interviewees were asked to evaluate how they were treated in their first contact with the police which did not result in arrest, and in the first contact that led to an arrest. Responses for the first set of questions pertain to any contact, whether it involved criminal justice related functions the police perform, or any other type of contact citizens have with the police, such as requests for service or assistance. These responses may therefore express a more global evaluation of the police as a public service agency. The second set of questions addresses the behavior of the police in the first offense that led to an arrest. The responses in this case may therefore express an evaluation of the police in the context of their criminal justice functions and in a purely punitive context.

Arguably, not only do both sets of questions tap the respondents' assessment of these particular events, but also express respondents' general evaluation of police behavior as a public service or criminal justice agency. The latter is plausible because of the lapse of time between the events which the respondents were asked to assess and the time of the interview. Thus, their assessment of the police may have been colored by subsequent encounters with the police that may have occurred between the events and the inter-

views. Both possibilities are valuable for exploring the relationship between experience and assessment of the police.

To elicit the respondents' assessment of their treatment by the police, the respondents were asked to evaluate police behavior during the contact. Eighteen descriptive terms were presented to the interviewees: nine were positive (fair, friendly, fatherly, considerate, warm, helpful, easygoing, lenient, understanding) and nine were negative (mean, harsh, tough, indifferent, cold, unreasonable, unjust, discourteous). Positive terms were interposed among negative terms in the interview. Each negative term which the respondents endorsed was assigned a value of one. For any positive treatment a value of zero was assigned. But if the question about positive treatment was answered in the negative, a value of one was given to the respondent on this item. A scale of negative assessment of the police was thus created, which had a range of 0-18. The higher the score, the more negative the respondent's assessment of the police contact.

Examination of the mean scores of police negative assessment in the first contact with the police that did not result in an arrest and in the first arrest that led to an arrest are presented in Tables 2 and 4 respectively. It should be noted that variations in the Ns for variable analysis are due primarily to differential experiences among subjects who had only a contact with police and for subjects who committed an offense that led to their first arrest. Lower Ns in Tables 2 and 4 do not indicate missing data; they generally refer to the absence of the experience.

TABLE 2

Means of Police Negative Assessment Scores by Race and Official Offender Status for First Contact Which Did Not Result in Arrest

	<u>Offenders</u>	<u>Non-offenders</u>	<u>Total</u>
White	6.68 (139)	6.17 (179)	6.47 (318)
Black	11.47 (59)	8.40 (25)	10.56 (84)
Total	8.24 (198)	6.44 (204)	7.33 (402)

Table 2 discloses that negative assessment is more influenced by race than by offender status (Table 2). The mean score of blacks is 10.56 compared with 6.47 for whites. Also, within each offender

status category, blacks have much higher scores than whites (11.47 compared with 6.68 for offenders and 8.40 compared to 6.17 for non-offenders). Furthermore, white offenders have a lower score than black non-offenders (6.68 compared with 8.40).

The effect of offender status is not as strong. The mean score of offenders is 8.24 compared with 6.44 for non-offenders. Within the same race category, the differences between offenders and non-offenders are negligible for whites (6.68 compared with 6.17) but are larger for blacks (11.47 compared with 8.40). Analysis of variance that tested for statistically significant differences in means of the groups by race and offender status classifications (Table 3) indicates that both variables, race and offender status, have an independent effect on the respondent's assessment of police treatment, and that the interaction between the two variables does not attain statistical significance.

TABLE 3

Analysis of Variance of Police Negative Assessment Scores for First Contact Which Did Not Lead to an Arrest

Source of Variation	df	MS	F	p
Race	1	908.89	39.42	.000
Offender Status	1	122.70	5.32	.022
Interaction	1	81.15	3.52	.061
Error	398	23.05		

An analysis of the responses for the first offense that led to an arrest revealed that a substantial number of respondents described an offense that led to an arrest, but they did not have an arrest record. Because the term "arrest" is rather ambiguous⁶⁹ and many contacts with the police that fulfill the criteria for arrest do not result in an arrest record,⁷⁰ it was assumed that these responses addressed offense events that for various reasons did not result in an arrest record. This assumption was supported by an analysis which compared official offenders and non-offenders on several attributes of the offenses, such as type of victimization, offense seriousness, relational distance between complainant and offender—all of which reduce the likelihood of the police making an "official" arrest.⁷¹

Analysis of the means of negative assessment of police behavior

⁶⁹ Erez, *On the 'Dark Figure' of Arrest*, 12 J. POLICE SCI. & AD. 431-40 (1984); Klein, Rosenweig & Bates, *The Ambiguous Juvenile Arrest*, 13 CRIMINOLOGY 78-89 (1975).

⁷⁰ Erez, *supra* note 69.

⁷¹ *Id.*

TABLE 4

Means of Police Negative Assessment Score for First Offense That Led to an Arrest by Race and Official Offender Status

	<u>Offenders</u>	<u>Non-offenders</u>	<u>Total</u>
White	10.51 (127)	9.97 (62)	10.33 (189)
Black	13.19 (53)	10.67 (9)	12.82 (62)
Total	11.30 (180)	10.06 (71)	10.95 (251)

TABLE 5

Analysis of Variance of Police Negative Assessment Scores for First Offense that Led to an Arrest

<u>Source of Variation</u>	<u>df</u>	<u>MS</u>	<u>F</u>	<u>p</u>
Race	1	246.37	6.38	.01
Offender Status	1	35.86	.93	.33
Interaction	1	25.41	.66	.41
Error	247	38.62		

in the first offense that led to an arrest indicates again the strong effect which race has on negative assessment of police behavior. The mean score of whites is 10.33 but 12.82 for blacks. Within each offender category blacks also have higher scores than whites: 13.19 compared to 10.51 for offenders, and 10.67 compared to 9.97 for non-offenders. Black non-offenders again have higher scores than white offenders (10.67 compared to 10.51). Table 5 indicates that the differences between race categories are statistically significant ($p .01$), but differences between offenders and non-offenders are not ($p .33$). Thus, being an officially designated offender does not influence one's negative assessment of or attitudes toward the police, but being black is related to a more negative evaluation of the police.

Another point disclosed in Table 4 is that the mean score of all groups in the first offense that led to an arrest, a contact in a purely punitive context, is higher than their respective mean scores in the first contact with the police that did not result in an arrest (Table 2), a context which is not necessarily penal in character.

One possible explanation for the blacks' more negative evaluation of police behavior during the first offense that led to an arrest is

TABLE 6

Analysis of Variance of the Mean Scores of Negative Assessment of Police Behavior in First Offense that Led to an Arrest by Offense Type

<u>Non-Index</u>	<u>Injury</u>	<u>Theft</u>	<u>Damage</u>	<u>Combination of Index Offenses</u>	<u>Total</u>
10.76	12.04	9.87	9.15	11.36	10.65
(147)	(24)	(45)	(20)	(22)	(258)
F=.788			p<.53		

TABLE 7

Type of First Offense that Led to an Arrest by Race

	<u>White</u>	<u>Blacks</u>
Non-Index	60%	48%
	(116)	(31)
Injury	9%	11%
	(17)	(7)
Theft	15%	25%
	(29)	(16)
Damage	9%	5%
	(17)	(3)
Combination of Index Offenses	7%	11%
	(15)	(7)
Total	100%	100%
	(194)	(64)
$\chi^2 = 5.73$ 4df $p < .22$		

the type or seriousness of their offenses. Offenses against the person are viewed as more serious and therefore may prompt more restraining, firm, or less "considerate" behavior on the part of the police. To rule out this possibility, an analysis of variance of the mean scores of negative assessment by type of offense was conducted (Table 6), and offense type was cross-tabulated by race (Table 7). Table 6 indicates that although negative evaluation of police is highest for offenses that involve injury, the differences between offense types are not statistically significant; offense type is not related to a more negative assessment. In the same vein, Table 7 indicates that there were no statistically significant differences between whites and blacks in the type of first arrest-offense reported. In sum, blacks' negative assessment of the police cannot be attributed

to their having committed more serious offenses that might have prompted an untoward police response.

VI. DISCUSSION

The data indicate that the frequency of police contacts with citizens in terms of questioning, chasing or warning does not vary by race but does vary by offender status. Police more often contact individuals who are known to be involved in criminal activities or who have manifested such propensity in the past. These contacts may be due to sincere efforts on the part of police to resolve or combat crime, but also could be for purposes of harassment. The police often resort to harassment under conditions in which they are caught between their own and the public expectations that they control criminal conduct, while other levels of the system thwart such enforcement by failing to treat arrests of citizens seriously.⁷² Harassment of offenders should therefore not be ruled out as a reason for the frequent contacts reported by official offenders.

The data also indicate that police do not appear to contact blacks more frequently. Frequent contacts by the police have been mentioned as the major source of hostility and negative feelings toward the police among blacks.⁷³ Although blacks are more likely to be searched than whites, blacks and whites are equally likely to be questioned, warned or chased by the police. The preponderance of searching of blacks compared to whites may be attributed to the greater fear of the police that weapons are present. They believe, and it may well be, that in certain neighborhoods or among some segments of the population weapons are often carried for protection. Frequent searching of blacks is also in accordance with research findings about the greater use of deadly weapons by the police against blacks, as blacks more often carry weapons⁷⁴ or appear to reach for a weapon.⁷⁵

As to the quality of treatment, in the overwhelming majority of cases in which there was direct contact with the police, the respondents indicated they had experienced neither verbal nor physical abuse, such as pushing or shoving. The proportions of physical force, of restraining and restriction by the police, appear to be small. Furthermore, because they come from persons interviewed, it could be said that the small proportion indicating any abusive

⁷² REISS, *THE POLICE AND THE PUBLIC* (1971).

⁷³ Bordua & Tift, *supra* note 67, at 165; Jacob, *supra* note 11, at 77.

⁷⁴ J. Fyfe, *Shots Fired: A Typological Examination of New York City Police Firearms Discharges* (1978) (unpublished dissertation).

⁷⁵ Meyer, *supra* note 19, at 104.

treatment by the police is not an underreporting. To the contrary, in the absence of counter-reports from the police it could be said that, if anything, the respondents, many of whom are offenders, may be overstating the case. There are also situational aspects of these arrests that could prompt direct physical response by the police—response which may or may not be interpreted as excessive force. On the one hand, an aggressive, assaultive suspect who has been drinking is often difficult for the police to handle without physical restraint. A true case of resisting arrest may require forceful control. On the other hand, in the few cases of reported kicking and beating by the police, the action may have been unwarranted, excessive and abusive. The data permits no more than a descriptive response by the subjects, whose interpretations are their own.

Despite what appears to be very small proportions of verbal abuse and physical force, whether or not justified, there are some racial differences. Once again, the extent to which such physical force by the police was appropriate within the arrest drama is unknown. But what the response data tell us is that proportionally (that is, within each racial group contacted or arrested), blacks more often than whites are beaten, kicked, or subjected to name calling and racial slurs. The data indicates, however, that the type of offense (and thus its seriousness), that may sometimes justify the use of force and restraint or prompt untoward police response, is not related to race.

Despite the lack of differences between blacks and whites in the frequency of most contact types with the police, the blacks' negative assessment scores are higher than whites. Race seems to have a stronger effect on negative assessment than does offender status in contacts that are non-punitive in nature, but particularly in contacts that are penal in character. Two comments are in order. First, police administration and rules of procedure were firmly constant over the years of the cohort under analysis. Second, the issue of relatively small proportion of black police officers rose, but not substantially, during this period. In any case, the race of the arresting officers was not recorded, an oversight that should be corrected in future research. Recent research, however, indicates that a policeman's race is not a contributor to lower attitudes of minorities toward the police; that minority police who supposedly have greater understanding of black culture, do not relieve tensions between black citizens and the police. "[T]he *racial* identity of an officer may be less important than his or her occupational identity as an

officer."⁷⁶

Official offenders, however, who experience the most frequent, and at times inevitably harsher contacts with the police, do not evaluate the police as negatively as might be expected. In fact, for the contact that occurred in a purely penal context (in the first offense that led to an arrest), there are no statistically significant differences in the negative assessment of the police between official offenders and non-offenders.

Because both groups of interest for this study—blacks and officially designated offenders—are considered disadvantaged or oppressed groups according to the conflict prospective, any downward bias in their negative assessment of the police that might have occurred due to a social desirability effect is likely to have affected both groups equally. Methodological difficulties (such as interviewer's effect) therefore cannot account for the resulting differences.

Another possible explanation for the lack of differences between non-offenders and official offenders is that the latter become accustomed to harassment and thus become desensitized and indifferent. Research indicated, however, and this study's assessment scores support such findings, that resentment and negative feelings do develop among official offenders.⁷⁷ Desensitization is thus less likely to explain the low negative assessment of official offenders compared to other social groups.

An objective statement about the quality of police treatment in the contacts reported is difficult to make without actual observation of such encounters, and even then some disagreement among observers may occur. Moreover, assessment is not affected only by the actual situation which individuals experience, but is usually influenced by other factors, such as anticipation, prejudices, or expectations.

The data nonetheless suggest that something other than actual experience may account for blacks' negative assessment of the police. Prior research offers several explanations that may apply to this study: blacks have a prejudicial attitude toward the police because the police are presumed to be representatives of a white oppressive regime;⁷⁸ the interaction of an asymmetrical norm inherent in police-citizen relations with the special asymmetric norm gov-

⁷⁶ Decker & Smith, *supra* note 34, at 390.

⁷⁷ See, e.g., Primeau, Helton, Buxter & Rozelle, *An Examination of the Conception of the Police Officer Held By Several Social Groups*, 3 J. POLICE SCI. & AD. 189 (1975).

⁷⁸ President's Commission on Law Enforcement and the Administration of Justice, *supra* note 35; See generally Swan, *supra* note 36.

erning majority-minority relations;⁷⁹ merely observing police wrongdoings or abusive treatment, not necessarily experiencing them, leads to negative attitudes among blacks;⁸⁰ objections to the right of police to question and search on constitutional grounds;⁸¹ or that blacks, particularly ghetto residents, expect from police more than is met in reality.⁸² It becomes evident that expectations from the police may constitute a paramount factor in evaluating the police when assessment by race is compared with evaluation by offender status. Despite more frequent and inevitably harsher contacts of offenders with the police, offender assessment of police is not as negative as might be expected.

It seems that offenders who are known to be law violators feel they "deserve" the treatment the police accord them; they seem to understand or accept the "costs" of breaking the law, namely, being the primary target of police surveillance or crime control efforts. Police activities related to law enforcement, at times involving abusive practices, are interpreted by offenders as an inevitable part of the police role fulfillment. Offenders view their relationships with the police as basically "a fair game".⁸³

Blacks, however, may feel that they deserve responsive and sympathetic law enforcement. These expectations or definitions of "desert" result in application of more stringent criteria in evaluating police behavior, and thus more negative assessments of less undesirable experiences.

VII. CONCLUSIONS AND IMPLICATIONS

The concept of self-defined "desert" and its embracing and broader principle of "distributive injustice" seem to have explanatory power for the gap between experiences with the police and the assessment of such experiences by various social groups.

Justice, morality or "desert" appear to be concepts which are neither absolute nor abstract. Justice or moral conceptions—the balance of costs and rewards in social interactions—depend on the expectations of citizens, their perceptions of what others receive and their interpretations of their own experiences in terms of their personal values.⁸⁴ This relative or situational nature of "desert" should

⁷⁹ Sykes & Clark, *supra* note 50, at 590.

⁸⁰ Smith & Hawkins, *supra* note 49.

⁸¹ Mathias, *The Ghetto Residents' View of Police Procedures and Their Constitutionality*, POLICE CHIEF, May 1971, at 64, 65-67.

⁸² Jacob, *supra* note 11, at 87.

⁸³ Baldwin, *supra* note 61, at 285-90.

⁸⁴ See Jacob, *supra* note 11, at 69-70.

be considered in any attempt to apply uniform "justice" or rational penal policy. Attempts to improve police-community relationship should also take into consideration citizens' differential expectations and definitions of "desert." Minorities who are attempting to become part of the mainstream of society are particularly aware of, and sensitive to police responses that may indicate lack of respect due to citizens. Police-minorities interactions and norms operative in exchange of deference should receive, therefore, particular attention from police patrolling areas with high concentrations of minorities.

The present study also indicates that similar conceptions of "desert" are shared by both disadvantaged and more "fortunate" groups, by official offenders and law abiding citizens. The data suggest that offenders accept as just or reasonable the costs of their law breaking behavior. In this sense, the study provides some support for the consensus perspective.

Police practices with respect to official offenders, however, do pose some questions about their justification, utility, and unintended effects on criminal activities. Although official offenders understand why they are frequently questioned, warned or chased by the police, they nonetheless do not remain unaffected by it. Their feeling that they constantly are considered to be suspicious or untrustworthy is not conducive to their reintegration into society. Indeed, if police actions stigmatize or interrupt the offender's legitimate work or social activities, they may cause loss of job or rejection in legitimate social circles. The detrimental effects of labeling and its self-fulfilling prophecy⁸⁵ have been repeatedly emphasized by social scientists. If in stopping persons on the street the police use past contacts with them as a measure of criminality without any clear sense of who is most likely to be criminally involved,⁸⁶ then these practices constitute an additional penalty for offenders. A substantial doubt about the utility of such practices (in terms of solving crimes) has been raised.⁸⁷ But even if it were not, such practices should still be reconsidered from the viewpoint of both justice and rehabilitation.

⁸⁵ Chapman, *The Stereotype of the Criminal and the Social Consequences*, 1 INT'L J. CRIMINOLOGY & PENOLOGY 15 (1973).

⁸⁶ Bogomolny, *supra* note 31, at 573; Primeau, *supra* note 75.

⁸⁷ GOLDSTEIN, *supra* note 56, at 67-68; Bogomolny, *supra* note 29, at 573.