HOLISTIC EFFECTS IN SOCIAL CONTROL DECISION-MAKING

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Most research on social control decision-making takes the *individual case* as the sole unit for the analysis of decision outcomes. Yet under a variety of organizational circumstances, social control agents process and respond to cases in relation to, or as part of, some larger, organizationally determined *whole*. This paper identifies three such larger units of cases found in social control decision-making—case sets, caseloads, and collections of cases grouped by the demands of establishing precedent and consistency—and suggests conditions which increase and decrease the effects of such holistic units on decisions made in particular cases.

Sociologists analyzing the decision-making aspects of social control have become increasingly sensitive to the effects of organizational factors on decision outcomes. Yet despite the strong theoretical interest in and recent flurry of research on this topic, one critical organizational dimension—the way in which social control agents process and respond to cases in relation to, or as part of, some larger, organizationally determined *whole*—is seldom explicitly treated. Most studies of social control decision-making treat the individual case as the central if not the exclusive unit of analysis.

The individual case provides an adequate unit of analysis only if social control agents themselves examine and dispose of cases as discrete units, treating each on its own merits independently of the properties and organizational implications of other cases. A central point of this article is that under a variety of circumstances, the individual case is not the sole or even the most important unit for categorizing and disposing of cases. Particular cases are in fact processed not independently of others but in ways that take into account the implications of other cases for the present one and vice versa. These wider,

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holistic concerns and influences are an important organizationally-based factor that shapes decision outcomes. The following analysis explores a variety of such dimensions.

By way of introduction, consider the following examples of how holistic influences constrain the ways in which individual cases are assessed and decided:

(1) A number of accounts note a recurrent conflict between the client perceptions of the seriousness, priority, and depth of problems and the perceptions of those same problems by agents processing those clients. Bloor (1976), for example, notes that while a number of medical doctors specializing in tonsillectomies accept parental accounts of their child's symptoms at face value, "where specialists *do* form their own independent assessments of troublesomeness these are likely to be more conservative than parental assessments" (1976: 59). This "conservatism" reflects several factors, including "specialists' familiarity with the symptomatology—a familiarity which if it doesn't breed contempt may breed a dispassionate relativism" (1976: 60). Yet more is involved here than simply familiarity. What the parents see as exceptional and unique the specialist sees as but another instance of a routine case regularly encountered in the course of work. The more general lesson is that the makeup of the overall "stream of cases" that an agent handles provides a background against which the classification of particular cases in organizationally relevant ways will be made.

(2) Many control agents, notably many social workers and probation and parole officers, organize their work around *caseloads*. In this respect, the focus of much of their routine decision-making is not so much the individual case as it is this larger set of cases for which they are organizationally and administratively responsible. One commonly observed consequence is that such agents must allocate time, energy, and other organizational resources on the basis of how they assess the demands and "needs" of any given case relative to the competing demands of other cases within the caseload. Lipsky (1980: 36) has recently emphasized the prevalence of such caseload concerns in the organization of work in a variety of "street level bureaucracies":

> Case loads are often informally divided into active and inactive categories. The inactive cases are often not truly inactive but represent cases to which the street-level bureaucrat is unable to attend in the ordinary course of the day. They are regarded as low priority for

> reasons having little to do with the client but a lot to do with the pressures on the workers.

To the extent that allocative and other decisions about particular cases are oriented toward the worker's overall caseload, those decisions reflect and must be analyzed in relation to the larger caseload as a whole.

(3) In a variety of social control circumstances, the fact that a particular case is the *first* of a known or anticipated *sequence of cases* can have major implications for how it is handled. Classroom discipline provides a revealing example. School folklore often emphasizes the importance of "the first day" and first impressions for subsequent control in the classroom. Levy (1970: 50) provides an extreme example:

> When children challenge the teacher's power, it is crucial that they be defeated. So, on the first day of school a teacher picks out the potential rebel leader, and, at the first sign of disobedience, makes an example of him. He grabs the disobedient child and threatens to beat him up if he doesn't stop what he is doing. In many instances he smacks the child in front of the class. If the leader is decisively defeated, other children are less likely to rebel.

For teachers concerned with "establishing 'who's boss' on the first day" (Levy, 1970: 51), the "first offense" may be treated more severely than later offenses because it is seen as the likely precursor of subsequent offenses unless strict action is taken (see also Stebbins, 1975: 61). Response to the "first offense" reflects its perceived relation to a sequential whole of expected, subsequent offenses. The same behavior occurring at other points in this sequence will be understood and responded to in very different ways.

In the pages that follow I analyze the conditions under which the responses of social control agents to individual cases are fundamentally shaped by reference to larger, organizationally relevant wholes. Three such wholes, paralleling the three illustrations previously presented, will be considered: first, the relativity of judgment in social control decision-making, a relativity reflecting the composite character of the "kinds of cases" processed by a particular agent; second, the ways in which the handling of some current case becomes competitive with the handling of other, "like" cases, a situation epitomized by working within a "caseload"; and finally, the situation in which a current case is treated as part of an organizationally relevant sequence, a situation that is most striking where initial cases are regarded as precedent for the treatment of subsequent cases.

I. RELATIVITY IN JUDGMENT IN SOCIAL CONTROL WORK

In a variety of social control settings, assessments of the "seriousness" of particular cases (on whatever organizationally relevant dimensions) tend to be made in relation to the kinds of cases regularly encountered in that particular setting. Thus, the decision to treat a case as an instance of something serious depends in part on the overall range and character of the *case set* processed by the agent or agency.

Consider, for example, Freidson's (1970: 257) summary of a 1934 study (reported in Bakwin, 1945) examining doctors' judgments on the advisability of tonsillectomy operations for 1000 school children. Of these 1000 children, 611 had already had their tonsils removed. The remaining 389 were then examined by other physicians; 174 were selected for tonsillectomy and 215 adjudged not to need the operation. Then: "Another group of doctors was put to work examining these 215 children, and 99 of them were adjudged in need of tonsillectomy. Still another group of doctors was then employed to examine the remaining children, and nearly one-half were recommended for operation." Freidson concludes: "Since it is very unlikely that each group of physicians would overlook the severity of signs in fully one-fourth of the cases it saw, it seems more plausible to conclude that *each used a sliding scale of severity rather than an absolute criterion*" (1970: 257; emphasis added).

Freidson's suggestion of a "sliding scale of severity" implies that diagnostic assessment of any particular case is made relative to other cases actually under examination—in this instance, relative to the specific set of cases presented to particular doctors for tonsillectomy diagnosis. Additional evidence of such a "sliding scale of severity" is provided by experimental research on the "relativity of judgment." Parducci (1968: 84), for example, reports the following experiment conducted in a large undergraduate class:

> Each student was asked to rate the moral value of different acts of behavior in terms of his "own personal set of values." His task was to assign each act to one of five categories: "1—not particularly bad or wrong," "2—undesirable, a good person would not do this," "3—wrong, highly questionable," "4—seriously wrong," and "5—extremely evil." Half of the students were given a list made up mainly of relatively mild acts of wrongdoing; the other half got a nastier list, consisting principally of acts that could be counted on to evoke strong disapproval. The crucial feature of the

> experiment was that, embedded among the other items, each list contained six items that were common to both.

Despite instructions to "judge each act just as though it were the only one you were judging," students' evaluations were made relative to the context created by the different lists: "The six acts appearing in both lists were rated more leniently by students who judged them in the context of the nasty list than they were by those who encountered them in the context of relatively mild wrongdoing" (1968: 87). Table 1 illustrates the differences.

Table 1.* Context Effects on Moral Judgments

ITEM	AVERAGE SCORE**	
	"Nicer List"	"Nastier List"
Poisoning a neighbor's dog whose barking bothers you	4.19	3.65
Pocketing the tip which the previous customer left for the waitress	3.32	2.46
Habitually borrowing small sums of money from friends and failing to return them	2.93	2.37
Publishing under your own name an investigation originated and carried out without remuneration by a graduate student working under you	3.95	3.47
Bawling out servants publicly	2.64	2.39
Failing to put back in the water lobsters which are shorter than the legal limit	2.22	1.82

* Adapted from Parducci, 1968.
** Higher scores reflect judgments of greater wrongfulness.

Such findings suggest that the makeup or shape of the total collection of cases processed by an agency provides a contextual gestalt relative to which particular diagnostic assessments will be made. This gestalt can assume different qualities under different organizational circumstances. At one extreme, a discrete and bounded *set* or *panel* of cases might provide the larger whole relative to which particular judgments are made. At the other extreme, discriminations between cases may be made relative to the gestalt created by a continuing *flow* of cases through a particular agency. Here one might speak not of a panel of cases but of a *case stream*, a stream whose characteristics (kinds of cases, relative frequency of each kind) provide a background against which assessments of a particular case are made. Cases on hand at any one time are assessed by reference to what is "normal" and expected in that stream. Such streams tend to be more open and less bounded

than relatively fixed case sets. Workers in criminal courts, for example, usually deal with a continuing flow of cases rather than with fixed sets of cases (except in the immediate short term) and come to hold a variety of locally specific expectations about the "normal" character and overall distribution of particular kinds of cases within this stream (Sudnow, 1965). Again, the character or makeup of this stream provides a gestalt against which determinations of seriousness are made.

Where there are significant differences in the case sets of two agencies, we can expect the agencies to define seriousness differently. Hence, the same kind of case may be evaluated differently in the different settings. Sanders (1977: 95), for example, observed the following variation between two organizational units within an urban police department:

> [I]n the context of the cases a detective or detail typically received . . . what was considered a "big case" for one detective was a "little case" for another. For instance, the Major Crimes Detail received all reports of battery. As compared with the other crimes the detail investigated, batteries were "little" and therefore were rarely investigated. On the other hand, if the Juvenile Detail received a battery case, it was treated as fairly important in the context of the usual crimes they received, such as petty theft or malicious mischief.

Foote (1972: 29) points to a similar phenomenon in comparing the concerns of the criminal courts in sentencing defendants to prison with those of the Adult Authority in fixing actual time served under then prevalent indeterminant sentencing policies:

> Courts . . . are dealing with the felon whom they are about to send to prison in the context of a population most of which is not going to prison at all, thus a population in which the less serious offenders predominate. The administrative sentencing board operating within a prison, however, draws its cases from a population in which it is the most serious offenders who predominate. As sentence-fixings are comparative ratings—e.g., "this guy's not as bad as the others we've seen this morning"—the company a man is keeping when he comes up for disposition may be just as important a determinant of his fate as his own individual characteristics.[1]

[1] There may, however, be cases so extreme that they are assessed similarly by agencies with very different case sets. Some killings are seen as serious by homicide detectives as well as by the street patrolman, and some killers are determined to be just as dangerous by parole boards as by the

If different agencies classify similar cases in different ways because of their case sets, the transfer of cases from one agency to another can become highly problematic. The juvenile court, for example, often identifies as essentially "good kids" youth who seem to be serious delinquents to agencies with different and less troubled case sets (see Emerson, 1969: 71-72, 84). Similar differences may be at work in the referral of parolees to various sorts of special programs. McCleary found, for example, that social welfare agencies registered formal complaints about parole officers "who send 'bad risks' or 'inappropriate profiles' to the program" (1975: 233). Parole officers termed such agency selectivity "cherry picking," assuming that the goal was to obtain "better" cases and hence to inflate agency "success rates." But this sort of interorganizational conflict might also result from the way that perceptions of the likelihood of successful outcomes with parole cases are rooted in the distinctive case sets of parole workers and welfare agencies.

The internal deliberations of even a single agency may reflect and try to anticipate these sorts of interorganizational variations in case evaluation. Consider, for example, a judge's reflections on how to treat a delinquent who had committed what was thought to be a very serious offense:

> During a staff conference on a 16 year old youth charged with a shooting and armed robbery, the Judge discussed several sentencing alternatives, including trial as an adult (with sentencing to State Prison a likely outcome), commitment to the Youth Correction Authority, and commitment to Stillbrook, a special maximum security institution for juveniles. Stillbrook, he noted, had a policy of discharging inmates at the age of 17 and getting them off parole quickly so that if caught again they would not be sent back to them. So if the youth were sent there he would probably be discharged after one year and discharged from parole two weeks later. In fact, juvenile murderers averaged only two years there. And, if the boy were sent to the Youth Authority, he would soon be "back on us." "*Armed robbery, though a serious offense, is not something the YCA is not used to.*" Once in an institution the fact that the armed robbery involved guns and masks would be lost sight of, and become simple armed robbery, which was routinely discharged after a brief stay. Similarly at Stillbrook: "If he's not a

judges who sentenced them. Thus, inter-agency variations in assessed seriousness should be most visible in cases that are not obviously either trivial or traumatic. The empirical investigation of these issues requires close attention to such mid-level cases.

> murderer or acting out, he can get out of Stillbrook." I could send him there, but if I did, "it's 10 to 1 if he doesn't commit mayhem he will be back on the street in 11 months" (when he turns 17). "If he were a murderer we'd get a lot more attention" (emphasis added).[2]

Here the judge's deliberations over the most appropriate disposition explicitly take into account "known" differences in assessments of seriousness, differences stemming in part from the fact that these correctional institutions deal with case sets containing high concentrations of serious offenders.

Even greater complexities can arise in the movement of cases between agencies. For just as different case sets can produce varying assessments of case seriousness, so too can the distinctive sets of sanctions or "normal remedies" (Emerson, 1981) employed in two settings produce perceived differences in the seriousness of similar sanctions. A strict punishment in one agency may be regarded as a slap on the wrist in another, depending upon how the particular sanction compares to the range of remedies routinely employed at each agency. This relativity of sanction severity to organizational context has an interesting implication: Both the "advantage" which accrues to those whose cases appear minor in the context of a setting dominated by more serious cases, and the "disadvantage" visited on those whose cases appear serious against a backdrop of trivial offenses, may be reversed at the sanctioning stage. For what appears to be a minor sanction to an agency used to meting out harsh sanctions to relatively serious offenses may, in fact, be more stringent than the most serious sentences that an agency used to dealing with trivial cases would consider.

Consider what Foote (1972) tells us about those few marijuana offenders who were sent to prison in California and so fell under the jurisdiction of the Adult Authority. The judges who sent them to prison believed that in giving prison time for marijuana offenses they had sentenced severely, and they often recommended release after the minimum time served. "The perspective of the Adult Authority, however, is one of dealing with a population in which most prisoners serve at least thirty months, . . . a parole after eighteen months, for example, is giving the inmate a break even though the minimum may be six or twelve months" (1972: 29). Foote concludes that such an offender "is prejudiced by being thrown

[2] These materials are taken from unpublished field notes compiled as part of the juvenile court research reported in Emerson (1969; 1974).

into the Adult Authority's pot, for they rate his penalty not against those imposed on his peers in crime but against their own average dispositions" (1972: 29-30). Thus, a case which one decision-maker believes to be serious may, for that reason, be channeled to another decision-maker who, because of a very different case set, regards the matter as minor. The second decision-maker, applying what for him is a minor sanction, may in fact select a more severe penalty than the first would have considered appropriate.

The contour of the case set against which judgments of seriousness are made is largely a product of the frequency with which different kinds of cases within it are encountered and handled. The greater the absolute frequency with which a particular kind of case is encountered, the more familiar, typified, and routinized it becomes for those processing such cases. Thus, the frequency with which specific kinds of cases and events are encountered lies at the heart of the *socialization* experience in a variety of settings (Hughes, 1971).

In medical hospitals, for example, death is a frequent event, and medical novices can provide specific counts of the number of deaths they have witnessed (Sudnow, 1967: 36-42). Yet such "frequently occurring events are counted only for a short time, among newcomers," and as the worker comes to witness a growing number (no specific counts were provided higher than eight), the question "How many have you seen?" will be answered by something on the order of "[S]o many I've lost count" (1967: 35-36). As Sudnow emphasizes, how the number of deaths witnessed is reported both reflects and expresses the worker's experience. Such changes involve evaluative components as well. What is countable is also remarkable and memorable and hence consequential to the person providing the count in ways that do not hold for the worker who has seen "a thousand cases like that."

In general, then, the frequently encountered case or event, even if acknowledged to be inherently serious, loses some of its aura of seriousness as "other cases like it" are encountered over time. Workers tend to accumulate knowledge and expectations of the typical attributes of such cases, classifying them into known categories of "normal cases" (Sudnow, 1965). As a class of case becomes typified, it is treated in more routine ways. "Seriousness" becomes routinized, institutionalized, built into the typification, as it were, rather than standing as an experiential feature of the case for the worker.

Heumann's (1978) research on the socialization of criminal court personnel provides several excellent examples of these processes. Heumann notes a "propensity for the new prosecutor or state's attorney to be 'outraged' by the facts of a case" that the experienced attorney would appraise as routine (and not particularly serious) and hence as appropriately plea bargained to some standard reduction (1978: 98). Not surprisingly, new prosecutors noted that they had frequently felt "way out of step" with the standard recommendations of their more experienced co-workers (1978: 99):

> I evaluated a case by what I felt a proper recommendation should be, and my recommendations were almost always in terms of a longer time. I found that the other guys in the office were breaking things down more than I expected. As a citizen, I couldn't be too complacent about an old lady getting knocked down, stuff like that. I thought more time should be recommended. I might think five to ten, six to twelve, while the other guys felt that three to seven was enough.

As the prosecutors became integrated into local office culture, familiar with its procedures,[3] and accustomed to the shape of their caseloads, they came to see and treat offenses that had earlier struck them as "outrageous" in more neutral, routine, and "lenient" ways.

The tendency to routinize cases is to some extent offset by another factor which differentiates the cognitive sets of the novice and the experienced worker. As experience with a given kind of case accumulates, the worker increasingly notes and emphasizes specific subcategories of cases within the general category.[4] Thus, an agency dealing regularly with homicides

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[3] The novice's direct experience with new kinds of cases is of course filtered through the culture of the local setting; familiarity thus involves both having encountered such cases and having learned local work standards for appraising and disposing of them. In this light, it is instructive to note the findings of a recent survey by McCleary *et al.* (1981) contrasting the general public's perception of crime seriousness with that of criminal justice personnel. As might be predicted from the familiarity-breeds-contempt line of thought, legal system agents generally evaluated crimes as less serious than did a sample of the general population. Yet while criminal justice agents consistently ranked some specific crimes much lower than the general population (e.g., "victimless crimes"), they also evaluated some crimes *more seriously*; the latter included violent crimes against known parties and crimes against public order or trust. Under some circumstances, then, the culture of the local workplace can lead workers to see familiar kinds of cases as more "serious" than does the general populace.

[4] This analysis follows Sudnow, who argues that after a certain point not "deaths in general" but only certain organizationally noteworthy subcategories of deaths will be reported with specific counts. Such deaths include "those which take place in settings where deaths are uncommon, those which occur in atypical fashions, those which result from accidents or diagnostic and treatment errors, and those which result in the very young patient" (1967: 41).

not only becomes "familiar" with, hardened to, and less affected by such cases but also makes finer, more varied distinctions between types of homicides. This distinction, between a small number of serious "murders" and more numerous and routine "killings," is evident among urban police detectives regularly encountering homicides (Waegel, 1981: 270):

> [A barroom homicide] was termed a "killing" and viewed as a routine case because the victim and the perpetrator were previously acquainted and information linking the perpetrator to the crime could be easily obtained. The term "murder" is reserved for those homicides which do not correspond to a typical pattern.

In these circumstances, where killings make up the routine and regular work of detectives, not just any killing, but only some killings, are seen as serious.

This analysis suggests that changes in the makeup of a case set will produce changes in the processing of specific categories of cases relative to that case set. In general, we may expect that if an institution no longer encounters its previously most serious cases, it will "upgrade" those cases that had been regarded as only somewhat serious.[5] And if it no longer receives what were once its most trivial cases, cases previously seen as somewhat serious will come to be regarded as less consequential. To suggest a specific application: If a juvenile court loses jurisdiction over its previously most serious offenses through more automatic transfer to the adult system, what were previously regarded as only marginally serious cases will be regarded with more concern.

To this point the analysis has focused on contextual factors that affect judgments of "seriousness." But the categorization of cases as serious or not is only one aspect of the broader process of decision-making; it is but a step toward implementing a particular decision outcome and as such is part of, but analytically distinct from, the wider process of actually treating or disposing of cases. Categorizations must be implemented under conditions which lead to less than perfect correlations between how cases are seen and the treatment they ultimately receive.

Thus, we must expand our analysis from the more limited cognitive assessments of seriousness to the broader processes

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[5] This argument parallels for social control settings Durkheim's (1938: 68-69) conception of the normality of crime in society in general.

of actually responding to cases that have been assessed in such ways; that is, from the question of how a case is classified to that of what is done about it. In doing so, we are led to appreciate the pervasive relevance of *resource availability* for such decision outcomes. For the constraints created by limited resources, notably the need to allocate what is available among cases, can fundamentally affect how particular cases are treated. For example, suppose that serious felonies were withdrawn from the jurisdiction of a juvenile court. The court staff might well come to perceive more severe responses to some previously less serious cases as appropriate, but the change in jurisdiction may have brought with it the withdrawal of organizational resources (e.g., probation staff needed to carry out more intensive supervision, access to special treatment programs) needed to implement more stringent dispositions. Similarly, if reformatory bed space declined while certain kinds of cases were being upgraded in perceived seriousness, the resources needed to treat such cases in the desired, more severe way would not exist.

II. RESOURCE ALLOCATION PROBLEMS

Issues of resource allocation, although seldom explicit, are critical in the categorization processes discussed in the prior section. For categorizing cases as serious or not so serious is fundamentally *practical* in character and impetus. It is done not for its own sake but *in order to act*; hence, recognized categories both reflect the options available (or, after Schutz [1964: 235], "problem relevances") in a particular setting and facilitate choice among options. In this respect, categorization decisions are inherently tied to decisions allocating resources among cases. For example, in street level bureaucracies, a whole variety of resources, including time, energy, etc., "are chronically inadequate relative to tasks workers are asked to perform" (Lipsky, 1980: 27). As a result, workers unofficially divide their caseloads into active and inactive categories, allocating more resources to the former and as few as possible to the latter. There is, then, an implicit allocation of scarce resources built into any such system of classification: Case types both determine the amount and kind of resources received and are products of the organization's sense that it should provide different kinds of treatment to different kinds of cases.

McCleary's (1978) analysis of parole work in Chicago provides a concrete illustration. He found that while parole agents had large caseloads, most cases received little attention:

> Well, that's how many men I've got *on paper*. Actually I've only got a dozen men that I worry about. I spend a lot of time with my men the first week they're out of the joint. If they look like they're doing okay, I don't bother them any more. I only see most of my men two or three times a year. But they're still *on paper* (1978: 127).

In contrast to such "paper men," the parole agent devotes a great deal of time and energy to two types of cases. First, there are "[t]he few dangerous men [who] are watched closely and returned to prison at the first opportunity" (1978: 126). Second, there are those parolees, termed "sincere" by parole agents, who are willing to be counseled and thus assume the role of "client." The parole officer's relationship with this latter group typically includes frequent, informal, and often "supportive" interaction.

Resource problems are implicated in this set of parole categories in several ways. These types provide workers with pre-existing formulas for allocating time and other resources among cases. Paper men require minimal time while dangerous men and sincere clients merit closer attention. At the same time, the categorization of cases reflects the established pattern of resource distribution within the agency. The category "sincere client," for example, reflects standing organizational practices on just how much time and effort can be devoted to apparently deserving cases. Thus, parole officers come to identity "sincere clients" within the first week or two of contact through the investment of a realistically limited amount of time and effort. Were more resources available for initial contacts, parole officers might classify more parolees as sincere. With more time, for example, the parole officer might work actively to break through to initially resistant and hostile parolees and so "convert" into sincere clients those who would otherwise have become paper men.

To generalize, changes in the resources available to process and treat cases, as well as changes in the number of cases to be handled, will transform the categorization and handling of cases. This can happen in several ways. First, where cases may be roughly ordered on a scale that runs from the more to the less attention worthy, if resources increase, the cut-off point between those cases that are attention worthy and those that are not will tend to move down, and so the ratio of active to

inactive cases will increase. Second, the substantive treatment of cases, however categorized, will be transformed. Consider cases that are attention worthy. Such cases will attract attention by definition, but the amount and quality of the attention they draw will vary with the resources that the agency has available. For example, a sincere client in a parole office where workers handle 300 cases each might be seen twice a month in office interviews, while a similar client whose officer in charge has only 30 cases might be seen for weekly counseling sessions as well as in the course of home and job visits. "Inactive" cases might not be seen at all where caseloads are high, but they might be seen at least once a month where caseloads are low. Again context is important. When some cases are the subject of weekly attention, those that are seen only monthly might be considered inactive. Thus, the substantive meaning and implications of similarly perceived categories will vary across settings so as to reflect the availability and distribution of resources.

From the worker's perspective the availability of resources is often a "given." The agency, more than the individual, determines the kind and quantity of resources that will be available. The worker, however, may play a critical role in determining how available resources are actually deployed among particular cases. The scope for worker influence is greatest where workers have responsibility for a *caseload*.

Caseloads involve a relatively fixed collection of cases for which a particular worker is organizationally responsible. They are key units in the routine organization of social control work. In working with a caseload, the worker knows at any point in time not only the number of cases s/he is responsible for, but also (at least in principle) the specific cases that are involved. Cases can be added (usually on the basis of some established principle, such as geographical assignment or type of case, or with the aim of equalizing caseload size among workers; see Zimmerman, 1970) and lost, but workers can nonetheless organize their work routines around some collection of cases of relatively known parameters. Furthermore, cases in a caseload tend to be dealt with on a long-term, continuing basis rather than in one relatively brief encounter. As a result, the worker will have cases at different stages in the decision-making process, and the workday will be organized around the need to perform various organizational tasks on a succession of cases that have been seen before and will be seen again. Social workers (sometimes called "caseworkers") and probation and

parole officers are prime examples of those whose work is often organized around caseloads.

A critical process in social control decision-making is how to *allocate resources* among the particular cases that make up a larger whole. While different resources may be at issue in different settings, allocation of the following are especially important in handling caseloads: the amount of *time* that a worker can make available; the amount of energy and *commitment* to be invested in particular cases; and the variety of *special options* that might be employed. Caseloads, in general, accentuate problems of allocation since what is done in one case has implications for what can be done in others. In distributing time, commitment, special options, and other organizational resources, a worker has to decide any instant case with an eye toward what that decision implies for other cases.

These sorts of allocative decisions are analytically distinct from those involved in categorizing cases: The problem is not to decide whether this is a serious case (and implicitly, whether this case needs active handling) but is the more pragmatic one of whether active treatment in this case is desirable given the demands of other cases within the caseload. The distinction between the abstract problem of categorization and the more immediate problem of what to do with a case given competing demands results in *caseload-specific effects*. One such effect is the decision to treat inactively cases that the worker recognizes "should be" treated actively. To reiterate Lipsky's argument (1980: 36):

> Inactive cases are often not truly inactive but represent cases to which the street-level bureaucrat is unable to attend in the ordinary course of the day. They are regarded as low priority for reasons having little to do with the client but a lot to do with the pressures on the workers.

Under these circumstances, the worker comes to treat the instant case with less attention than s/he recognizes it "really" deserves because other cases are seen as even more pressing or deserving.[6] In this respect, caseload-specific effects are not

[6] In so according inactive treatment to a case seen as "really" deserving attention, the worker, however understandably, may be seen to be acting in "bad faith." This contrasts with the worker who, in dispensing the sort of treatment implicit in an established system of categories, may be seen to be acting with "false consciousness," not recognizing, for example, that the standard amount of attention and effort given in active cases reflects not an "ideal" level of response but rather conventionalized organizational understandings about available resources and their proper deployment. Yet there are moments and situations when workers transcend such false

indicated simply by the fact that some cases are treated inactively, or even by high ratios of inactive to active cases. What is critical is not the distinction between active and inactive cases but the fact that such distinctions are made "by necessity" (Lipsky, 1980: 36) rather than on the basis of what in general is considered appropriate for cases of that particular type. *When a worker allocates little or no time to a case that in the worker's opinion "needs," "deserves," or "should receive" active treatment, and this is because the case appears less pressing, serious, or otherwise demanding of attention than others in that caseload, caseload-specific effects are evident.*[7]

Several implications flow from this analysis. To begin with, the identification of distinctive caseload effects presupposes a prior determination that some cases within the caseload need or deserve attention and others do not. Caseload effects arise in parole work, for example, only when resource pressures prevent a parole officer from giving sufficient time to parolees seen as "sincere" or "dangerous." Thus, the identification of caseload effects in parole work requires both the typification of cases as "sincere" or "dangerous" and the recognition that such cases are not getting the active treatment they need or demand.

Furthermore, the number of cases in a caseload (caseload size) is not the sole and need not be the major factor producing caseload-specific effects. If no case is thought to require more than minimal handling, for example, caseload-specific effects would not arise. Of course, the relationship between caseload size and available resources may, as I have already noted, play a critical role in shaping largely taken-for-granted

consciousness, explicitly recognizing, complaining about, and questioning these taken-for-granted categories and practices.

[7] One may wonder how caseload-specific effects can arise if, as I have argued, the prevailing system of categorization is itself determined by or dependent upon the current pattern of resource availability. One might expect types to be always in accord with prevailing resources, as workers constantly adjust their notions of what is appropriate or necessary for handling specific kinds of cases in light of what they have to work with. There are solid grounds, however, for expecting a lag between prevailing notions of what should be done and what is on hand to do something with. Discrepancies would thus appear as numbers of cases increase without comparable increases in resources, or as available resources decline without comparable declines in numbers of cases. A second possibility is that notions about what is appropriate or necessary represent deeply ingrained ideals that are resistant to easy and total transformation. Clearly, observations on the decline of idealism as workers become embroiled in the practical details of organizational life suggest both that practitioners bring ideals to their work from outside and that, while they may substantially compromise these ideals, only in extreme instances do they abrogate them entirely.

understandings about the appropriate treatment for cases of given types.

Such an argument underlies several recent analyses which hold that large caseloads are not the fundamental factor behind high rates of plea bargaining in the criminal justice system (Feeley, 1979; Heumann, 1978). It is not the number of cases but the substantive character of those cases (as understood by attorneys and judges in typified, organizationally relevant terms) that generates and sustains proclivities to plea bargain. For plea bargaining is a mechanism for obtaining "mutually satisfactory outcomes" or "fair dispositions" (Heumann, 1978: 116). What is seen as "satisfactory" or "fair" depends upon attorney assessments of the "worth of the case" (Feeley, 1979: 158-77), which in turn involves consideration of the seriousness of the offense, the nature of the offender, the strength of evidence, and a variety of other factors. Thus, plea discussions often focus on such factors as attorneys try to reach an agreement on what constitutes a fair bargain (Maynard, 1982). Caseload effects arise only when the actual disposition of a case does not accord with this constructed sense of its "worth," an outcome which might result, for example, from the need to quickly process a large number of cases through the system. Seen in this light, plea bargaining is not directly dependent upon the size of caseload, a fact often emphasized by court personnel. Heumann (1978: 116) quotes one prosecutor as saying, "If there were only ten cases down for one day, it still would be something that would be done."

Finally, caseload effects of this sort are *member accounts* (Garfinkel, 1967), in that decision-makers themselves often identify how the overall demands of managing a caseload lead to the "inappropriate" treatment of specific cases. As an example, consider what one parole officer told McCleary about parole revocation decisions (from unpublished field notes):

> In the long run, you can't have too many or too few returns. You usually don't have to worry about having too few because there's a natural recidivism built into your caseload. Usually you have to worry about too *many* returns. Sometimes you have to take it easy. *You have to ignore things you don't really want to ignore* (emphasis added).

In noting that he has "to ignore things you don't really want to ignore," the parole officer tells us specifically how his prior decisions to revoke parolees now affect his decisions in current cases. Through such statements, agents formulate the conditions relevant to making some current decision—in this

case, the organizational injunction not to revoke "too many" cases—conditions thereby signaled as "necessitating" a disposition at odds with the "most appropriate" or "ideal" disposition.

When an agent talks of caseload effects, his/her account may serve several important purposes. First, it tells others that the agent recognizes the discrepancy between what "ought to be done" in a case like this and what s/he is actually doing, or what has been done. The agent thereby acknowledges the overriding legitimacy of the organizational goals, at the very moment of seeming to violate their specific terms (Zimmerman, 1970; Emerson and Pollner, 1976). Second, by showing how "caseload pressures" have necessitated the "inappropriate" disposition of a particular case, the agent provides a "good reason" for the action that has been taken and hence establishes its *rational* character. Finally, such accounts may serve more conventionally political purposes. Rosett and Cressey (1976: 111), for example, argue that while courthouse personnel frequently tie plea bargaining in general to high caseloads, in fact "[a]ttributing negotiated pleas to overwork is a political explanation of court practice." It obscures these workers' assessments of substantive justice that underlie plea bargaining processes, highlighting instead politically more expedient "causes" of the problem (see also Feeley, 1979: 269-70).

III. PARTIAL CASELOAD EFFECTS

It is easy to depict working with a caseload as a highly ordered and systematic process in which workers orient in some sustained, rational way their *total* caseloads. Yet as Studt (1972: 50-51) emphasizes:

> the [parole] agents in our samples gave minimal attention to the systematic analysis of and planning for individual cases, and almost none to the examination of their total caseloads in terms of types of needs represented.
>
> Instead, most agents' work revealed an ad hoc, reactive approach to problem solving . . .

In general, it appears that workers rarely attend to their total caseload in their decision-making activities. Typically, they orient themselves to segments of their total caseload, as these segments become relevant to some immediate organizational task (see also Peyrot, 1982: 160-63).

Thus, in weighing how the decision in a given case will affect other decisions, agents typically consider not all other

decisions (i.e., their total caseload) but only those that are more directly implicated in the immediate situation at hand.[8] Consider, for example, the process of parole revocation and return to prison. Prus and Stratton (1976: 51, 53) found that parole agents felt constrained by a loose, informal quota system:

> These agents are not concerned with the difficulty of revoking someone at this point [e.g., the uncertainty of success, the "costs" in terms of time, energy, paperwork, conflict, etc.], but they are concerned over what another revocation will do to their image within the organization. . . . Agents felt that those who counted in the organization, lacking other criteria, tended to evaluate on the basis of their revocation rates. *There was the feeling among the agents that those agents who revoked over 10 per cent of their cases were suspected of not performing their jobs adequately* (emphasis added).

Thus, for parole agents particular decisions are conditioned by the emerging overall pattern of decision-making within their caseload as a whole (see also McCleary, 1977: 579). Yet the whole caseload is not rationally and systematically reviewed with an eye toward identifying the most problematic 10 percent for revocation. Rather, decisions are made one at a time, but with a sense of the implications that past decisions have for current ones and current ones for the future. Here a holistic effect derives from the anticipated effects of some next revocation decision given a series of prior decisions. This means that holistic concerns arise only episodically, on occasions when "sufficient" revocations have already been made or are seen as likely in the near future.

The point at which such concerns arise is significantly shaped by agency policies. If the agency evaluates its workers periodically and then wipes the slate clean, as may occur when statistics are reported on an annual basis, workers may be relatively unconstrained by past performances at the start of a "statistical" year but may grow more so as the year progresses. This is most obvious when an agency has an annual budget which does not allow for any carryover to the subsequent fiscal year. Decision-making late in the fiscal year may lead to what by the agents' own accounts is inappropriate underspending or

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[8] Here social control agents exhibit in particularly clear form the general organizational tendency toward "satisficing" in decision-making analyzed by March and Simon (1958: 140-41); that is, they tend to pursue organizationally satisfactory alternatives rather than optimal alternatives in making decisions.

overspending depending on the pattern of spending to that point.

Caseload effects are based on partial rather than total caseloads where impending decisions are conditioned by only a subset of cases. Hence, at different times within the same organization, different decisions will make relevant or "occasion" (Zimmerman and Pollner, 1970) partial caseloads composed of very different collections of cases. For example, a decision regarding possible revocation of parole will be made with a very different set of cases in mind than a decision about which of several parolees should receive an opening in a drug treatment program. Furthermore, partial caseload effects can influence those whose work is not organized within fixed, bounded caseloads. For partial caseload effects can arise in any situation in which a particular collection of cases competes for the same local, limited resources. A patrolman on skid row, for example, confronting half a dozen inebriated men on the street but having room for only a few in the paddy wagon, will have to decide whom to arrest and whom to let go or handle in some other way (Bittner, 1967). The group of six becomes a partial caseload for purposes of this immediate decision. More generally, partial caseload effects occur whenever a decision in one case is tied to or has implications for the treatment of a set of other cases which are conceived of as a set precisely because of the way they relate to the first decision.[9]

The highly situational or occasioned character of partial caseload effects is dramatically illustrated by processes of plea bargaining in which ongoing exchanges between attorneys generate groups of cases whose dispositions become mutually dependent. The so-called "package deal" between defense and prosecution attorneys provides a flagrant instance. As Cole (1970: 340) reports:

> In this situation, an attorney's clients are treated as a group; the outcome of the bargaining is often an agreement whereby reduced charges will be achieved for some, in exchange for the unspoken assent by the lawyer that the prosecutor may proceed as he desires with the other cases.

Feeley (1979: 192-95) suggests that such blatant package deals are relatively rare but that standard plea bargaining

[9] In this respect, concern with the total caseload itself can be occasioned by particular organizational demands and purposes. Even for classic caseworkers, for example, the *total* caseload (rather than some part of it, or the individual case) may matter only because of its implications for certain administrative and supervisory purposes, e.g., anticipated reviews by higher-ups of one's overall performance.

procedures involve a subtle "process of exchange which weights actions in one case against actions in others" (1979: 192). In general, Feeley emphasizes that courtroom negotiations involve a "subtle equilibrium . . . maintained by a give-and-take not only within but *between* cases" (1979: 193; emphasis in original). References to how what has been done in some cases is relevant to what is to be done in a current one, for example, permeate attorney interchange (1979: 192-93):

> This process becomes most apparent when a prosecutor and defense attorney sit down to negotiate several cases at one time. After they have discussed a few, the prosecutor might say rhetorically, "Jesus, I've already given you three nolles today, do you want me to go out of business?" Or, he might urge, "That judge is tough; I can't give you any more nolles today." Conversely, the prosecutor might hear a defense attorney plead, "You've put me through the wringer this morning; give me a break on this one!"

Note that in such instances attorneys explicitly invoke the treatment accorded prior cases as a lever for negotiating the outcome of the current one. Indeed, the standard overture, "do me a favor," may well be "punctuated with a reminder of a particularly favorable or unfavorable treatment in an earlier case" (1979: 193). The issue of who owes whom, therefore, may turn on just which cases are to be counted as relevant to the current decision, and this in turn can be a matter of explicit negotiation. To the request to "do me a favor," for example,

> A prosecutor might retort, "Christ, I gave you the moon on the ——— case; I can't do it here too. The guy has got to do some time in jail." Or a defense attorney might press, "You've been screwing me all week. Give me a break for the weekend" (1979: 193).

Not only are striking partial caseload effects produced in these instances, but these effects are the product of situationally specific negotiations over just which prior cases should be taken into account in achieving some momentary equilibrium or balance.

As in the case of total caseload effects, partial caseload effects can arise when workers confront problems of allocating resources differentially among a group of competing cases. The allocation problem may appear to a decision-maker in several different forms, each giving the process a somewhat different shape and character.

One characteristic situation approximates the economic model of marginal decision-making in which problems of allocation become acute *only* after the point at which resources

become scarce and competitive. Thus, cases arising early in a case stream may be given or denied resources solely on the basis of assessed "need." But as the resource is used up, each next (marginal) decision becomes increasingly competitive with other actual or anticipated cases. The process of managing rates of parole revocations, discussed earlier, provides a substantive illustration. A parole agent may seek revocations rather freely, that is, without explicit reference to other cases or to total caseload, until the 10 percent quota is approached. At that point, each next possible revocation must compete with other possible or anticipated revocations. Mental hospital admissions and bed space may be similarly related. When the hospital census is much below 100 percent, there is little need to compare patients who seek admission. The need arises and caseload effects become apparent when virtually all beds are filled (see Mendel and Rapport, 1973: 202-203).

Under other circumstances allocation problems may be constant and acute. Here the worker from the very start confronts a situation of scarcity, and resource competition influences every decision. The allocation of desired placements for delinquent youth often has this quality. Juvenile courts typically have access to only a few "beds" or openings in desirable treatment programs, yet they have a large number of strong, needy candidates for such positions (Bortner, 1982: 82ff.). Under these conditions, candidate cases are not evaluated individually on the basis of need. Instead, cases are extremely competitive with one another, and actual placements involve the conscious choice of one case over others.[10] These caseload effects are only partial, however, since only *some* delinquents are candidates for placement, and only some of these are candidates for placement in the same *type* of facility.

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[10] Moreover, in some courts, such as the one I studied, choice is dependent upon, or heavily oriented to, the priorities and concerns of the placement institution:

> Following a staff conference devoted to an eight-year-old delinquent boy, the judge complained that even when private institutions like the Orphans' Home did have a vacancy for court cases, children like this boy would not get it. For he had eight or nine delinquents he wanted to place there, and the agency would take the one that they thought would work out best. This would be the least serious—the one with the fewest problems (unpublished field notes from the research reported in Emerson, 1969; 1974).

Cases like this constitute a *special caseload*; it is not the individual probation officer but the judge and the Chief Probation Officer who have responsibility for planning and negotiating these placements, and for deciding which particular case among this special caseload to push.

Such allocation problems, whether they assume a more marginal or a more constant form, become particularly pressing in the distribution of what can be termed "special commitments" among some subset of exceptional or deserving cases. A special commitment entails doing more than is usually and routinely done in a particular case. This extra effort often involves support for a more favorable (especially, more "lenient") outcome than the actual circumstances appear to warrant. Exceptional commitments of this sort are a limited resource that must be selectively employed. Workers must orient their decisions to the way that others, particularly their organizational superiors, assess their recommended departures from the normal handling of such cases. Under these circumstances, decisions as to how to allocate special commitments inevitably affect and implicate the workers' *reputations* as competent organizational members.

For example, psychiatrists in juvenile court clinics feel they cannot recommend probation for every delinquent on the verge of incarceration since, when some of these youths again get in trouble (a statistical inevitability), the psychiatrist who by organizational standards has been overly lenient is to some extent discredited in the eyes of the judge and other court staff (Emerson, 1969: Chapter 9). S/he not only loses standing on that particular case but can also anticipate that future recommendations will receive greater scrutiny from the court (Emerson, 1969: 265). This does not mean that recommending a disposition that is more lenient than normal is not an available option. It is, but it must be done sparingly, because to generate a *pattern* of cases which disproportionately involve lenient decisions leads others to question one's judgment.[11] So, cases compete. If there are two or three in which leniency seems a viable option, the psychiatrist cannot go to bat for all of them without considerable risk. The inevitable failure rate means that credibility may be irretrievably lost (see also Daniels, 1970). In court psychiatry, as in parole work, we see the

[11] Glaser (n.d.) terms local quota-like standards "subcultural base-rates" and examines several of their organizational causes and consequences. Taking such base-rates into account in decision-making is often a socially sanctioned feature of organizational life; excessive deviation may lead to questions concerning one's organizational commitments as well as one's judgment. McCleary provides a striking example of these pressures in the following remarks made by a supervising parole officer to a novice (1978: 95):

> Look, Larry, I want to talk to you about this request for an early discharge. Now I'm sure that Jackson deserves an early discharge. You've documented that in your report and I don't question it. But the fact is that you're writing too many of these things. They're going to start questioning your abilities sooner or later. You're going to get a reputation for being soft and that's going to cause trouble for you.

tendency noted by McCleary (1978: 94): The agent "routinely underrepresents some clients and overrepresents others."

Cases may also be underrepresented or overrepresented where processes of exchange and equilibrium are involved because of the *strategic* demands of the exchange. For example, consider the following comments by a parole officer on his good working relations with the prosecutor (McCleary, 1978: 92-93):

> You know why Auslander likes me? Because every so often I help him burn one of my men. It's usually a case where I can't help the man anyway but Auslander doesn't know that. Then the next time I ask him to give one of my men a break, he thinks he owes me a favor.

Presumably in this case, the parole officer "gives away" a case that is hopeless anyway, thereby creating a situation where he has a debt to collect when he wants to give someone a "break."

Since strategic caseload effects are the products of negotiated exchanges, they vary with the resources available to the parties to the negotiation. Where parole agents control resources of interest to prosecutors—for example, information obtained from "tips" by "snitches" (McCleary, 1975: 219)—they can obligate prosecutors without making case concessions. Hence, caseload effects are stronger when exchange resources are limited to the relative treatment of cases held in common. Package deals epitomize this tendency, as here the treatment of other cases is for each attorney the only available concession.

IV. SEQUENCE AND PRECEDENT

I would now like to consider one final sort of holistic effect. Under a variety of organizational circumstances, the place in which a particular case occurs in a known *sequence of cases* has critical implications for the treatment and handling of that case apart from the issues of resource allocation that I discuss above. Control agents orient to some organizationally derived *order* which renders the sequence of cases a highly salient feature of the disposition of particular cases.

There are a wide variety of organizationally relevant orders which render the sequential placement of any particular case consequential. In this section I want to analyze two circumstances in which sequential order affects how workers treat cases. The first involves constraints posed by *quotas*, and

the second arises from concern with *precedent*.[12]

The prior discussion has suggested that decisions subject to quotas are likely to produce distinctive caseload effects. But such decisions also exhibit the sequence-oriented concerns currently at issue. Explicit (if unofficial) ticket quotas are familiar to the traffic cop (e.g., Skolnick, 1966; Rubinstein, 1973). Peterson (1971) describes a jurisdiction where officers felt they had to issue between 40 and 50 citations a month in order to satisfy superiors. In practice this rate was so low that officers routinely had "to find ways to limit their rate" (1971: 358). Most officers tried to pace their citations "to be sure that their performance shows a uniformity throughout the reporting period," hence operationalizing the monthly quota as a daily one (1971: 358-59):

> To meet what they regard as a duty shift quota some officers may patrol for six or seven hours of an eight-hour tour without stopping any cars or issuing any citations, and then proceed to locations where they know violations occur regularly. Then they will write two or three quick tickets and call it a day. In the same way, other officers will write several tickets soon after they come on duty, then coast for the remainder of the tour.

Depending upon an officer's preferences, then, cases encountered at the beginning or at the end of a shift may receive dispositions reflecting the relationship between their position and the demands of the quota.

Acute problems can arise, however, as the end of the longer quota period nears. On the one hand, the officer may be short and so try to meet the quota with a rush of citations. On the other hand, the officer may find he has accumulated citations too quickly and so change his orientation to potential offenses. Peterson quotes one officer: "I've written a lot of citations this month, so now a guy would have to run over me to get a ticket" (1971: 358).

In this quota system, the officers' orientation to particular decisions as they fit into the unfolding quota order is not visible to motorists affected by their decisions. In other organizational

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[12] Organizational demands for original or distinctive treatment of all cases may similarly heighten worker concern with sequencing. Consider, for example, the comments of a teacher in a school for emotionally disturbed youth run on behavioral modification principles on how she selects "target behaviors" for children in her classroom:

> I almost could come up with the same three things for all of them, like being out of their seat, talking, and not finishing their work. But that wouldn't look too good. I guess what is sort of hard is thinking of some different ones. The first couple of kids were easy but now I'm having to work a little harder (Buckholdt and Gubrium, 1979: 133).

circumstances (often not involving quotas), the sequential order may be visible and relevant to both the decision-maker and those affected by decisions. This occurs, for example, when the *precedential* value of cases handled as part of a sequential order is important. It appears in its most striking form in lower level criminal and traffic courts.

The handling and outcome of the "first case" heard during a session can be very influential for subsequent cases. As a number of studies have shown, defendants whose cases are heard later in the sequence learn from observing earlier cases. Brickey and Miller (1975: 692), noting that the physical setting of the court they studied "allowed everyone in the situation to hear and see the interaction between the judge and the defendants," found that the incidence of guilty and not guilty pleas within any particular session correlated strongly with the plea resulting from the interaction with the judge in the first case heard in that session. Where the first defendant offered a guilty plea, most of those pleading subsequently in the same session did likewise; and when the first defendant pleaded not guilty, a disproportionate number of the later cases followed suit. The influence of the initial plea is nicely revealed in the following comments (1975: 693):

> Mr. L: "I was thinking about pleading guilty but I figured if they [the defendants who pleaded not guilty prior to his case] could get off, I might as well try it." Mr. T: "Well, the woman pleaded not guilty to speeding and her excuse isn't any better than mine. Maybe there's a chance I can save some money."[13]

Pollner's (1977, 1979) analysis of the "self-explicating features" of traffic courts extends and deepens these observations. For Pollner notes not only that "defendants monitor and analyze preceding transactions and use them as grounds and guides for further action and inference" (1979: 239) but also that *judges* are very much aware that defendants are doing so and through "case management work" seek to control the sorts of inferences and actions defendants might come to. Judges were especially concerned with the ways in which their treatment of early cases could provide later defendants with precedents to use in their own cases. Pollner quotes a handbook for traffic court judges which suggests that the first case be handled with special care "in order that it may serve as

[13] After the not guilty plea, trial was set for a later date. As a result, later defendants observed only the interactions leading up to these initial pleas and not the eventual trial and its outcome.

an example for all subsequent cases" (1979: 240). Some judges do just this:

> One judge took some pain to review pending cases prior to the beginning of a session, selecting certain serious violations such as speeding in excess of 85 or 90 miles an hour. He would then begin the session with one or two cases, which seemed likely candidates for a jail sentence or a substantial fine, and intersperse other serious offenses over the course of the session. In this manner, the judge felt that it was possible to display the fact that highly discriminative activity was taking place, or, in the words of the judge, that "the good men were being separated from the bad" (1979: 240).

In this instance the judge deliberately structures the sequence of cases to achieve desired consequences within the session. Where such advance ordering is not carried out, the judge must deal with the precedential implications of first decisions in other ways. Here he may come to dispose of first cases more strictly than later cases with an eye toward session precedent, giving rise to what can be termed "sequential effects." As Pollner reports (1979: 240-41):

> The judge also noted the dysfunctional effects of giving reduced fines and dismissals at the outset of a session. In sessions where time or circumstances did not permit the a priori ordering of cases (or simply as a supplement to that procedure), the judge imposed standard bail schedule fines (at least) to most cases at the beginning of a session. The disposition of early cases, the judge felt, furnished yet-to-be-arraigned defendants with a baseline with which to gauge the extent to which he had discriminated among explanations. Insofar as defendants were led to believe that everyone received, say, a five dollar reduction, the judge felt that he was denied a valuable resource for revealing to defendants that their case had received special and individual treatment.

Sequential effects also appear when subsequent cases are decided so as to preserve precedents established by earlier cases. For example:

> In Small City I, a young man was the defendant in the first traffic arraignment of the morning. His case was dismissed because of "lack of evidence." The judge felt compelled to dismiss several subsequent cases which he implied would not have been dismissed had the first defendant not been so young. Subsequent defendants were considerably older and by appearance more substantial members of the community (Pollner, 1979: 243).

Here later cases receive the response that they do because of the judge's commitment to preserving an appearance of consistency.

It should be apparent that the strength of such sequential effects will vary depending upon a variety of structural and situational factors. Such effects presuppose, for example, that decisions are rendered before an attentive audience and, where proceedings are intended to instruct future litigants, before an audience composed specifically of those whose cases will be heard subsequently in that session. Where those subject to such decisions are segregated from one another, as in juvenile court proceedings, establishing precedent is of little concern because future litigants cannot be instructed by what occurs in earlier cases, and they are unlikely to know enough to hold the decision-maker to what was done on earlier occasions. Moreover, to the extent that an audience can be prevented from effectively monitoring the processing of ongoing cases, sequential effects will be weakened. This frequently occurs in felony and misdemeanor courts, where a variety of factors (e.g., the codified and technical nature of much of the talk, whispered conferences between judge and attorneys at the bench, etc.) inhibit full, effective monitoring. In addition, concern with sequence and precedent requires that the same kind of cases be processed. To the extent that cases differ substantially (or can effectively be made to so appear; see Zimmerman on "exceptioning," 1970: 230-33) sequential effects will be diminished. Finally, the constraints resulting from managing precedent decline as cases are completed and the audience witnessing the session dwindles. This fact provides traffic court judges with a way of reducing or eliminating entirely the precedential import of first decisions for subsequent ones:

> In Small City II a defendant asked the judge for additional time to pay the fine which had just been imposed. The judge, who was sensitized to court costs incurred by the paperwork of a great number of similar requests, was generally reluctant to give any extensions, particularly in public. Though the judge felt that this woman's request had some merit, a concession in public would have meant that he might be besieged by similar requests in the future. After stating that he did not give time, he had the woman sit until the end of the session, at which time she was granted an extension.
>
> In Small City II, a judge, rather than dismiss a case in public, would request that a defendant whose case the

> judge felt warranted a dismissal be seated so that he—the judge—could "think about it." Near the end of the session, he recalled the defendant and dismissed the case (Pollner, 1979: 243).

When a decision-maker is unable to make use of this natural mechanism for segregating decisions, or conversely, is unable to arrange that appropriate cases are heard as "first cases," sequential effects will be more evident.

Sequential effects are also maximized in situations where creating the appearance of consistency has special benefits for the organization. Pollner emphasizes, for example, that traffic court judges had very compelling "practical interests" for appearing to follow precedent strictly. For judges sought to maximize the speed of hearings, to minimize court costs, etc., goals directly furthered by sustaining the appearance of strict consistency. Such goals were also indirectly supported by such procedures: To the extent that defendants felt that the dispositions of their cases were like those given others, and hence consistent and perhaps even just, they would spend less time raising objections, presenting excuses, and the like. In sum, judges sought to avoid furnishing "a precedent which if invoked by subsequent defendants would greatly increase the length of a session or commit the judge to a course of action which would increase court costs and paper work" (Pollner, 1977: 25). Under other circumstances practical interests in cost containment and efficient case processing might not lead to pressures for consistent decision-making. Where the power to impose ad hoc decisions is clear, efforts to shape one decision in the light of past decisions or future cases may not be necessary to the organization's smooth functioning.[14]

V. CONCLUSION

The analysis of social control decision-making has in recent years been moving away from the highly *atomistic* imagery that underlies much research in the area. Waegel (1981: 264), for example, has recently criticized the "individualistic conception" of discretionary decision-making that assumes "one person legal units making decisions." Rather, Waegel argues, such decisions are deeply collective products, reflecting and constrained by the local work culture, notably by "the shared categorization schemes used by members in organizing

[14] Teachers, for example, may not experience much pressure of this sort in classroom discipline decisions, simply because they are able to disregard and suppress student complaints about "unfair" or inconsistent treatment or to pass them on to others for resolution.

their day-to-day activities" (1981: 264). In this paper I sought to identify the limitations of a different sort of individualizing assumption common to social control research, the assumption that the individual case invariably provides the sole or the most salient unit for organizing decision-making work, and hence for studying that work. Pursuing a phenomenologically oriented understanding of social control work, I have explored a variety of ways in which decisions regarding particular cases reflect, or are embedded in, wider organizational projects and orderings that derive from a variety of highly local, very practical work concerns.

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