



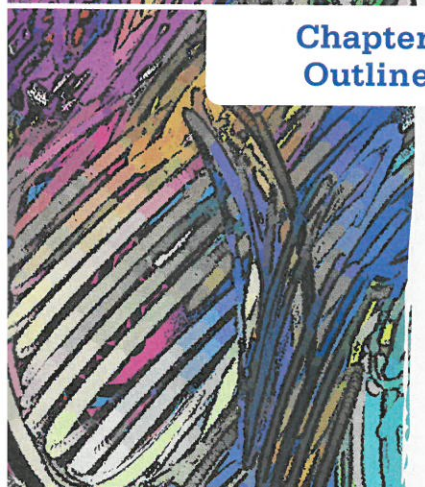
CHAPTER 14

Police Work with Juveniles



Learning Objectives

- 1 Identify key historical events that have shaped juvenile policing in America today
- 2 Discuss the key roles and responsibilities of the police in responding to juvenile offenders
- 3 Describe the organization and management of police services for juveniles
- 4 Identify the major court cases that have influenced police practices
- 5 Discuss key legal aspects of police work, including search and seizure and custodial interrogation, and how they apply to juveniles
- 6 Describe police use of discretion and factors that influence discretion
- 7 Articulate the importance of police use of discretion with juveniles and some of the associated problems
- 8 Appraise the major policing strategies to prevent delinquency
- 9 Compare the pros and cons of police using different delinquency prevention strategies



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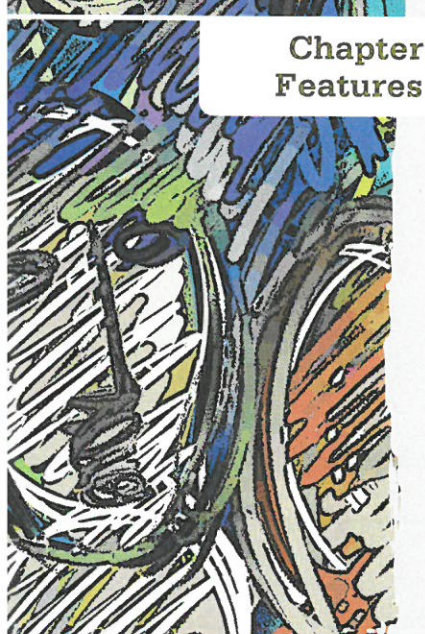
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IN THE EARLY EVENING OF March 31, 2006, six gunshots rang out in the Wilson-Haverstick housing project in Trenton, New Jersey. One of these shots—from a .45 caliber handgun—struck 7-year-old Tajahnique Lee as she was riding her bicycle to her grandmother's apartment. The bullet passed in one cheek and out the other, knocking out two molars and clipping the tip of her tongue. Tajahnique was rushed to the emergency room at the local Trenton hospital. She survived.

As shocking as this near-tragedy was, the events that have since transpired have become even more troubling for the police. Trenton police believe that the stray bullet that struck Tajahnique was intended for a gang member affiliated with the Gangsta Killer Bloods who was driving through the housing complex. The police also believe that the bullet, along with the five others that were shot, came from the gun of a member of the local rival gang known as Sex Money Murder, part of the larger Bloods gang. The police interviewed more than 100 residents and rounded up an equal number of suspected gang members in the days following the shooting. This led to the arrest of two members of Sex Money Murder.



Abandoned homes in Trenton, New Jersey, the city where Tajahnique Lee, age 7, was shot.

But this would be as far as the police would get. The one eyewitness to the shooting changed his story; others who had cooperated earlier in the investigation refused to talk further with police, and even the shooting victim's grandmother and other family members were not willing to talk with police. One neighbor—who wished to remain anonymous—said of the little girl who was shot: "What are you going to do, testify so they can come back and get the rest of your family?" Faced with little information and no witness willing to testify in court, prosecutors were forced to release the two suspects three weeks later. The case remains unsolved.

This case, just one of many across the country, is at the center of a growing concern to police that juvenile and criminal violence, particularly by gangs, is increasingly being perpetrated with near immunity because of witness intimidation. Threats of reprisals against witnesses willing to testify in court or come forward to the police with information have significantly hampered police efforts to solve juvenile gang killings and other violent crimes, and, in the words of one reporter, "allowed gangs to tyrannize entire communities."¹ While certainly in the extreme, this case highlights an important obstacle facing police work in juvenile justice today. How the police respond to juvenile offenders is the focus of this chapter.

The chapter first takes a brief look at the history of policing juveniles, from the time of the Norman conquest of England up to today. Community policing in modern times is the focus of the next section. Here the relationship between police and community efforts to prevent crime is explored. We then look at the roles and responsibilities of the police and the organization and management of police–juvenile operations. Legal aspects of police work, including the arrest procedure, search and seizure, and custodial interrogation, are reviewed. We also examine the concept of police discretion in light of the broad authority that police have in dealing with juveniles. The chapter ends with a review of police work and delinquency

prevention. A wide range of police techniques in preventing delinquency are discussed, including those that rely on the deterrent powers of police and those that engage schools and the community.

History of Juvenile Policing

Providing specialized police services for juveniles is a relatively recent phenomenon. At one time citizens were responsible for protecting themselves and maintaining order.

pledge system

Early English system in which neighbors protected each other from thieves and warring groups.

watch system

Replaced the pledge system in England; watchmen patrolled urban areas at night to provide protection from harm.

The origin of police agencies can be traced to early English society.² Before the Norman conquest of England, the **pledge system** assumed that neighbors would protect each other from thieves and warring groups. Individuals were entrusted with policing themselves and resolving minor problems. By the thirteenth century, however, the **watch system** was created to police larger communities. Men were organized in church parishes to patrol areas at night and guard against disturbances and breaches of the peace. This was followed by establishment of the constable, who was responsible for dealing with more serious crimes. By the seventeenth century, the constable, the justice of the peace, and the night watchman formed the nucleus of the police system in England.

When the Industrial Revolution brought thousands of people from the countryside to work in factories, the need for police protection increased. As a result, the first organized police force was established in London in 1829. The British “bobbies” (so called after their founder, Sir Robert Peel) were not successful at stopping crime and were influenced by the wealthy for personal and political gain.³

In the American colonies, the local sheriff became the most important police official. By the mid-1800s, city police departments had formed in Boston, New York, and Philadelphia. Officers patrolled on foot, and conflicts often arose between untrained officers and the public.

By this time, children began to be treated as a distinguishable group (see Chapter 1). When children violated the law they were often treated the same as adult offenders. But even at this stage a belief existed that the enforcement of criminal law should be applied differently to children.

During the late nineteenth century and into the twentieth century, the problems associated with growing numbers of unemployed and homeless youths increased. Groups such as the Wickersham Commission of 1931 and the International Association of Chiefs of Police became the leading voices for police reform.⁴ Their efforts resulted in creation of specialized police units, known as delinquency control squads.

The most famous police reformer of the 1930s was August Vollmer. As the police chief of Berkeley, California, Vollmer instituted numerous reforms, including university training, modern management techniques, prevention programs, and juvenile aid bureaus.⁵ These bureaus were the first organized police services for juvenile offenders.

In the 1960s, policing entered a turbulent period.⁶ The US Supreme Court handed down decisions designed to restrict police operations and discretion. Civil unrest produced growing tensions between police and the public. Urban police departments were unable to handle the growing crime rate. Federal funding from the Law Enforcement Assistance Administration (LEAA), an agency set up to fund justice-related programs, was a catalyst for developing hundreds of new police programs and enhancement of police services for children. By the 1980s, most urban police departments recognized that the problem of juvenile delinquency required special attention.

Today, the role of the juvenile police officer—an officer assigned to juvenile work—has taken on added importance. Most of the nation’s urban law enforcement agencies now have specialized juvenile police programs. Typically, such programs involve prevention (police athletic leagues, community outreach) and law enforcement work (juvenile court, school policing, gang control). Other concerns of the programs include child abuse, domestic violence, and missing children.

For a comprehensive history of the **London Metropolitan Police** from 1829 to the present day and descriptions of famous and lesser known events throughout the history of the Met as well as biographies of key figures and details of famous cases, visit their website: <http://content.met.police.uk/Site/history>.



Community Policing in the New Millennium

In the minds of most citizens, the primary responsibility of the police is to protect the public. While the image depicted in films, books, and TV shows is one of crime fighters who always get their man, since the 1960s the public has become increasingly aware that the reality of police work is substantially different from its fictional glorification. When police departments failed to bring the crime rate down despite massive government subsidies, when citizens complained of civil rights violations, and when tales of police corruption became widespread, it was evident that a crisis was imminent in American policing.

Over the last three decades, a new view of policing has emerged. Discarding the image of crime fighters who track down serious criminals or stop armed robberies in progress, many police departments have adopted the concept that the police role should be to maintain order and be a visible and accessible component of the community. The argument is that police efforts can be successful only when conducted in partnership with concerned citizens. This movement is referred to as **community policing**.⁷

Interest in community policing does not mean that the crime control model of law enforcement is history. An ongoing effort is being made to improve the crime-fighting capability of police agencies, and there are some indications that the effort is paying off.⁸ Some research suggests that police innovation in crime-fighting techniques contributed to the substantial reduction in crime rates during the 1990s, whereas other research suggests that the reduction simply had more to do with cities hiring more police.⁹

Working with juvenile offenders can be especially challenging for police officers because the desire to help young people and to steer them away from crime seems to conflict with the traditional police duties of crime prevention and maintenance of order. In addition, the police are faced with ongoing delinquency problems and renewed gang activity. Although the need to help troubled youths may conflict with traditional police roles, it fits nicely with the emerging community policing models. Improving these relationships is critical, because many juveniles do not have a high regard for the police.¹⁰ Because of its importance, this is discussed in more detail in the accompanying Focus on Delinquency box.

community policing

Police strategy that emphasizes reducing fear, organizing the community, and maintaining order rather than fighting crime.



One of the main functions of the police is to deter juvenile crime. But in the last few decades policing has taken on many new functions, including being a visible and accessible component of the community, working with youths and other community members to address delinquency problems. This has come to be known as community policing.

Karsten Moran/The New York Times/Redux Pictures

Juvenile Views About Police

In study after study, from Phoenix to Chicago to Philadelphia, police get mixed to less-than-favorable reviews from juveniles, and minority teens are especially critical of police performance in their community. One large-scale study carried out in 11 cities across the country found that African American teens rated the police less favorably than did all other racial groups for all questions asked (e.g., "Are police friendly? Are police courteous?"). The most striking racial differences pertained to the question about police honesty: Only 15 percent of African American youths said the police were honest. In contrast, 57 percent of European Americans, 51 percent of Asians, 31 percent of Hispanics, and 30 percent of Native Americans said they were.

Another study, carried out in Cincinnati, focused exclusively on the attitudes of female juveniles toward the police and found similar results. Of the more than 400 female high school students interviewed, African Americans compared to their European American counterparts were significantly more likely to report having an overall negative attitude toward police. When asked about police honesty ("In general, I trust the police"), the difference was even greater: only 22 percent of African American female juveniles either agreed or strongly agreed with the statement compared to 56 percent of European American female juveniles.

Some studies have looked specifically at the influence of police contact on juvenile perceptions toward the police. Not surprisingly, juveniles who have had prior contact with the police hold less favorable attitudes toward the police compared to their counterparts who have not had any contact. This is a consistent finding across studies. Less well known is what may explain this relationship. In a national study it was found that police contact, with the exception of arrest, did not predict negative

attitudes toward the police when involvement in delinquent peer groups and community ties were controlled.

In addition to the importance these results hold for improving police relations with juveniles, especially minorities, in order to prevent crime, the results may also hold special significance for the reporting of crimes to the police to address juvenile victimization. Research shows that juvenile crime victims are much less likely than adult victims to contact the police. This disparity in reporting crimes to the police holds true even after taking account of a number of important factors, such as crime severity, school victimization, and reporting crimes to officials other than police.

CRITICAL THINKING

1. What are the key factors that are driving the poor views of police by minority youths?
2. What might explain the differences between male and female juveniles in their unfavorable views toward the police?

SOURCES: Yuning Wu, Rodney Lake, and Liqun Cao, "Race, Social Bonds, and Juvenile Attitudes Toward the Police," *Justice Quarterly* 32:445–470 (2015); Joanna M. Lee, Laurence Steinberg, and Alex R. Piquero, "Ethnic Identity and Attitudes Toward the Police Among African American Juvenile Offenders," *Journal of Criminal Justice* 38:781–789 (2010); Bradley T. Brick, Terrance J. Taylor, and Finn-Aage Esbensen, "Juvenile Attitudes Towards the Police: The Importance of Subcultural Involvement and Community Ties," *Journal of Criminal Justice* 37:488–495 (2009); Jamie L. Flexon, Arthur J. Lurigio, and Richard G. Greenleaf, "Exploring the Dimensions of Trust in the Police Among Chicago Juveniles," *Journal of Criminal Justice* 37:180–189 (2009); Kenneth Dowler and Raymond Sparks, "Victimization, Contact with Police, and Neighborhood Conditions: Reconsidering African American and Hispanic Attitudes Toward the Police," *Police Practice and Research* 9:395–415 (2008); Yolander G. Hurst, M. Joan McDermott, and Deborah L. Thomas, "The Attitudes of Girls Toward the Police: Differences by Race," *Policing* 28:578–593 (2005), at 585–586; Adam M. Watkins, "Examining the Disparity Between Juvenile and Adult Victims in Notifying the Police: A Study of Mediating Variables," *Journal of Research in Crime and Delinquency* 42:333–353 (2005).

The Community Policing Model

The premise of the community policing model of crime prevention is that the police can carry out their duties more effectively by gaining the trust and assistance of concerned citizens. Under this model, the main police role is to increase feelings of community safety and encourage area residents to cooperate with their local police agencies.¹¹ Advocates of community policing regard the approach as useful in juvenile justice for a number of reasons:

- Direct engagement with a community gives police more immediate information about problems unique to a neighborhood and better insight into their solutions.
- Freeing officers from the emergency response system permits them to engage more directly in proactive crime prevention.
- Making police operations more visible increases police accountability to the public.
- Decentralizing operations allows officers to develop greater familiarity with the needs of various constituencies in the community and to adapt procedures to accommodate those needs.
- Encouraging officers to view citizens as partners improves relations between police and the public.
- Moving decision making to patrol officers places more authority in the hands of the people who best know the community's problems and expectations.¹²

The community policing model has been translated into a number of policy initiatives. It has encouraged police departments to get officers out of patrol cars, where they were insulated from the community, and into the streets via foot patrol.¹³ The official survey of policing in the United States—the Law Enforcement Management and Administrative Statistics (LEMAS) survey—reports that seven out of 10 local police departments include a community policing component.¹⁴ Between 2003 and 2013 (the most recent data available), the percentage of local police departments using community policing officers has increased, sometimes substantially, in all sizes of cities, from rural to large urban, with the largest increase taking place in cities with less than 10,000 residents.¹⁵

The federal Office of Community Oriented Policing Services (COPS) is involved in a number of initiatives to reduce gun violence by serious juvenile offenders.¹⁶ One of these initiatives is Project Safe Neighborhoods, which brings together federal, state, and local law enforcement, prosecutors, and community leaders to deter and punish gun crime.¹⁷

Efforts are being made by police departments to involve citizens in delinquency control. Community policing is a philosophy that promotes community, government, and police partnerships that address juvenile crime, as well as adult crime.¹⁸ Although there is not a great deal of evidence that these efforts can lower crime rates,¹⁹ they do seem to be effective methods of improving perceptions of community safety and the quality of community life,²⁰ and involving citizens in the juvenile justice network. Under the community policing philosophy, prevention programs may become more effective crime control measures. Programs that combine the reintegration of youths into the community after institutionalization with police surveillance and increased communication are vital for improving police effectiveness with juveniles.

The Police and Juvenile Offenders

The increase in serious juvenile crime throughout the 1980s and into the early 1990s made it obvious that the police can no longer neglect youthful antisocial behavior. Departments need to assign resources to the problem and have the proper organization for coping with it. The theory and practice of police organization have undergone many changes, and as a result, police departments are giving greater emphasis to the juvenile function. The organization of juvenile work depends on the size of the police department, the kind of community in which the department is located, and the amount and quality of resources available in the community.



Juvenile officers operate either as specialists in a police department or as part of the department's juvenile unit. Here, Detective Alicia Hernandez (center), a member of the New York City Police Department's Juvenile Robbery Intervention Program, conducts her first visit to a juvenile offender as part of the program.

Todd Heister/The New York Times/Redux Pictures

Police Services

Police who work with juvenile offenders usually have skills and talents that go beyond those generally associated with regular police work. In large urban police departments, juvenile services are often established through a special unit. Ordinarily this unit is the responsibility of a command-level police officer, who assigns officers to deal with juvenile problems throughout the police department's jurisdiction. Police departments with very few officers have little need for an internal division with special functions. Most small departments make one officer responsible for handling juvenile matters for the entire community. A large proportion of justice agencies have written policy directives for handling juvenile offenders. Figure 14.1 illustrates the major elements of a police department organization dealing with juvenile offenders. However, in both large and small departments, officers assigned to work with juveniles will not necessarily be the only ones involved in handling juvenile offenses. When officers on patrol encounter a youngster committing a crime, they are responsible for dealing with the problem initially; they generally refer the case to the juvenile unit or to a juvenile police officer for follow-up. The emergence of cybercrimes has brought new challenges to police who work with juveniles. The accompanying Cyber Delinquency feature profiles a promising initiative in policing cybercrimes.

Police Roles

juvenile officers

Police officers who specialize in dealing with juvenile offenders; they may operate alone or as part of a juvenile police unit within the department.

Juvenile officers operate either as specialists within a police department or as part of the juvenile unit of a police department. Their role is similar to that of officers working with adult offenders: to intervene if the actions of a citizen produce public danger or disorder. Most juvenile officers are appointed after having had some general patrol experience. A desire to work with juveniles as well as an aptitude for the work are considered essential for the job. Officers must also have a thorough knowledge of the law, especially the constitutional protections available to juveniles. Some officers undergo special training in the handling of aggressive or potentially aggressive juveniles.²¹

role conflicts

Conflicts police officers face that revolve around the requirement to perform their primary duty of law enforcement and a desire to aid in rehabilitating youthful offenders.

Most officers regard the violations of juveniles as nonserious unless they are committed by chronic troublemakers or involve significant damage to persons or property. Police encounters with juveniles are generally the result of reports made by citizens, and the bulk of such encounters pertain to matters of minor legal consequence.²² Of course, police must also deal with serious juvenile offenders whose criminal acts are similar to those of adults; these are a minority of the offender population. Thus, police who deal with delinquency must concentrate on being peacekeepers and crime preventers.²³

Handling juvenile offenders can produce major **role conflicts** for police. They may experience a tension between their desire to perform what they consider

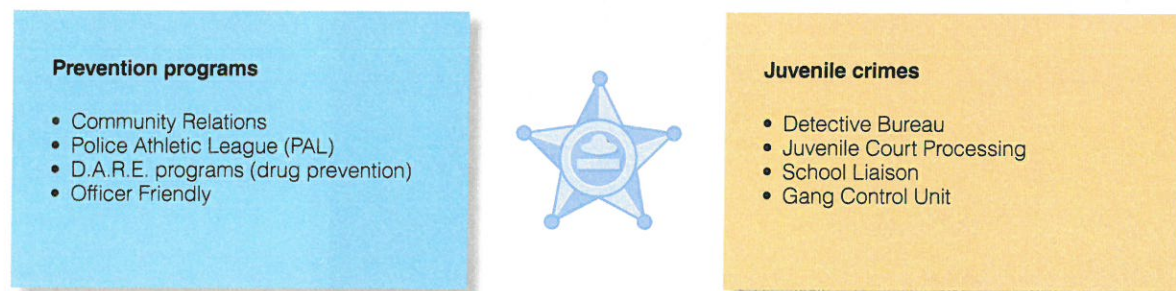


figure 14.1

Typical Urban Police Department Organization with Juvenile Justice Component

Policing Juveniles in Cyberspace

As new crimes emerge or as traditional crimes become more problematic, there is often the need for police to become more specialized and allocate resources to focused units within the police department. Gang, auto theft, and robbery units are a few examples of specialized police units. Some of these units come and go as demand for their services changes; others become permanent fixtures in the departmental structure. The broad nature of crimes that take place online or in cyberspace has also demanded increased specialization on the part of the police. How specialized different police departments have had to become to try to prevent and control cybercrime is not entirely clear. What is clear is that police departments—and sometimes within specialized cybercrime units—across the country have initiated any number of programs to prevent and control cybercrimes committed by or perpetrated against children and adolescents.

One of the more innovative programs designed by law enforcement to address juvenile cybercrime is the public education campaign known as "SafetyNet: Smart Cyber Choices." Established in 2008 by the San Diego Police Foundation in cooperation with the San Diego Internet Crimes Against Children Task Force, and funded by the federal government's Office of Juvenile Justice and Delinquency Prevention and the AT&T Foundation and the Lotus Children's Fund, SafetyNet is designed to educate children and teens about the risks of the Internet, including cyberbullying, phishing, sexting, and sexual predators. Also crucial to the program is the teaching of responsible and ethical use of the Internet.

With a special focus on middle school students, the public education campaign works closely with teachers and school administrators, parents, and students. The program is comprised of two main components:

- **Assemblies.** Middle school students attend assemblies designed to educate them about cyber safety. The message is about risks they

need to be aware of as well as harms they can cause to others by engaging in irresponsible or even criminal behavior. Each assembly lasts between 45 and 60 minutes and is led by a San Diego police officer or a trainer from the San Diego Police Foundation.

- **Parent workshops.** Geared to parents of middle school students and other interested adults, these workshops are designed to educate parents about the risks their children face online and strategies parents can take to ensure the safety of their children. One of the key elements of the workshops is to help parents better monitor their children's online activity. The workshops are held in the community—sometimes at schools—and are led by a member of the San Diego law enforcement team.

The campaign also provides parents and educators with access to e-learning guides and new updates on the SafetyNet website.

Since the start of the program, more than 120,000 students in the San Diego metropolitan area have attended assemblies, and thousands of parents have attended workshops. Internal evaluations of the program show some promising results. Participating students report an increased understanding of online risks, and parents report an increased willingness to supervise their children's online activities.

CRITICAL THINKING

1. Cybercrimes by and against juveniles present many challenges to the police. What are some of the challenges facing the SafetyNet program? How can these challenges be overcome?
2. How restrictive should parents be in monitoring their children's online activities?

SOURCES: San Diego Police Foundation, "SafetyNet: Smart Cyber Choices," <http://www.smartcyberchoices.org/> (accessed October 2016); Melissa J. Tetzlaff-Bemiller, "Undercover Online: An Extension of Traditional Policing in the United States," *International Journal of Cyber Criminology* 5:813–824 (2011); Catherine D. Marcum, George E. Higgins, Tina L. Freiburger, and Melissa L. Ricketts, "Policing Possession of Child Pornography Online: Investigating the Training and Resources Dedicated to the Investigation of Cyber Crime," *International Journal of Police Science and Management* 12:516–525 (2010).

their primary duty, law enforcement, and the need to aid in the rehabilitation of youthful offenders. Police officers' actions in cases involving adults are usually controlled by the law and their own judgment or discretion. (The concept of discretion is discussed later in this chapter.) In contrast, a case involving a juvenile often demands that the officer consider the "best interests of the child" and how the officer's actions will influence the child's future well-being. However, in recent years police have become more likely to refer juvenile offenders to courts. It is estimated that 62 percent of all juvenile arrests are referred to juvenile court, whereas 28 percent of all juvenile arrests are handled informally within the police department and released or are referred to a community-service agency (see Figure 14.2). These informal dispositions are the result of the police officer's discretionary authority.

Police intervention in situations involving juveniles can be difficult and emotional. The officer often encounters hostile behavior from the juvenile offender, as well as agitated witnesses. Overreaction by the officer can result in a violent incident. Even if the officer succeeds in quieting or dispersing the witnesses, they will probably reappear the next day, often in the same place.²⁴

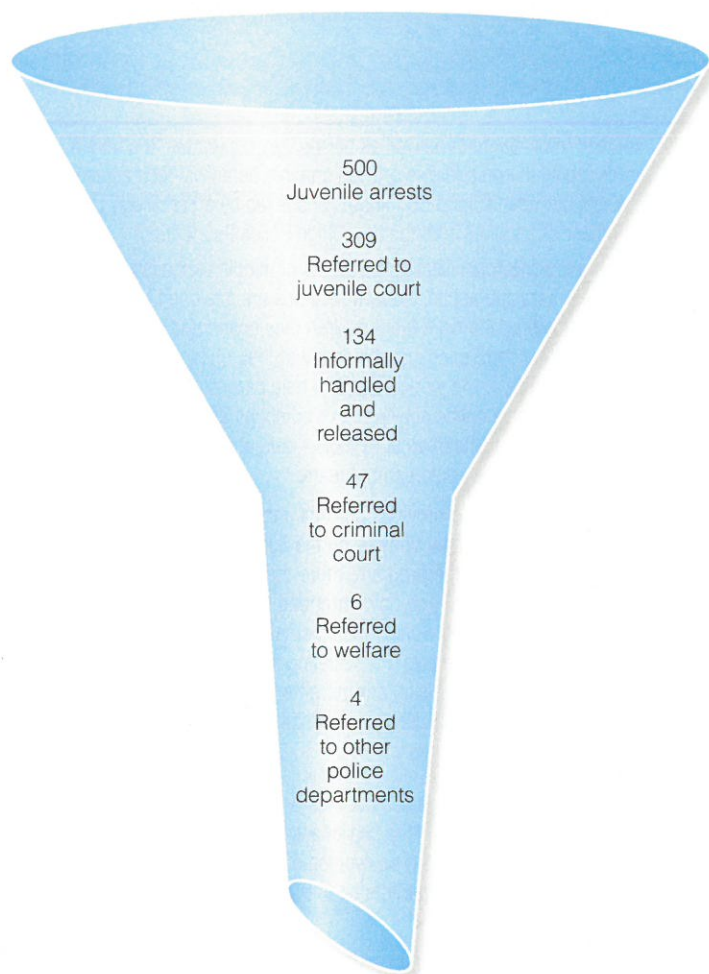


figure 14.2

Police Response to Juvenile Crime

SOURCE: FBI, *Crime in the United States, 2014* (Washington, DC: US Government Printing Office, 2015), Table 68.

informant

A person who has access to criminal networks and shares information with authorities in exchange for money or special treatment under conditions of anonymity.

Role conflicts are common, because most police–juvenile encounters are brought about by loitering and rowdiness rather than by serious law violations. Public concern has risen about out-of-control youth. Yet, because of legal constraints and family interference, the police are often limited in the ways they can respond to such offenders.²⁵

Another role conflict arises in the use of juveniles as police **informants**. Informants are individuals who have access to criminal networks and who, under conditions of anonymity, provide information to authorities in exchange for money or special treatment.²⁶ Police rely on informants, both adult and juvenile, to obtain evidence to make arrests in serious cases that the police may otherwise not be able to solve, such as gun and drug trafficking. Juvenile informants are also used in less serious cases where age is important to the crime—for example, when retailers sell cigarettes or alcohol to minors. Police must balance the need to obtain evidence and the vulnerabilities of (and extra safeguards that are needed for) juveniles in these cases. As criminologist Mary Dodge notes, there is a need for a higher degree of scrutiny in the use of juvenile police informants, and this practice should not be warranted in all circumstances.²⁷

What role should the police play in mediating problems with youths—law enforcer or delinquency prevention worker? The answer may lie somewhere in between. Most police departments operate juvenile programs that combine law enforcement and delinquency prevention roles, and the police work with the juvenile court to determine a role most suitable for their community.²⁸

Police officers may even act as prosecutors in some rural courts when attorneys are not available. Thus, the police–juvenile role extends from the on-the-street encounter to the station house to the court. For juvenile matters involving minor criminal conduct or incorrigible behavior, the police ordinarily select the least restrictive alternative, which includes such measures as temporary assistance or referral to community agencies. In contrast, violent juvenile crime requires that the police arrest youths while providing constitutional safeguards similar to those available to adult offenders.

Police and Violent Juvenile Crime

Violent juvenile offenders are defined as those adjudicated delinquent for crimes of homicide, rape, robbery, aggravated assault, and kidnapping. Juveniles account for one out of every ten violent crime arrests (10 percent).²⁹ Since the mid-1990s, the juvenile violence rate has declined rather substantially, leveling off in more recent years. Many experts predicted a surge of violence as children of baby boomers entered their “prime crime” years, whereas others predicted that juvenile arrests for violent crime would double by the year 2010.³⁰ (See Chapter 2 for more on juvenile crime rates.) Despite reductions in violent juvenile offending, there are still countless stories of violent acts perpetrated by juveniles. The accompanying Youth Stories feature looks at one of the more vicious of these events.

youth STORIES

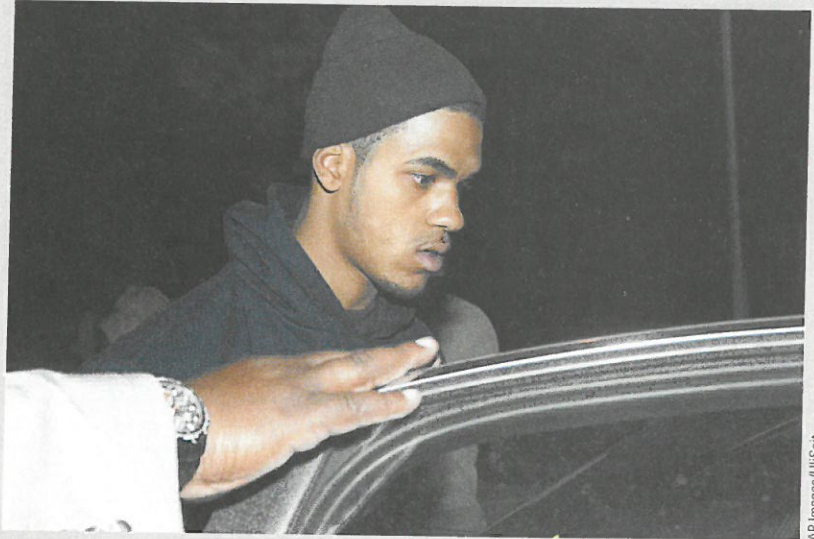
Latin King Goonies

The Latin King Goonies are not believed to be affiliated with the notorious Latin Kings street gang. The New York City police consider them to be a loose-knit gang operating out of the Bronx. In some respects this meant little to the events that unfolded on Sunday, October 3, 2010.

Beginning in the early morning hours, a number of the gang members abducted their first victim, a 17-year-old boy who was known to them because of his aspirations to join the gang. The boy was brought to a Bronx apartment and savagely beaten. According to New York City Police Commissioner Raymond Kelley, the boy was “thrown into a wall, made to strip naked, hit in the head with a beer can, cut with a box cutter, and sodomized with the wooden handle of a plunger.” It turned out that the purpose of the beating was to obtain the boy’s confession about performing sex acts with a 30-year-old man who was suspected by the gang as being gay.

At around 8:30 in the evening, gang members abducted and beat a second 17-year-old boy. The beating was just as savage. Again, the purpose was to extract a confession about sex acts he performed with the 30-year-old. In the meantime, the man was lured to the apartment under the pretense that a party was taking place. Upon arriving he was subsequently tied up and savagely beaten, sodomized, and forced to drink 10 cans of Four Loko, an alcohol-infused energy drink. This went on for hours, during which he was called antigay slurs. He was eventually robbed and left for dead.

In addition to threatening the younger victims if they went to the police, the attackers even went so far as to clean up



Nelson Falu, one of the Latin King Goonies arrested in connection with savage hate crimes.

the crime scene. Commissioner Kelly quoted one of the detectives as saying, “[It] was the cleanest crime scene I’ve ever seen.” He added, “Lots of bleach and paint were used to cover the blood shed by their tortured prey. They even poured bleach down the drains.” Altogether, seven gang members, ranging in age from 16 to 23, were charged in the attacks and six received prison terms, with the leader of the gang sentenced to 14 years in prison.

CRITICAL THINKING

What motivated these youths to carry out such violent crimes? Are hate crimes like this becoming more common?

SOURCES: Kevin Deutsch, “Three Accused Goonies Indicted in Brutal Bronx Gay Bashing,” *New York Daily News*, October 29, 2010; Michael Wilson and Al Baker, “Lured into a Trap, then Tortured for Being Gay,” *New York Times*, October 8, 2010; James B. Jacobs and Kimberly Potter, *Hate Crimes: Criminal Law and Identity Politics* (New York: Oxford University Press, 2001).

Police and other justice agencies are experimenting with different methods of controlling violent youth. Some of these methods, such as placing more officers on the beat, have existed for decades; others rely on state-of-the-art technology to pinpoint the locations of violent crimes and develop immediate countermeasures. Research shows that there are a number of effective policing practices, including increased directed patrols in street-corner hot spots of crime, proactive arrests of serious repeat offenders, and **problem-oriented policing**.³¹ (See Exhibit 14.1 for a complete list of policing practices that work, do not work, or are promising.) These strategies address problems of community disorganization and can be effective deterrents when combined with other laws and policies, such as targeting illegal gun carrying.³² Although many of these policing strategies are not new, implementing them as one element of an overall police plan may have an impact on preventing juvenile violence.

problem-oriented policing

Law enforcement that focuses on addressing the problems underlying incidents of juvenile delinquency rather than the incidents only.

Policing Programs

What Works

- Increased directed patrols in street-corner hot spots of crime
- Proactive arrests of serious repeat offenders
- Proactive arrests of drunk drivers
- Arrests of employed suspects for domestic assault
- Problem-oriented policing
- Neighborhood watch
- Focused deterrence policing with specific crimes

What Does Not Work

- Arrests of some juveniles for minor offenses
- Arrests of unemployed suspects for domestic assault

- Drug market arrests
- Community policing that is not targeted at risk factors
- Adding extra police to cities with no regard to assignment or activity

What Is Promising

- Police traffic enforcement patrols targeting illegally carried handguns
- Community policing when the community is involved in setting priorities
- Community policing focused on improving police legitimacy
- Warrants for arrest of suspect absent when police respond to domestic violence

SOURCES: Anthony A. Braga and David Weisburd, "The Effects of Focused Deterrence Strategies on Crime: A Systematic Review and Meta-Analysis of the Empirical Evidence," *Journal of Research in Crime and Delinquency* 49:323–358 (2012); Lawrence W. Sherman and John E. Eck, "Policing for Crime Prevention," in Lawrence W. Sherman, David P. Farrington, Brandon C. Welsh, and Doris Layton Mackenzie, eds., *Evidence-Based Crime Prevention*, rev. ed. (New York: Routledge, 2006), pp. 321–322; Trevor H. Bennett, Katy Holloway, and David P. Farrington, "Does Neighborhood Watch Reduce Crime? A Systematic Review and Meta-Analysis," *Journal of Experimental Criminology* 2:437–458 (2006).

Finally, one key component of any innovative police program dealing with violent juvenile crime is improved communications between the police and the community.

Police and the Rule of Law

When police are involved with criminal activity of juvenile offenders, their actions are controlled by statute, constitutional case law, and judicial review. Police methods of investigation and control include (a) the arrest procedure, (b) search and seizure, and (c) custodial interrogation.

The Arrest Procedure

When a juvenile is apprehended, the police must decide whether to release the youngster or make a referral to the juvenile court. Cases involving serious crimes against property or persons are often referred to court. Less serious cases, such as disputes between juveniles, petty shoplifting, runaways, and assaults of minors, are often diverted from court action.

Most states require that the law of **arrest** be the same for both adults and juveniles. To make a legal arrest, an officer must have probable cause to believe that an offense took place and that the suspect is the guilty party. **Probable cause** is usually defined as falling somewhere between mere suspicion and absolute certainty. In misdemeanor cases, the police officer must personally observe the crime in order to place a suspect in custody. For a felony, the police officer may make the arrest without having observed the crime if the officer has probable cause to believe the crime occurred and the person being arrested committed it. A felony is a serious offense; a misdemeanor is a minor or petty crime. Crimes such as murder, rape, and robbery are felonies; crimes such as petty larceny and disturbing the peace are misdemeanors.

The main difference between arrests of adult and juvenile offenders is the broader latitude police have to control youthful behavior. Most juvenile codes, for instance, provide broad authority for the police to take juveniles into custody.³³

arrest
Taking a person into the custody of the law to restrain the accused until he or she can be held accountable for the offense in court proceedings.

probable cause
Reasonable grounds to believe that an offense was committed and that the accused committed that offense.

exhibit 14.2

Uniform Juvenile Court Act, Section 13 (Taking into Custody)

- a. A child may be taken into custody:
 1. pursuant to an order of the court under this Act;
 2. pursuant to the laws of arrest;
 3. by a law enforcement officer (or duly authorized officer of the court) if there are reasonable grounds to believe that the child is suffering from illness or injury or is in immediate danger from his surroundings, and that his removal is necessary; or
 4. by a law enforcement officer (or duly authorized officer of the court) if there are reasonable grounds to believe that the child has run away from his parents, guardian, or other custodian.
- b. The taking of a child into custody is not an arrest, except for the purpose of determining its validity under the constitution of this State or of the United States.

SOURCE: National Conference of Commissioners on Uniform State Laws, *Uniform Juvenile Court Act*.

Such statutes are designed to give the police the authority to act *in loco parentis* ("in place of the parent"). Accordingly, the broad power granted to police is consistent with the notion that a juvenile is not arrested but taken into custody, which implies a protective rather than a punitive form of detention.³⁴ Once a juvenile is arrested, however, the constitutional safeguards of the Fourth and Fifth Amendments available to adults apply to the juvenile as well.

Section 13 of the Uniform Juvenile Court Act is an example of the provisions used in state codes regarding juvenile arrest procedures (see Exhibit 14.2). There is currently a trend toward treating juvenile offenders more like adults. Related to this trend are efforts by the police to provide a more legalistic and less informal approach to the arrest process, and a more balanced approach to case disposition.³⁵

Search and Seizure

Do juveniles have the same right to be free from unreasonable **search and seizure** as adults? In general, a citizen's privacy is protected by the Fourth Amendment of the Constitution, which states:

*The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oaths or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.*³⁶

Most courts have held that the Fourth Amendment ban against unreasonable search and seizure applies to juveniles and that illegally seized evidence is inadmissible in a juvenile trial. To exclude incriminating evidence, a juvenile's attorney makes a pretrial motion to suppress the evidence, the same procedure that is used in the adult criminal process.

A full discussion of search and seizure is beyond the scope of this book, but it is important to note that the Supreme Court has ruled that police may stop a suspect and search for evidence without a warrant under certain circumstances. In an important 2009 case, *Arizona v. Gant*, the Court limited a police officer's ability to search a vehicle for evidence.³⁷ After Rodney Gant was arrested for driving with a suspended license, he was handcuffed and locked in the back of a patrol car. A police officer noticed a jacket on the backseat, searched the jacket, and found cocaine. The Court ruled that police may search a vehicle incident to a recent occupant's arrest only if the arrestee is within reaching distance of the passenger compartment at the time of the search or it is reasonable to believe the vehicle contains evidence of the offense of arrest. The search of Gant's jacket was deemed unreasonable since he could not gain access to it, and the cocaine was therefore inadmissible at trial. The *Gant* case is important because controlling a suspect after arrest is critical to police safety. Some officers may now sacrifice safety concerns in order to search suspects or their vehicles.

search and seizure

The US Constitution protects citizens from any search and seizure by police without a lawfully obtained search warrant; such warrants are issued when there is probable cause to believe an offense has been committed.

Arizona v. Gant

This case placed specific limitations on police searches of a suspect's vehicle.

The Supreme Court has ruled that there are many circumstances in which the police can stop a suspect and search for evidence without a warrant, also called a warrantless search. Here, in this July 26, 2012, photo, police in Anaheim, California, search a teen suspected of loitering near a shopping center.



ZUMA Press, Inc./Alamy Stock Photo

In general, a person may be searched after a legal arrest, but then only in the immediate area of the suspect's control. For example, after an arrest for possession of drugs, the pockets of a suspect's jacket may be searched;³⁸ an automobile may be searched if there is probable cause to believe a crime has taken place;³⁹ a suspect's outer garments may be frisked if police are suspicious of his or her activities;⁴⁰ and a search may be conducted if a person volunteers for the search.⁴¹ These rules are usually applied to juveniles as well as to adults. Concept Summary 14.1 reviews when warrantless searches are allowed.

custodial interrogation

Questions posed by the police to a suspect held in custody in the prejudicial stage of the juvenile justice process; juveniles have the same rights against self-incrimination as adults do when being questioned.

Miranda v. Arizona

Police interrogations of suspects in custody are subject to constitutional limitations.

Custodial Interrogation

In years past, police often questioned juveniles without their parents or even an attorney present. Any incriminating statements arising from such **custodial interrogation** could be used at trial. However, in the 1966 case **Miranda v. Arizona**, the Supreme Court placed constitutional limitations on police interrogation

CONCEPT SUMMARY 14.1

Warrantless Searches

Action	Scope of Search
Stop-and-frisk	Pat-down of a suspect's outer garments.
Search incident to arrest	Full body search after a legal arrest.
Automobile search	If probable cause exists, full search of car, including driver, passengers, and closed containers found in trunk. Search must be reasonable.
Consent search	Warrantless search of person or place is justified if suspect knowingly and voluntarily consents to search.
Plain view	Suspicious objects seen in plain view can be seized without a warrant.
Electronic surveillance	Material can be seized electronically without a warrant if suspect has no expectation of privacy.
Home entry	A home can be entered without a warrant if there is reason to believe that evidence of a crime is being destroyed.

procedures with adult offenders. *Miranda* held that persons in police custody must be told the following:

- They have the right to remain silent.
- Any statements they make can be used against them.
- They have the right to counsel.
- If they cannot afford counsel, it will be furnished at public expense.⁴²

The **Miranda warning** has been made applicable to juveniles taken into custody. The Supreme Court case of *In re Gault* stated that constitutional privileges against self-incrimination apply in juvenile as well as adult cases. Because *In re Gault* implies that *Miranda* applies to custodial interrogation in criminal procedures, state court jurisdictions apply the requirements of *Miranda* to juvenile proceedings as well. Since the *Gault* decision in 1967, virtually all courts that have ruled on the question of the *Miranda* warning have concluded that the warning does apply to the juvenile process. More recently (in 2011), the Supreme Court, in *J.D.B. v. North Carolina*, ruled that age does matter and that greater care must be taken by the police when questioning children in their custody.⁴³

One problem associated with custodial interrogation of juveniles has to do with waiver of *Miranda* rights: Under what circumstances can juveniles knowingly and willingly waive the rights given them by *Miranda v. Arizona*? Does a youngster, acting alone, have sufficient maturity to appreciate the right to remain silent?

Most courts have concluded that parents or attorneys need not be present for juveniles effectively to waive their rights.⁴⁴ In a frequently cited California case, *People v. Lara*, the court said that the question of a juvenile's waiver is to be determined by the totality of the circumstances doctrine.⁴⁵ This means that the validity of the waiver rests not only on the age of the youth but also on a combination of other factors, including the child's education, the child's knowledge of the charge, whether the child was allowed to consult with family or friends, and the method of interrogation.⁴⁶ The general rule is that juveniles can waive their rights to protection from self-incrimination, but that the validity of this waiver is determined by the circumstances of each case.

Research by law professor Barry Feld suggests that older juveniles—16- and 17-year-olds—sufficiently understand their *Miranda* rights, but younger ones do not. He argues that mandating recordings of all police interrogations would go some way toward ensuring that juveniles of all ages do in fact understand their rights and minimize the risk of false confessions, which is especially problematic among younger juveniles.⁴⁷

The waiver of *Miranda* rights by a juvenile is one of the most controversial legal issues addressed in the state courts. It has also been the subject of federal constitutional review. In two cases, *Fare v. Michael C.* and *California v. Prysock*, the Supreme Court has attempted to clarify children's rights when they are interrogated by the police. In *Fare v. Michael C.*, the Court ruled that a child's asking to speak to his probation officer was not the equivalent of asking for an attorney; consequently, statements he made to the police absent legal counsel were admissible in court.⁴⁸ In *California v. Prysock*, the Court was asked to rule on the adequacy of a *Miranda* warning given to Randall Prysock, a youthful murder suspect.⁴⁹ After reviewing the taped exchange between the police interrogator and the boy, the Court upheld Prysock's conviction when it ruled that even though the *Miranda* warning was given in slightly different language and out of exact context, its meaning was easily understandable, even to a juvenile.

Taken together, *Fare* and *Prysock* make it seem indisputable that juveniles are at least entitled to receive the same *Miranda* rights as adults. *Miranda v. Arizona* is a historic decision that continues to protect the rights of all suspects placed in custody.

Miranda warning

Supreme Court decisions require police officers to inform individuals of their constitutional rights when under arrest; warning must also be given when suspicion begins to focus on an individual in the accusatory stage.

For a detailed look at the landmark Supreme Court decision in *Miranda v. Arizona*, visit a website hosted by the Public Broadcasting Service: http://www.pbs.org/wnet/supremecourt/rights/landmark_miranda.html.



Fare v. Michael C. and California v. Prysock

These cases make it seem indisputable that juveniles are at least entitled to receive the same *Miranda* rights as adults.

Discretionary Justice

discretion

Use of personal decision making and choice in carrying out operations in the criminal justice system, such as deciding whether to make an arrest or when to accept a plea bargain.

Today, juvenile offenders receive nearly as much procedural protection as adult offenders. However, the police have broader authority in dealing with juveniles than with adults. Granting such **discretion** to juvenile officers raises some important questions: Under what circumstances should an officer arrest status offenders? Should a summons be used in lieu of arrest? Under what conditions should a juvenile be taken into protective custody?

When police confront a case involving a juvenile offender, they rely on their discretion to choose an appropriate course of action. Police discretion is selective enforcement of the law by authorized police agents. Discretion gives officers a choice among possible courses of action within the limits on their power.⁵⁰ It is a prime example of *low-visibility decision making*—a public official making decisions that the public is not in a position to regulate or criticize.⁵¹

Discretion exists not only in the police function but also in prosecutorial decision making, judicial judgments, and corrections. Discretion results in the law being applied differently in similar situations. For example, two teenagers are caught in a stolen automobile; one is arrested, the other released. Two youths are drunk and disorderly; one is sent home, the other to juvenile court. A group of youngsters is involved in a gang fight; only a few are arrested, the others are released.

Much discretion is exercised in juvenile work because of the informality that has been built into the system in an attempt to individualize justice.⁵² Furthermore, officials in the juvenile justice system make decisions that are often without oversight or review. The daily procedures of juvenile personnel are rarely subject to judicial review, except when they clearly violate a youth's constitutional rights. As a result, discretion sometimes deteriorates into discrimination and other abuses on the part of the police.

The real danger in discretion is that it allows the law to discriminate against precisely those elements in the population—the poor, the ignorant, the unpopular—who are least able to draw attention to their plight.⁵³ The problem of discretion in juvenile justice is one of extremes. Too little discretion provides insufficient flexibility to treat juvenile offenders as individuals. Too much discretion can lead to injustice. Guidelines and controls are needed to structure the use of discretion.

Generally, the first contact a youth has with the juvenile justice system is with the police. Research indicates that most police decisions arising from this initial contact involve discretion.⁵⁴ These studies show that many juvenile offenders are never referred to juvenile court.

In a classic 1963 study, Nathan Goldman examined the arrest records of more than 1,000 juveniles from four communities in Pennsylvania.⁵⁵ He concluded that more than 64 percent of police contacts with juveniles were handled informally. Subsequent research offered additional evidence of informal disposition of juvenile cases.⁵⁶ For example, in the 1970s, Paul Strasburg found that about 50 percent of all children who come in contact with the police do not get past the initial stage of the juvenile justice process.⁵⁷

A study conducted in the early 2000s, analyzed juvenile data collected as part of the Project on Policing Neighborhoods—a comprehensive study of police patrols in Indianapolis, Indiana, and St. Petersburg, Florida. This study indicated that police still use discretion.⁵⁸ It found that 13 percent of police encounters with juveniles resulted in arrest.⁵⁹

After arrest, the most current data show a decrease in the number of cases referred to the juvenile court. The Federal Bureau of Investigation (FBI) estimates that 62 percent of juvenile arrests are referred to juvenile court.⁶⁰ Despite the variations between the estimates, these studies indicate that the police use significant discretion in their decisions regarding juvenile offenders. Research shows that differential decision making goes on without clear guidance.

If all police officers acted in a fair and just manner, the seriousness of the crime, the situation in which it occurred, and the legal record of the juvenile would be