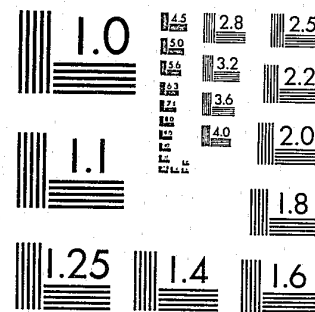


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 **Boston University  
School of Law**

  
A SUMMARY OF THE POLICE  
HANDLING OF JUVENILES PROJECT

**Center for Criminal Justice**

82851

U.S. Department of Justice  
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A SUMMARY OF THE POLICE  
HANDLING OF JUVENILES PROJECT

Prepared for  
the Office of Juvenile Justice  
and Delinquency Prevention

By  
The Center for Criminal  
Justice of the Boston University  
School of Law

January 1982

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The authors of this report take full responsibility for its contents and any errors it may contain.

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## CHAPTER I DESCRIPTION OF THE POLICE HANDLING OF JUVENILES PROJECT

From October 1978 to December 1981, the Center for Criminal Justice of the Boston University School of Law worked with the Boston (District 15, Charlestown), Stamford (Conn.), Arlington (Mass.) and Belmont (Mass.) police departments, and with relevant agencies and citizens within each community to develop policies relating to the police handling of juveniles.<sup>1</sup> This study attempted to do the following:

1. Determine the feasibility of implementing the provisions of national juvenile justice standards that would guide police decisions on intervention, diversion, referral, and other aspects of the handling of juvenile problems and cases;
2. Formulate local policies for police handling of juvenile problems that are based on national juvenile justice standards but that also consider local problems and needs; and
3. Implement selected policies on the police handling of juveniles in the Stamford Police Department.

<sup>1</sup>"Policymaking Relating to the Police Handling of Juveniles," funded by Office of Juvenile Justice and Delinquency Prevention, Office of Justice Assistance, United States Department of Justice under grant JN-AX-0008.



In order to develop policies based on national standards, project staff reviewed and compared the various national juvenile justice standards for the police handling of juveniles, surveyed the statutory and constitutional issues relevant to processing juveniles through local juvenile justice systems, and analyzed data to determine current police practices.

An important part of this study was the involvement of police officers and residents of each community. These individuals assisted project staff by providing detailed information about the juvenile justice system, offering suggestions, reviewing project materials and recommendations. They were helpful in developing policies appropriate for each community.

The study produced recommendations on the police handling of juveniles in accordance with the national standards, as well as suggestions on which recommendations should be priorities. More specifically, this study has formulated policies in seven areas:

1. how the departments are organized to respond to juvenile problems;
2. the nature of police authority to intervene in selected juvenile problems, and the nature of initial intervention;
3. the options available to the police once there has been an intervention and the relative priority given to these options;
4. the procedures to be used once the police proceed formally with a case in the juvenile justice system;
5. the recordkeeping system in each department;
6. the relationship of the police to other juvenile justice and

youth-serving agencies; and

7. the role of non-police agencies to which referrals are or should be made.

This is the final report of the study. In this chapter the three major sets of standards on the handling of juveniles are discussed and the work of the study described.

#### National Standards

The national standards are collections of recommendations and guidelines for improving the efficiency and equity of the juvenile justice system. Following the work of the 1967 President's Crime Commission,<sup>2</sup> the standards are a response to problems of juvenile justice, the urban unrest of the 1960's and claims of increasing juvenile crime. The purpose of these standards is to stimulate change in the juvenile justice system by presenting an array of short-term and long-term goals in such diverse areas as organization, intervention, processing, referral, and record-keeping in the various components--police, courts, schools, corrections--of the juvenile justice system. In formulating the standards, present laws and practices were examined to determine which basic principles should be reaffirmed and which discarded. As a result, the standards have incorporated selected innovations, which can be translated into model acts, new legislation, and administrative rules.

<sup>2</sup>President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington, D.C.: U.S. Government Printing Office, 1967).

In formulating policies for the police handling of juveniles, the project made use of juvenile justice standards developed by three separate groups: the Institute of Judicial Administration/American Bar Association Joint Commission; the Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention; and the National Advisory Committee for Juvenile Justice and Delinquency Prevention.

The Institute of Judicial Administration/American Bar Association Joint Commission (IJA/ABA), which consisted of members of the legal, academic, corrections, and treatment communities, began its work in 1971. Organized into four representative drafting committees staffed by more than thirty reporters from law schools and universities, the Joint Commission prepared twenty-three volumes of standards, most of which have been approved by the American Bar Association for implementation.<sup>3</sup> These recommendations represent the official position of the ABA, and as such are designed to influence state legislators throughout the country.

The Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, organized in 1975, complemented the original standards and goals project of the National Advisory Commission on Criminal Justice Standards and Goals for adults in National Strategy to

<sup>3</sup>All volumes except Noncriminal Misbehavior and Abuse and Neglect were approved by the ABA.

Reduce Crime published in 1973.<sup>4</sup> The Task Force, composed of judges, prosecutors, attorneys, law enforcement, correctional and school officials, social service personnel, and other individuals directly involved in the juvenile justice system, considered existing state practices and the standards of other professional groups in order to develop models for state and local juvenile justice systems. These models or guidelines have been reviewed by the National Advisory Committee for Juvenile Justice and Delinquency Prevention, which has prepared a third set of standards.

The National Advisory Committee for Juvenile Justice and Delinquency Prevention was created by the Juvenile Justice and Delinquency Prevention Act of 1974 and began work in 1975. This Committee prepared recommendations based on an independent review of "existing reports, data, and standards concerning juvenile justice."<sup>5</sup> The Committee proposed that professional groups in the juvenile justice and delinquency prevention area be encouraged to facilitate the adoption of standards and improve the administration of juvenile justice through training and accreditation programs. It also recommended that financial support be made available

<sup>4</sup>This volume was a response to the President's Commission on Law Enforcement and the Administration of Justice, which called attention to the problem of crime in the United States and to the inadequacies of the criminal justice system. See Juvenile Justice and Delinquency Prevention Act 1974, 42 U.S.C. 5601-5751.

<sup>5</sup>See National Advisory Committee for Juvenile Justice and Delinquency Prevention, Standards for the Administration of Juvenile Justice, (Washington, D.C.: U.S. Government Printing Office, 1980).

to provide technical assistance, continued research and evaluation, and information about the standards as well as support for their implementation. Unlike the other two standards-setting groups, the Committee was to remain in existence in order to implement its recommendations, to assess costs and benefits, and to consider modifications where necessary.

#### Philosophies

The philosophies of the IJA/ABA Standards and the Task Force Standards differ. Simply stated, the IJA/ABA Standards emphasize the legal issue of due process for individual juveniles, while the Task Force Standards stress the social issues of delinquency prevention and maintenance of the family, as well as the administrative issue of coordinating juvenile justice agencies.

IJA/ABA. The IJA/ABA Juvenile Justice Standards Project has outlined four major purposes in promulgating the IJA/ABA standards:<sup>6</sup>

1. to achieve uniformity in the law for greater fairness, efficiency, and predictability in the consequences of the same conduct, action, or behavior, regardless of jurisdiction;
2. to develop linkages within the system by: defining the roles of affected individuals and agencies; eliminating gaps and duplication in services; and coordinating the planning, operation, and monitoring of programs;
3. to re-examine accepted concepts and premises underlying the current laws in the light of objective findings derived from recent studies and other developments. Basic principles should be reaffirmed, revised, or replaced, as a result of taking a fresh look at the system;

<sup>6</sup>See IJA/ABA, Standards for Juvenile Justice: A Summary and Analysis (Cambridge, MA: Ballinger, 1977), p.3.

4. to codify the relevant case law, administrative decisions, selected statutory innovations, and fundamental principles approved in the standards in a form readily translatable into model act or acts.

In developing the specific standards, the IJA/ABA project based its work on ten underlying principles:

1. Proportionality in sanctions for juvenile offenders based on the seriousness of the offense committed, and not merely the court's view of the juvenile's needs, should replace vague and subjective criteria.
2. Sentences or dispositions should be determinate.
3. The least restrictive alternative should be the choice of decision-makers for intervention in the lives of juveniles and their families.
4. Noncriminal misbehavior (status offenses, PINS) and private offenses (victimless crimes) should be removed from juvenile court jurisdiction.
5. Visibility and accountability of decision making should replace closed proceedings and unrestrained official discretion.
6. There should be a right to counsel for all affected interests at all crucial stages of the proceeding.
7. Juveniles should have the right to decide on actions affecting their lives and freedom, unless they are found incapable of making reasoned decisions.
8. The role of parents in juvenile proceedings should be redefined with particular attention to possible conflicts between the interests of parent and child.
9. Limitations should be imposed on detention, treatment, or other intervention prior to adjudication and disposition.
10. Strict criteria should be established for waiver of juvenile court jurisdiction to regulate transfer of juveniles to adult criminal court.

<sup>7</sup>Ibid., pp. 22-23.

These principles were derived from fundamental premises. The most important premise was that court-prescribed treatment and services are not inherently beneficial to the juvenile or other respondent and should be restrained. Thus the IJA/ABA rejected the rehabilitative model of the juvenile court, regarding treatment and services as secondary to the primary goal of justice for juveniles, their families and communities. Of major importance here were the concepts of relating the severity of a disposition to the seriousness of the offense and of prescribing maximum penalties for specific offenses.

A second premise was that fair proceedings could be ensured only through procedural safeguards, legal representation, and written decisions subject to judicial review; court officers must be held accountable for their actions and there must be an end to closed and unregulated hearings and procedures. While supporting confidentiality of and limited access to judicial records, the IJA/ABA advocated opening the judicial process to greater scrutiny and review and curtailing the exercise of official discretion.

IJA/ABA also supported juvenile court handling of all serious or habitual offenders and would impose strict restraints on the transfer of juveniles to adult criminal court. In addition, the IJA/ABA Standards supported the principle of family autonomy and the avoidance of state intervention in most family matters, while recognizing that conflicts between parental and juvenile interests are possible.

In essence, the IJA/ABA Standards rejected the view that delinquency prevention through treatment is the principal function of the juvenile justice system; they also doubted the reliability of predictive behavior judgments.<sup>8</sup> As a result, the IJA/ABA rejected alternative sets of standards that merely codify the better features of the existing system and urged the adoption of the entire set of IJA/ABA Standards to preserve the philosophical integrity of their approach.

Task Force. The Standards of the Task Force outlined five major goals that directed their development.

1. Reduce juvenile violence by isolating or supervising those whose behavior poses a threat to the lives and safety of others.
2. Reduce the number of juveniles who repeatedly commit delinquent acts by identifying those who can be helped and those who cannot.
3. Provide due process for all children by removing discrepancies based on race and class.
4. Integrate and coordinate the present fragmented juvenile justice and delinquency prevention system.
5. Provide protection for children who need it.<sup>9</sup>

A number of themes guided the development of standards based on these goals: maintenance of the family unit by providing it with sufficient resources to deal with its own problems; court jurisdiction

<sup>8</sup>Ibid., pp. 265-267.

<sup>9</sup>See National Advisory Committee on Criminal Justice Standards and Goals, Juvenile Justice and Delinquency Prevention, Report of the Task Force on Juvenile Justice and Delinquency Prevention, (Washington, D.C.: U.S. Government Printing Office, 1976), pp. 14-15.



under the Families with Service Needs (FWSN) concept over truancy, running away, disregard of parental authority, use of intoxicating beverages, and "delinquent acts" by children under 10 years of age; limiting state coercive intervention to cases of endangered children; delinquency prevention through service delivery to potential career criminals; diversion when effective alternative services and due process guarantees exist; use of the least coercive disposition, with institutionalization as a last resort; the extension of due process considerations to juvenile justice; equipping the juvenile justice system to deal with the small number of violent and repeat delinquents; more minority representation at all decisionmaking levels; consistent policies to foster coordination among agencies; improved research geared to problem-solving; and increased allocation of resources to juvenile justice.<sup>10</sup>

The Task Force outlined sets of general and specific priorities for state and local action based on these goals and themes. General priorities are to

- improve programs for preventing juvenile delinquency;
- design policies and programs to increase family stability;
- improve planning and coordination of agencies;
- implement better research and data bases;
- allocate sufficient resources for effective reform;

<sup>10</sup> Ibid., pp. 12-14.

- adopt Task Force Standards for Endangered Children; and
- implement<sup>11</sup> Family Counseling and Family Crisis Intervention Programs.

The primary emphasis of the Task Force Standards is on maintaining and strengthening the use of the juvenile justice system for the prevention of future delinquency; minimizing state intervention in family and juvenile matters; and coordinating more closely juvenile justice agencies based on system-generated data.

NAC. The NAC Standards are based on a survey of other standards that were adopted or modified without formulating new prescriptions. The forward to the 1980 NAC report outlines the three goals of the committee.

1. To propose a set of recommendations addressing the full range of law enforcement, judicial, prevention, correctional, service and planning activities affecting youth;
2. To organize these recommendations so that groups and agencies performing similar functions would be governed by the same set of principles; and
3. To distill the best thinking from the standards, models, and public policies proposed and adopted by national and state standards, commissions, professional organizations, advocacy groups, and agencies.

Thus, the NAC standards are based on a survey of other standards that they adopted or modified without formulating new prescriptions. As a result, no philosophy has been established for them. However, five basic themes do bind all the recommendations together:

<sup>11</sup> Ibid., pp. 14-16.

- I. The family remains the basic unit of our social order- governmental policies, programs, and practices should be designed to support and assist families, not usurp their functions.
- II. Together with any grant of authority by or to a governmental entity must be the establishment of limits on the exercise and duration of that authority, and mechanisms to assure accountability-guidelines and review procedures should be established for all intervention, intake, custody, and dispositional decisions.
- III. Age is not a valid basis for denying procedural protections when fundamental rights are threatened- juveniles should be accorded the best of both worlds-"the probation accorded to adults-(and) the solicitous care and regenerative treatment postulated for children."<sup>12</sup>
- IV. Whenever there is a choice among various alternatives, the option which least intrudes upon liberty and privacy should be preferred-"when you swat a mosquito on a friend's back, you should not use a baseball bat;"<sup>13</sup> and
- V. When rehabilitation forms a basis for the imposition of restraints on liberty, an obligation arises to offer a range of services reasonably designed to achieve the rehabilitative goals within the shortest period of time-governmental intervention justified upon the doctrine of parens patriae triggers at least a moral duty to provide the resources necessary to fulfill the promise of care and assistance.

<sup>12</sup>Kent v. United States, 383 U.S. 541,556 (1966).

<sup>13</sup>Chambers, "The Principle of the Least Restrictive Alternative: The Constitutional Issues," in the President's Committee on Mental Retardation, The Mentally Retarded and the Law, 487 (1976).

Although there are differences among the standards produced by the three groups, the three sets agree in their general perspective: the juvenile justice system may cause a juvenile great harm and actually prevent successful rehabilitation. Consequently, formal processing within the system should be minimized and surrounded with stringent safeguards for the juvenile. The standards agree that defining the proper roles of individuals and agencies within the system will lead to less duplication of some services and a recognition that other services are seriously deficient.

The standards also agree on the role of the police. For example, the standards recommend that the police employ the least restrictive alternatives available when dealing with juveniles.

This theme is reflected, for example, in the proposals relating to narrowing the scope of juvenile codes, to diverting many juvenile problems to other community resources, and to setting the highest priority to releasing juveniles instead of detaining them in custody.<sup>14</sup>

Increased diversion of juveniles away from the formal juvenile justice process is the central goal of each of the standards.

Furthermore, all the standards emphasize that police departments should formulate administrative policies to guide officers' discretionary decisions; some of the major recommendations involve structuring discretion of both patrol and juvenile officers. The concern with the present system

<sup>14</sup>See IJA/ABA, Standards Relating to Police Handling of Juvenile Problems, (Cambridge, MA: Ballinger, 1977) p. 31.

"is not that police do refer or divert most of the juvenile cases before they become court issues; it is that most police actions are taken on an ad hoc basis by individual officers and are not guided either by departmental policies or joint policies with other juvenile justice agencies."<sup>15</sup> The same can be said of referral or diversion practices of most other agencies as well, such as prosecutor and probation agencies.<sup>16</sup>

In support of this approach, the standards recommend that the police establish juvenile bureaus to handle juvenile problems and juvenile diversion, and that the police receive special training in the proper use of diversion and other alternatives that are less restrictive than arrest. The standards also stress that the police should evaluate their own performance and accountability.

This project developed policies by first examining those standards that relate to the role of the police in the juvenile justice system. This included standards developed specifically for police agencies, standards for the way the police work with other components in the juvenile justice system (e.g., the courts, social agencies, schools), and standards addressing particular issues relevant to the police (e.g., recordkeeping).

<sup>15</sup>Ibid., p. 32.

<sup>16</sup>For example, the national standards argue that at the present time, diversion, referral, and adjudication decisions are and can be made at various times and stages in the juvenile justice process by police officers, prosecutors, court intake personnel, and juvenile court judges, among others. The standards assume that there is little coherence within or among these agencies or persons today on the way in which these decisions are made. Police agencies in most jurisdictions probably serve as the primary source of referral and diversion of juvenile problems away from the juvenile court.

It is important to stress that the philosophical differences among the policy drafters are not reflected in the recommendations in this report. Although we are mindful of the different philosophies, we have not hesitated to draw upon all three sets of standards for recommendations. In the area of handling juveniles, there is a remarkable degree of agreement on what are appropriate procedures and conduct for the police.

#### Project History

In 1978, the National Institute for Juvenile Justice and Delinquency Prevention awarded the Center for Criminal Justice of the Boston University School of Law a grant to work with District 15 (Charlestown) of the Boston Police Department to develop policies relating to the police handling of juveniles. Project work in Charlestown and Stamford (Conn.) formally began in October 1978 and ended in the summer of 1980.<sup>17</sup> In the fall of 1980 two new sites were added to the project: Arlington and Belmont, two suburban towns in the Boston metropolitan area.

Gaining access to the Boston and Stamford Police Departments was straightforward in each jurisdiction. The chief executive granted permission based on his understanding of the project's goals and the potential benefits to his department.

<sup>17</sup>Final reports were submitted to the Boston Police Department and Stamford Police Department in December 1980. They are referred to in this text as Final Report: Boston and Final Report: Stamford. The table of contents of these reports and the table of contents of the Center's reports to Arlington and Belmont are reproduced in Appendix B.

The process of approval in Arlington and Belmont sites was time consuming and involved considerable effort. Project staff initially contacted the juvenile officer of each police department and a joint meeting was held with them to explore their interest. Both officers agreed that they wanted their department to participate and a joint meeting of command personnel from Arlington, Belmont, and Cambridge was held in early October.<sup>18</sup> At this meeting, both Arlington and Belmont police departments agreed to participate in the project. However, additional approval was required in Arlington and Belmont before the study could begin work. In Arlington, project staff were obligated to meet with the Director of Public Safety, who oversaw police and fire services and was responsible to the Board of Selectmen. Project staff members were then asked by the Director to describe the project at a public meeting of the Board of Selectmen on December 1. At that meeting the Board approved the town's participation in the project.

In Belmont, project staff were also asked (on November 24, 1980) by the Board of Selectmen to describe the project. The Board deferred making a decision for two weeks to review the project proposal and a draft copy of our final reports to the Stamford and Boston police departments. Approval was granted at the December 8th meeting of the Selectmen.<sup>20</sup>

<sup>18</sup>The Cambridge Police Department was also considered as a possible site since the Middlesex Cambridge Division County Court has jurisdiction over Cambridge, Arlington, and Belmont. Cambridge declined to participate because of the Department's commitment to other research.

<sup>19</sup>Arlington police are a division of the Department of Community Safety.

<sup>20</sup>See newspaper articles in the Belmont Citizen, November 27, 1980 and Belmont Herald, November 27, 1980.

In neither Boston nor Stamford was approval of city hall needed. However, the director of the mayor's office in Charlestown (Little City Hall), who was a member of the citizen task force, kept the mayor's office informed.

After permission to proceed with the study was granted, the first activity we undertook was the formation of police task forces, comprised solely of police department personnel, and citizen task forces, comprised of citizens and representatives of juvenile justice agencies. Both groups in each jurisdiction were responsible for advising project staff members and helping us gain access to other officers, citizens and data.

The police task force in Charlestown consisted of the district's commanding officer (a captain), two sergeants, the juvenile detective, and two patrol officers, all from District 15. These members were selected by the Captain and one of the sergeants. Due to rotation of assignments within the Boston Police Department, it was impossible to maintain the membership of this group or to meet on a regular basis: three different captains commanded District 15 during the life of the study, and the two patrol officers were transferred.

The Stamford Police task force consisted of the Chief of the Stamford Police Department, two Deputy Chiefs, the sergeant who commanded the Youth Bureau, the Youth Services Supervisor, four patrol officers and the Chief's administrative assistant. These members were selected by the Chief and the Chief's administrative assistant, who was responsible for handling departmental memoranda and other communications concerning the project.

In the early stages, members were helpful in providing their own assessment



of the community's juvenile problems, and in identifying agency personnel to be interviewed, identifying data sources, and suggesting research strategies.

In Arlington and Belmont there was one combined police task force consisting of six patrol and juvenile officers most closely involved in the handling of juveniles. This group met together twice. Staff then met individually with officers from each department.

The Center sought participation of civilians in the project to provide additional sources of information and to criticize and comment on possible decisions and recommendations to be made by the project. In Boston and Stamford, the citizen task forces included, in addition to residents and youth service workers, probation officers and (in Charlestown) the First Assistant Clerk of the Court. In Arlington and Belmont only residents and youth service workers served on the task forces. Court officers were contacted as needed.

We met separately in each jurisdiction with police officers and the citizens throughout the project, although each group was kept informed of the other's activities. At the meetings, project staff presented issues to be addressed, findings, and drafts of policy recommendations. After the short preliminary presentation by project staff, police and citizens were free to offer whatever advice, criticism, and comment they wished. Project staff also contacted police officers and citizens individually, some of them frequently. This was useful for addressing specific problems: access to data, understanding a specific procedure or record,

making contact with certain people, and so on.

The most important work of the task forces was to review the final policy recommendations for the police departments. The development of these policies is discussed in detail below.

#### Definition of Juvenile Problems

In Charlestown and Stamford, we attempted to focus research on a small number of juvenile crimes that were troublesome to the police either because of the frequency of their occurrence or because of particular legal or social issues that complicated their handling by the police.<sup>21</sup> To develop this list, we surveyed police officers, juveniles, and community agencies, and examined police and court records.<sup>22</sup>

On the basis of the information collected, we recommended to police officers and the citizen task forces the selection of the following juvenile-related problems for intensive study:

#### Boston

- auto theft;
- assault;
- drug use;
- street gangs;
- vandalism; and
- family problems with stubborn children.

#### Stamford

- vandalism;
- shoplifting;
- drug use;
- disorderly conduct;
- family problems with stubborn children; and
- truancy.

<sup>21</sup>See Appendix A in Final Report: Boston and Final Report: Stamford.

<sup>22</sup>This approach was not used in Arlington and Belmont. After we completed our work in Boston and Stamford, we realized that recommendations for Boston and Stamford could not be made to address specific delinquent acts or specific juvenile related problems. A "problem-solving" approach is not compatible with implementing national standards.

### Project Research

The major research work of the project centered on several issues:

1. How did patrol and juvenile officers deal with juvenile offenders?
2. How was each police department organized to address juvenile issues and maintain juvenile records?
3. What type of interaction took place among the police, the juvenile court and other local youth-serving agencies?
4. What services for juveniles were available in each community?
5. To what extent should the police have utilized diversion to community agencies rather than court referrals in their exercise of authority over juveniles?

In order to address these issues, we collected several types of information from a number of sources.

### Crime Statistics

To determine which juvenile problems the police encountered most frequently, police reports from each department were analyzed. These included incident and arrest reports, contact cards (Arlington), patrol logs (Boston) and field interrogation and observation reports (Boston and Belmont).<sup>23</sup>

<sup>23</sup> A questionnaire was also distributed to police personnel in District 15 of the Boston Police Department and the Stamford Police Department. The questionnaire asked officers to indicate those juvenile activities that, from their perspective, were the most serious for the community, frequently occurring, or troublesome for them. The questionnaire, based on the F.B.I.'s official crime categories, listed activities that were violations of the criminal law. Even though police officers spend more of their time on non-criminal calls for service, the information collected focused on crime-related problems.

Numerous field observations were conducted to observe actual police handling of juveniles in District 15, Arlington and Belmont. Project staff also observed the proceedings of the juvenile sessions of the Charlestown District Court and the East Cambridge District Court. No field observations were conducted with the police or the courts in Stamford. In addition, staff obtained recordings of the emergency (911) calls to the Boston Police Department concerning Charlestown residents, how these incidents were translated into police department categories, and what was the police response to the calls.<sup>24</sup>

### Court Data

Project staff obtained from the Probation Offices of each jurisdiction's juvenile court extensive statistical information on all juveniles arrested for the previous year. Information on Charlestown juveniles' social backgrounds and on all arrests and court dispositions prior to 1978 or 1979 arrests were recorded, providing complete crime/court histories of 127 individuals. In Stamford, Arlington and Belmont project staff were able to track selected cases from the initial police involvement to court disposition. We observed 53 cases involving Arlington and Belmont youths handled in juvenile court.<sup>25</sup>

<sup>24</sup> For excerpts from these transcripts, see Section B-6, below and Appendix C of Final Report: Boston.

<sup>25</sup> Several hundred cases we observed involved Cambridge youths.

### Youth Serving Agencies

Staff completed extensive interviews with local youth-serving agencies in Charlestown and Stamford: governmental, private social service, and recreational agencies. A staff member conducted interviews in person and later supplemented these with telephone interviews.<sup>26</sup>

### Project Recommendations

Based on an examination of model codes and proposed standards, our legal staff surveyed the pertinent statutory and constitutional issues. We prepared a draft outline of issues and questions developed from the various sets of standards on the police handling of juveniles. Each subheading in the standards was treated as a separate topic; when possible, issues relevant to each community were posed as questions to be addressed through discussions with police and citizens and consideration of the information gathered.

Using the information gathered from records, surveys, and interviews, we prepared drafts of policy recommendations on each issue in this outline for consideration by police officers and the citizen task forces. Each policy recommendation contained:

- a background statement outlining the positions of the three sets of national standards on the particular issue;
- the project's research findings as they applied to the issue being addressed;
- a set of recommendations; and

<sup>26</sup>For a discussion of our contact with students and agency personnel see Final Report: Boston, pp. 21-22 and Final Report: Stamford, pp. 19-21.

--a short discussion of the project staff's reasons for offering the recommendations.

We stressed that these were preliminary recommendations and that it had always been our understanding that they could be rejected, altered or augmented.

## CHAPTER II COMMUNITY PROFILES

We conducted this study in four communities: Arlington (MA.), Belmont (MA.), Charlestown (MA.) and Stamford (CT.). The sites varied in size, wealth, composition of the population and the kinds of juvenile problems reported to the police.

Arlington and Belmont are two small affluent suburban jurisdictions located to the west of Boston. Charlestown, a political subdivision of Boston, is a densely populated, mostly white working class community. Stamford, located near New York City, is a medium sized city with a diverse population. Below is a capsule description of the jurisdictions. Tables that appear in Appendix A summarize the information presented.

Arlington and Belmont are two small towns located west of Boston near a major commuting artery (Route 2) with Arlington's population almost twice that of Belmont (49,000 vs 26,000). The residents of both towns are predominantly white collar professionals although proportionately more blue collar workers reside in Arlington than Belmont. In Arlington there are more multiple dwellings and apartment buildings. Both towns have one high school and several middle and grammar schools. The towns are operated by town managers who are



accountable to elected boards of selectmen. Each town has separate chiefs of police and fire. When this study began, Arlington police and firefighters were under the authority of a director of public safety.

Charlestown. Charlestown, a political subdivision of Boston, occupies an area of approximately one square mile and in 1980 had a population of about 17,000. Located on a small peninsula between the estuaries of the Mystic and Charles Rivers, it is cut off from the surrounding communities by bay, river, bridge, expressway, and railroad yards. Charlestown has some single family dwellings; but many more two or three family homes. Charlestown is also the site of some 1100 units of low-income housing: the Bunker Hill Housing Project, Charlestown Newtowne Coop, and Mishawum Park. Approximately one third of Charlestown's population, including some 2000 children, live in these projects.<sup>1</sup> Of the approximately 5,100 total residential units (project and non-project) in Charlestown, 30.4 percent were owner occupied, 63.3 percent were renter occupied, and the rest (6.3 percent) were vacant in 1970. Some sections of Charlestown are given over primarily to old warehouses and a small number of manufacturing, trucking and shipping operations, with little or no residential use.

<sup>1</sup>Today, public housing residents in Charlestown are known as "project rats," an identity having both positive and negative connotations.

The population of Charlestown is almost all white and predominantly of Irish ancestry.<sup>2</sup> Second and third generation residents refer to themselves as "townies," a label selectively applied and to a certain extent reflecting standards of acceptance in the community. The term expresses a certain community spirit and identification.

There are seven schools in Charlestown: five public schools (three elementary, one middle, and Charlestown High) and two private (parochial) schools: St. Catherine and St. Francis.

The court-ordered desegregation of the Boston Public Schools in 1974 has affected the community deeply. While the racial violence surrounding busing has subsided, opposition is still strong. Truancy, much of it parent supported, became the major form of protest against busing and remained a community problem five years later. Although no figures were available, reports of Charlestown children truant from school for between two and four years were not uncommon.

Stamford. Located on Long Island Sound in Fairfield County, Connecticut, the city of Stamford lies 37 miles northeast of New York City and 21 miles southeast of Bridgeport. It is the state's fifth largest city, with a population in 1975 of approximately 105,000 people, and a geographic area of 39.9 square miles, larger than that of any of the four other major cities in the state. Between 1970 and 1975,

<sup>2</sup> In 1970, there were 76 blacks in Charlestown and the percentage number is believed to be even smaller today. The Spanish and Chinese population together is about one percent.

there was a decline in total population of 3.6 percent (from 109,000 to 105,000). Blacks continued to represent approximately 13 percent, while the Spanish-speaking group grew to 7 percent. The 1980 census indicates total population of approximately 101,000.

Stamford is noted for its industrial research laboratories in the chemical, electrical, optical, electronic, and pharmaceutical fields. Over 45 major companies have settled in Stamford during the past ten years, and several major corporations have their headquarters there: General Telephone and Electronics (GTE), Singer Company, Continental Oil, Xerox, Champion International, Combustion Engineering, and Olin. One third of Stamford's civilian labor force (65,000) were employed in manufacturing.

The northern half of the community is suburban and affluent in character, much like sections of Arlington and Belmont, with a minimum lot size of one half to three acres. In this half there are many schools and shopping centers, and a heavy concentration of churches. The southern half is urban, less affluent (with the exception of property bordering on Long Island Sound), and more heavily populated by ethnic and minority groups, particularly Irish, Italian, black and Spanish-speaking.

One third of the total population of Stamford was under 18 years of age. Between 1970 and 1979 the number of young people less than 16 years of age declined by 30 percent, while the number of youths (ages 16 and 17) was estimated to have increased slightly (by 4 percent).

Stamford's public school system serves more than 14,000 students in three comprehensive high schools, four middle schools, and 17 elementary schools. The parochial school system had a total enrollment of over 3,500 students in one high school, one middle school, and nine elementary schools. The vast majority (97 percent) of all children age 5-17 are in school.

In the past 10 years, the school population declined from approximately 20,500 students to the current total of 14,000. Recent projections by the school department suggested that by 1989 the total figure will decline to 10,282: that is, the public school population (kindergarten to grade 12) should decline by about 26 percent between 1980 and 1989. The grades above grade 7 should show the steepest decline, and percentage declines were expected to be greatest between 1980 and 1985.

As the largest of the four communities we studied, Stamford was more heterogeneous socially and economically than the other three communities. Arlington and Belmont were mostly white and affluent but sections of Stamford were equally affluent; Charlestown was white working class. All four communities had public housing projects with nearly one third of Charlestown residents residing in them. In both Arlington and Charlestown these areas were perceived as sources of problems with young people but objectively the magnitude and kinds of problems were quite different.

### Juvenile Problems

In each of the four communities we collected data, including incident and arrest reports, from police department records. However, the information we collected was not always comparable. Two jurisdictions (Boston and Belmont) use field interrogation cards, but we gained access to only one department's file (Belmont). In Arlington we gathered information from contact cards that recorded the outcome of cases investigated by juvenile officers. We analyzed Stamford police reports of cases that juvenile officers investigated after they received them from patrol officers. In two of the communities (Charlestown and Stamford) we administered questionnaires to police officers asking them to judge the kinds of juvenile problems they considered serious and troublesome.

It is important to note that in some respects Charlestown is not typical of other police districts in Boston. A comparison of arrest data from Charlestown with arrest data from four other Boston police districts showed

- Charlestown (District 15) ranked fourth and fifth among the districts on juvenile and adult arrests (per 10,000 population) for Part I criminal offenses (felonies) but ranked first and second for juvenile and adult arrests for Part II misdemeanors.
- Of the five districts, Charlestown had the highest juvenile arrest rates for traffic, "other" offenses (primarily possession of burglarious tools), drugs, assaults, vandalism and weapons, and the second highest for stolen property.
- Charlestown had the highest ratio of juvenile arrests to adult arrests.

--The ratio of Part II (misdemeanor) arrests of juveniles to Part I (felony) arrests was nearly two and a half times that of the next highest district and over four times that of the others.

These data suggest that the police in District 15 spent much more of their time on minor offenses involving juveniles than in the other sections of Boston.

Charlestown also differed from Arlington, Belmont and Stamford. Police arrested more juveniles at a higher rate and for different offenses. Charlestown juveniles were most frequently arrested for traffic, "other" offenses (primarily possessing burglarious tools), and disorderly conduct. While juveniles frequently drank in public in Charlestown, they were rarely arrested for that offense. In Arlington, not known as a street corner society, almost half of the juveniles arrested were arrested for drinking or disturbing the peace. The Stamford police chose to refer juveniles to juvenile court for more serious offenses: larcenies, burglaries, assaults. Most of the thefts were shoplifting cases. Belmont, the most affluent and smallest community studied, had the lowest arrest rate for juveniles, even though the police observed as many incidents of drinking and disorderly conduct as police in other communities. Police in the three communities (Arlington, Belmont and Stamford) received a sizable number of vandalism reports but did not or could not act upon them.

Both Charlestown and Arlington contain public housing projects. In Charlestown there was a consensus among Boston police and social

service workers that while only a minority of the population lived in the low-income housing projects, more than half of the police interaction with juveniles took place there, mainly with project youths. The housing projects inevitably surfaced as a major issue in any discussion of the Charlestown community. The Arlington housing project did not contribute a disproportionate number of serious juvenile crimes to the Arlington total.

Almost 40 officers in Stamford and Charlestown voluntarily completed a questionnaire that asked them to rate how serious they believed problems were and how much trouble they gave them when they encountered them on patrol. Officers were asked to rate the problem on a scale of 0 to 5 for both seriousness and troublesomeness; serious and troublesome were not defined. The ratings given by the officers for each problem were averaged.<sup>28</sup>

Table A-7 lists the six offenses (problems) that officers in Charlestown and Stamford perceived as more serious and troublesome.

It is noteworthy that the two lists within each community do not correspond perfectly; some problems reported to be very "serious" were not reported to be very "troublesome" (e.g., muggings/purse snatchings, disrespectful attitudes towards the police). On the

<sup>28</sup>The questionnaire was based on the FBI's official crime categories; that is, most of the problems were violations of the criminal law even though police officers spend more time on non-criminal related matters (i.e., non-crime calls for service). The questionnaire administered to students also incorporated these official crime categories, but in terms students could understand. The officers who completed the survey were volunteers.

other hand, some problems rated low on seriousness were rated higher on troublesomeness (e.g., family problems with stubborn children). It should also be noted that in both communities the average seriousness scores were higher than the average troublesomeness scores for each problem. Officers saw most problems as more serious than troublesome for themselves. Finally, problems appeared on these lists that did not appear on the lists derived from Department statistics:

1. using and selling drugs (Stamford)
2. disrespect toward the police
3. truancy (Stamford)
4. public intoxication (Charlestown)

Comparing the two communities, it is clear that the police perceptions did not always correspond to the different problems officers confronted in these communities. Although Boston police officers perceived public drinking as a problem, arrests for this were relatively rare. Stamford police received reports of disorderly conduct but rarely did their investigations lead to referrals to Superior Court: Juvenile Matters. Stanford police did not perceive this as a problem. In most cases, in both communities officers defined problems as troublesome because they could not apprehend the perpetrators.



## CHAPTER III PROJECT FINDINGS AND RECOMMENDATIONS

### Introduction

This chapter discusses the policy recommendations presented to the police departments. Each policy recommendation contained:

- a background statement outlining the positions of various sets of national standards on the issues discussed;
- the findings from research as they apply to the issues being addressed;
- recommendations; and
- project staff's reasons for offering the recommendations.

The three sets of national standards referred to in these recommendations are

Institute for Judicial Administration/American Bar Association (IJA/ABA), Standards Relating to Police Handling of Juvenile Problems (1977)<sup>1</sup>

National Advisory Committee on Criminal Justice Standards and Goals (Task Force), Juvenile Justice and Delinquency Prevention, Report of the Task Force on Juvenile Justice and Delinquency Prevention (1976)

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<sup>1</sup>The IJA/ABA Standards consist of 20 approved volumes, several of which we have drawn upon for recommendations.

The National Advisory Committee for Juvenile Justice and  
Delinquency Prevention (NAC), Standards for the Administration  
of Juvenile Justice (1980)

Our recommendations to the Boston and Stamford police departments were more extensive and elaborate than those made to Arlington and Belmont.<sup>2</sup> This report contains only our more important recommendations to the four departments. In some instances, we made recommendations to two police departments on the same topic but not to another department. Our choice of recommendations was dictated by the topics contained in the national standards and the circumstances in each of the departments at the time of our study.

<sup>2</sup>Arlington and Belmont police officers were given copies of the reports we submitted to the Boston and Stamford police departments.

A. POLICE ORGANIZATION

A-1. CENTRALIZED JUVENILE UNITS AND THE ROLE OF JUVENILE OFFICERS

All national standards agree that police agencies should establish specialized juvenile units (see IJA/ABA, Stnd. 4.1; Task Force Stnd. 7.1; and NAC Stnd. 2.251). They vary only in the criteria they offer to determine the appropriateness of a centralized juvenile unit. The IJA/ABA commentary (Stnd. 4.1) states:

The organization of police work with juveniles must necessarily vary depending on the size of the police department, the kind of community in which it is located, and the amount and quality of resources available in the community. It is obvious that departments consisting of very few officers are not likely to develop features of internal division of labor encountered in large metropolitan organizations. Moreover, the department serving an affluent retirement community will need to distribute its capacities differently from one serving a lower class industrial town.

All the standards suggest that at a minimum one officer be assigned the principal responsibility for handling juvenile cases, even if the assignment is not on a full-time basis. However, they also assume that, wherever possible, a centralized bureau is the best organizational vehicle for the police handling of juvenile problems, and that "departments capable of staffing bureaus specializing in work with juveniles should consider the adequate staffing of them as a matter of the highest priority."

The IJA/ABA Standards provide no criteria for assessing a community or police agency's need for a centralized juvenile unit, beyond these

general statements. By comparison, the other national standards provide more specific criteria, recommending that, in general, every police agency with more than fifty or seventy-five sworn officers establish a juvenile investigation unit (see NAC, Std. 2.251, and Task Force, Std. 7.1).

The commentary to all the national standards offers two basic reasons for establishing a specialized juvenile unit in a police agency. First, handling juvenile crime involves procedures and resources that are sufficiently different from those in the adult criminal justice system to warrant specialization. Second, the kinds of criminal and non-criminal activities encountered in youth-related work can best be dealt with by skilled and sympathetic youth specialists.

A national evaluation of police juvenile units reports that many of the departments surveyed have units specializing in the handling of juveniles.<sup>3</sup> Of the 125 departments responding to a question about juvenile specialization, 89 percent had a centralized juvenile unit, 6 percent had juvenile officers but no juvenile unit, while 5 percent had neither a unit nor juvenile officers. The study noted that in jurisdictions with a population of over 100,000 there was likely to be a juvenile unit.

<sup>3</sup>See Roberta Rovner-Pieczenik, National Evaluation of Police Juvenile Units, (Washington, D.C.: Police Foundation, 1978).

#### Findings and Recommendations

The four communities differed with respect to how they were organized to respond to problems involving juveniles. Below we describe each department and its juvenile operations.

Boston (District 15). Police District 15 (Charlestown) was the smallest of Boston's eleven police districts. At the time of our study, Charlestown had the fewest officers (60) assigned to it, but the greatest number of officers per 10,000 population (35.5) of the five Boston police districts we studied. Forty-three of the 60 officers in Charlestown were patrol officers and two were juvenile detectives.<sup>4</sup> In addition, the police in Charlestown were much older than the officers serving other neighborhoods: more than 60 percent of the officers in Charlestown were over 50 and nearly 12 percent were over 60 (as of December 1, 1978). In contrast, only 25 percent of the officers assigned to Roxbury were over 50 years of age.

<sup>4</sup>In June 1977, a special order established Team Policing in District 15. The District was divided into two geographical areas: Area A, which included two public housing projects, and Area B, which included the rest of the district. All officers were assigned to either A or B Teams and were instructed to respond to calls for service only within their team areas, except for high priority calls. Each team unit was responsible for conducting all investigations and follow-up cases within its area and for developing a set of activity objectives. The commitment to team policing had gradually diminished and, during this study, the daily operations of District 15 were indistinguishable from those of other Boston districts.

At the beginning of this study (1978) one juvenile detective was assigned to Charlestown (District 15) working on the day shift.<sup>5</sup> Midway through the study, a second detective was assigned to do juvenile work on the evening shift. These officers were also responsible for investigating cases involving adults. The day juvenile officer told us that about a third of his time was spent handling juvenile matters.<sup>6</sup> He had been a patrol officer in Charlestown for 17 years before becoming a juvenile officer eight years before.

The juvenile officer was one of five detectives (2 on nights, 3 on days) in the district who were under the captain's command. The district did not have a supervisor of detectives. For the most part, the juvenile officer set his own case priorities, as did other detectives. With the exception of sensitive cases (e.g., attempted rape, assaults on blacks), the district captain did not appear to establish case priorities.

The organizational structure under which the juvenile officers worked was relatively new at the time of this study. Previously, juvenile officers were organized under the Juvenile Aid Section (JAS) which had been established by Boston Police Commissioner Leo Sullivan in 1958.<sup>7</sup> Originally, it has 26 officers who were assigned to the districts

<sup>5</sup>See Section A-4 below.

<sup>6</sup>We could not verify this because we were not granted access to incident and arrest reports in Charlestown.

<sup>7</sup>One juvenile officer speculated that JAS was organized partially in response to the problem created by a city-wide gang network called the "Majestics."

but accountable to the unit's commanding officers at Headquarters. There were no special requirements for selection and no specialized training, except that attendance was required at occasional seminars conducted by local universities. All juvenile officers met weekly to exchange information on particular kinds of cases and to discuss trends and problems. Each district juvenile officer was required weekly to send information to the JAS on the number of arrests, warnings, and court cases in the district.

Policy statements distributed when JAS was first organized specifically directed juvenile officers not to get involved in social work. At the same time the Department recognized the need for some kinds of unofficial diversion programs. It also suggested outreach to the community, and juvenile officers did in fact attend church, school and community meetings. A closer working relationship with the schools developed as juvenile officers became known to school staffs; school officials would call them more frequently to assist with problems they were facing. Juvenile officers had the power to return truants to schools, which resulted in rather effective control of the truancy problem.

The JAS became defunct under former Commissioner Robert DiGrazia in about 1973 when the administration eliminated some specialized and centralized units. It was never officially disbanded; its officers were simply transferred elsewhere and the commanding officer and clerks were reassigned. One issue that the project addressed was whether the JAS should be re-established in the Boston Police Department.

Some Boston juvenile officers with whom we spoke would have liked to see the JAS reinstated because they found the easily retrievable information in the central recordkeeping system useful. Reports on juvenile contacts were sent from each district to JAS and were an excellent source of information on juvenile problems in general, and on individual juveniles. The JAS maintained a card on each juvenile contacted containing name, address, location and type of behavior that led to police contact, and disposition of the case. Any officer in the city could call JAS to get a history of a juvenile's involvement with the police in order to reach a decision on how to handle a current case. This information is not easily retrievable today because of the absence of a centralized juvenile recordkeeping system. JAS also maintained a separate "gang file" that contained city-wide information about gangs: uniforms, hangouts, membership, and activities. However, centralized information was less valuable after the demise of city-wide organized gangs; information derived from one district is not now particularly useful in predicting or controlling problems in other parts of the city. Some officers we spoke with believed that the JAS served only to collect unanalyzed statistics and store records on juveniles.

Other interviewees believed that resurrecting the JAS would allow a separation of preventative and investigative functions: juvenile officers at the district level could deal with case investigations, while the centralized unit would focus on unspecified cooperative

prevention efforts with various community institutions and groups. Such a separation of functions would minimize the conflict that a district juvenile officer frequently encountered when attempting to establish trust and rapport with a juvenile while having to conduct an investigation that might result in formal proceedings against that same juvenile.

The existence of a centralized unit did affect the day to day handling of juvenile problems at the district level. For example, during the period when the JAS was in operation, patrol officers referred a large percentage of the juveniles they brought into the station to the juvenile officer. However, this was no longer the case during the project period when, in the absence of a centralized unit, turning juveniles over to juvenile officers took court time (overtime) away from the patrol officer.

The existence of a centralized unit with the command located at Headquarters did create administrative problems since juvenile officers, though assigned to the district stations, were accountable to the JAS commanding officer at Headquarters rather than to supervisors at the district level. An equally compelling argument against the JAS was that the different ethnic, racial, and social compositions of the communities that comprise Boston require different police responses. Consequently, we recommended that juvenile cases should be dealt with at the district level, with juvenile officers assigned to the districts and accountable to district supervision. Individual

juvenile offenders would be better dealt with at the district level by officers familiar with and responsive to the community.

Although additional juvenile officers in Charlestown might have been justified by the size of the juvenile population and the number of juveniles involved in reported crimes, the size of District 15 (one square mile) argued against this. Frequent police-juvenile contact could foster communication among officers and juveniles, but could also increase hostility. Additional juvenile officers skilled in the legal and procedural aspects of handling juveniles were not needed. What Charlestown did need were patrol officers skilled in working with juveniles on a personal basis.

At the time of our study, District 15 had no female officers. When a female officer was needed to conduct a search, there was often a long wait before one could be sent from another district.<sup>8</sup> Given the active street life of male and female juveniles in Charlestown, female officers would be very beneficial not only in responding to police calls, but also in speaking with and counseling juveniles who congregate on Charlestown's street corners.<sup>9</sup> In

<sup>8</sup>The Boston Police Department employed approximately 80 female officers.

<sup>9</sup> Some observers believe that female juveniles constituted a genuine problem. Girls in Charlestown did not have the same opportunities as boys. Vocational aspirations are "stereotypical" (e.g., wanting to be a nurse, never a doctor) and the main objective of most teenage girls was to have a boyfriend. Nighttime in warm weather "transforms Bunker Hill Street into a fashion show." It was reported that pregnancies at 14 or 15 were fairly common, and that birth control was a difficult issue to deal with in this predominately Irish-Catholic community. Females were involved in juvenile problems to the extent that they associated and drank with males. Few were arrested: there were 16 arrests of only 8 different girls.

August 1980 a female officer was assigned to District 15. We recommended that there always be at least one female officer assigned to District 15.

Stamford. In September 1980 the Stamford Police Department had an authorized strength of 286 full-time paid personnel and 86 part-time personnel (85 school crossing guards and 1 psychologist). The number of sworn officers was 240. Among the seven largest cities in Connecticut, Stamford ranked sixth in the number of police officers per 10,000 population in 1978. It also ranked sixth in the number of serious (Part I felony) crimes per 10,000 population reported to the police. Stamford also had fewer officers per square mile than did these other cities.

Under the Chief of Police there was a deputy chief of administration/support services and a deputy chief of operations. An internal affairs division, which investigated citizen complaints against the police and any alleged charges of corruption within city agencies, reported directly to the Chief. The patrol and major investigation units were under the command of the deputy chief of operations.

The major investigations division (the Detective Bureau), in addition to conducting investigations referred from the patrol division, also contained specialized units to investigate major crimes, burglary and gambling. This division was staffed primarily by officers drawn from the patrol division and assigned to major investigations for an indefinite period of time.



The Department was gradually phasing out the rank of detective, listing only four at the time of our study. The Youth Bureau fell under the major investigations division.

The city was divided into two areas for patrolling: an east and west division, each under the command of a captain. Each division was geographically subdivided into posts, with posts one to three in the western division, and posts four through seven in the eastern division. Accountability and personal service by officers permanently assigned to specific areas were emphasized.

There is a long-established juvenile unit (Youth Bureau), which was organized in the late 1940's to establish direct contact with youths in the community who were truants, delinquents, or runaways. At that time, the Youth Bureau consisted of a sergeant and two patrol officers; today, it consists of two sergeants, two patrol officers, and a Youth Supervisor. Compared to some larger communities, Stamford had fewer juvenile officers.

At the beginning of this study the Youth Bureau was housed separately from police headquarters to ensure privacy, to facilitate communication with young people, and to comply with the requirement that juvenile records be kept separate from the central records division.

The Department recently renovated and expanded its headquarters and the Youth Bureau moved back to that building in early 1981. The new facility contains a separate wing for the Youth Bureau, with its own entrance and its own detention area away from public scrutiny

and contact with adult offenders. Juvenile records continue to be maintained apart from the central records system.

Of the four communities we studied, Stamford was the only police department with a truly autonomous juvenile unit. One aspect of our research in Stamford was to determine whether a centralized juvenile unit was the appropriate organizational vehicle for the police handling of juvenile problems in that community.

We recommended that the Stamford Police Department retain a centralized Youth Bureau with responsibility for handling all juvenile related matters -- criminal and non-criminal, serious and non-serious -- in both divisions of the city. In addition, we recommended that the Department strengthen the unit's organizational position by (a) assigning a more senior officer to command the unit, (b) adding more officers to the unit and (c) routinely rotating officers through the unit. We also recommended that the Department provide full-time clerical assistance to the Youth Bureau.

These were the reasons for the recommendations:

-The city of Stamford had an extensive network of services for young people, of which the Youth Bureau was an integral part. In the absence of this centralized unit, an agency might have difficulty contacting an individual patrol officer who knew or had referred the juvenile. On the other hand, some members of the unit had established strong ties to youth serving agencies.

-Juvenile court personnel favored a centralized unit. In their experience, patrol officers lacked familiarity with juvenile law and procedures and in general did not perceive working with juveniles as real police work. Also, as a practical matter, it was easier to contact an officer in a small, centralized unit than one in the patrol division.

-The organizational alternatives to a centralized juvenile unit were not workable. For example, if certain patrol officers were designated as juvenile specialists and assigned to each division, problems of coordination and jurisdiction undoubtedly would have hampered the effectiveness of their activities. Giving patrol officers sole responsibility for handling juvenile cases and related matters would not have been acceptable: in general, patrol officers' handling of juvenile cases was criticized both inside and outside the Department, especially as that performance pertained to their knowledge of and respect for the legal rights of juveniles.

Arlington. The Police Division of the Arlington Department of Community Safety had an authorized strength of 82 sworn officers in 1982, but only employed 75 officers. The patrol division consisted of 60 officers (45 patrol officers and 15 superior officers). The Detective Bureau consisted of eight officers (four patrol officers with the title of inspector and four superior officers). Two inspectors served as the Division's juvenile officers. One juvenile officer worked the day shift; the other worked the night shift. In addition to their duties as juvenile officers, they also had responsibility for adult cases: in 1980, 34 percent of the juvenile officers' caseload was adult cases.

The Police Division expected juvenile officers to patrol, especially in the evenings, and to be visible so the young people of Arlington know there are juvenile officers. (The day officer would generally patrol as the school day was ending.) However, the work routine of the juvenile officers included investigating cases considered important to all detective personnel (e.g., house breaks, serious incidents in

progress, etc.), but which usually did not involve juveniles.

Cases involving juveniles that were subsequently handled by juvenile officers were initiated primarily at the patrol level.

The juvenile officers did not generally answer routine calls for service involving reports of youths gathering or drinking unless additional assistance was needed. Although juvenile officers would keep an eye on trouble spots where youths gathered, their concern was potential illicit activity associated with a gathering place or whether members of a group were involved in burglaries or other crimes or delinquent acts.

The Division's arrangement of combining the juvenile officers' responsibilities for handling juvenile and adult cases seemed appropriate. The juvenile caseload and absence of serious crime by juveniles in Arlington did not warrant assigning some officers to handle only juvenile cases. However, we did recommend that the current system of handling cases could be improved by creating more autonomy for the juvenile officers in matters involving juveniles by:

- a. referring all cases concerning juveniles directly to the juvenile officer who determines whether a case should receive follow-up investigation; and
- b. giving a juvenile officer responsibility for prosecuting cases involving juveniles.

Belmont. The Belmont Police Department had a total of 63 sworn officers. In the patrol division there were 43 patrol officers and

nine superior officers (five sergeants and four lieutenants). A lieutenant commanded the patrol division. The Detective Bureau consisted of two full-time detectives assigned to work days and one detective who worked nights. A lieutenant headed the Detective Bureau and was the police prosecutor. The Department had one captain who oversaw all operations. There was also one sergeant assigned as an administrative aide to the Chief.

When this study began in November 1980, one officer assigned to the Detective Bureau did juvenile investigations when time permitted. After the appointment of a new chief, this officer and two patrol officers were assigned to a centralized juvenile bureau. The patrol officers split their time between the patrol division (working nights) and the Juvenile Bureau (working certain days). During our study, these officers also rode with the night inspector on some weeknights. When these officers worked evenings, they were in uniform and their time was divided between juvenile and patrol work. Thus, the Juvenile Bureau was a separate unit but the Head of Operations exercised some control over personnel in the Juvenile Bureau.<sup>10</sup>

<sup>10</sup>This arrangement was not, in our view, entirely satisfactory. The juvenile unit was not autonomous, the patrol officers were young and other officers were not likely to defer to their judgment on matter involving juveniles.

When a juvenile was arrested by a patrol officer in the evening, a juvenile officer was not involved in the processing of the arrest unless he was the arresting officer. The juvenile was booked, parents or guardians were called, and the juvenile was usually released to their custody. A juvenile officer usually learned about such arrests by reading the report that was passed upstairs, reviewing the blotter or hearing about it from other officers. However, we were informed that it was now departmental policy that an on-duty juvenile officer be called after a juvenile was arrested.

We recommended that the Belmont Police Department implement its policy of calling a juvenile officer whenever a juvenile is arrested. The juvenile officer should contact the parent or guardian, fill out the appropriate forms and be available to discuss court procedures with the juvenile and the parent/guardian. Juvenile officers should receive cases involving juveniles regardless of their "seriousness" (i.e., whether the offense is a felony or an adult is involved). To prevent cases from being channeled to the Detective Bureau, all reports of an incident known to involve a juvenile should be referred directly to a juvenile officer.

#### Discussion

Our recommendations to the Arlington, Belmont and Stamford Police Departments were in keeping with all national standards and reports of national commissions. Our recommendations, if adopted,

would not significantly change the way the departments operated.<sup>11</sup>

However, the criteria the standards supplied were not helpful for making recommendations. In each community, social and legal organizational factors and the practical aspects of policing were more compelling arguments for the recommendations we offered.

For example, we were struck by how the organization of the police reflected the legal differences between the handling of juveniles and adults in the two state jurisdictions of Connecticut and Massachusetts. In Massachusetts, there is virtually no legal difference between police handling of juveniles and adults. When juveniles are arrested in Massachusetts, they are booked in the same manner as adults.<sup>12</sup> In Connecticut, juveniles were not booked but rather brought to the juvenile unit where a referral to court was filled out. In Massachusetts, the police are not required by statute to have a parent present when questioning or interrogating a juvenile; in Connecticut, a juvenile's parent must be present during questioning. Juvenile officers understood these procedures; patrol officers did not. These legal requirements made it imperative that the Stamford Police Department retain

<sup>11</sup>All the police departments we studied could be claimed to be in compliance with national standards.

<sup>12</sup>In Boston, officers stated that, in general, the Boston police do not see working with juveniles as being different from working with adults. Police stressed the seriousness of the offense, not the age of the offender. However, courts may scrutinize police handling of juveniles more thoroughly.

its centralized juvenile unit or jeopardize its ability to observe the legal rights of juveniles or prosecute juveniles when warranted.

It made little sense to recommend that Arlington and Belmont juvenile officers handle only juvenile cases or respond to calls for service involving juveniles. First, even though much routine police work in these towns involved handling juveniles, the availability of manpower prevented these smaller departments from assigning officers to exclusively work with juveniles. (Designating all patrol officers as juvenile specialists would be a meaningless change of titles.) Second, insisting that a juvenile officer answer all calls for service would create a problem: responding patrol officers would perceive this as interfering in their sectors, diminishing their autonomy and questioning their competence to handle problems. Neither the number nor seriousness of the problems involving juveniles in the smaller communities warranted a change.<sup>13</sup>

<sup>13</sup>This also applies to Charlestown, a small community within the City of Boston.

#### A-2. RECRUIT AND IN-SERVICE TRAINING OF JUVENILE OFFICERS

The national standards concur in recommending that patrol officers, as well as youth specialists, be given specialized training in handling youth problems (see IJA/ABA Stnds. 4.2 and 5.1; Task Force Stnd. 7.7 and NAC Stnds. 1.421 and 2.253). The standards vary only in the amount of detail they provide.

The commentary to IJA/ABA Standard 4.2 suggests that police training "should involve the study of those academic disciplines that all types of youth workers find useful in their respective vocations." Other sections mention the appropriateness of recruit and in-service training but do not specify how much or what kind of training is appropriate (see IJA/ABA Stnd. 4.2, 4.5 and 5.1).

By comparison, Task Force Standard (7.7) asserts that:

State law enforcement training commissions should establish statewide standards governing the amount and type of training in juvenile matters given to police recruits and to pre-service and inservice juvenile officers. Training programs should include the following elements:

- 1) All police recruits should receive at least 40 hours of mandatory training in juvenile matters;
- 2) Every police department and/or State or regional police training academy should train all officers and administrators in personal and family crisis intervention techniques and ethnic, cultural, and minority relations;
- 3) All officers selected for assignment to juvenile units should receive at least 80 hours of training in juvenile matters either before beginning their assignment or within a 1-year period;
- 4) All police juvenile officers should be required to participate in at least one 40-hour in service training program each year, either within the department or at regional, State and/or national schools and workshops;
- 5) Where feasible, cities should exchange police juvenile officers for brief periods of time so those officers can observe procedures in other jurisdictions; and
- 6) Community, regional, or State juvenile justice agencies should periodically conduct interdisciplinary inservice training programs for system personnel, and police juvenile officers should actively participate in such programs. Community juvenile justice

agencies also should exchange personnel on an interdisciplinary basis for brief periods of time, to enable such personnel to familiarize themselves with the operational procedures of other agencies.

As noted, the difference among the standards is only the degree of specificity. All agree on the appropriateness of both recruit and in-service training in handling youth problems.

#### Findings and Recommendations

Boston. Juvenile officers in the Boston Police Department stated that, as far as they knew, no special in-service training was offered for juvenile officers. The juvenile officers in the Boston Police Department got their training on the street. Their approach to juveniles varied with the individual officer; there were few guidelines or directives. The officers interviewed stressed the need to be known in order to be trusted. Training in juvenile law and procedure comprised approximately 8 to 10 hours of the over 400-hour recruit training program.

The only formal Departmental policies that existed were in the form of special orders. These were sketchy at best in regard to juveniles and covered the following subject matters:

S.O. 74-47 (May 10, 1974): BPD Records Division shall furnish names of those apprehended and convicted of destruction of City property to the City Law Department for civil action.

C.M. 74-31 (May 10, 1974): Patrol officers should notify commanding officer of child abuse cases and the latter will be responsible for written report.

G.O. 11 (June 27, 1973): Juveniles in protective custody should be safely detained but not placed in a cell.

S.O. 70-77 (July 20, 1979): Regarding work of Youth Activities Commission Area Youth Workers.

S.O. 71-96: Patrol officers should be watchful of youthful appearing underage operators.

S.O. (March 23, 1971): Forms to be filed by police officers upon a juvenile's appeal of a case at the District Court level.

Stamford. The Stamford Police Department had no written policies to guide patrol or Youth Bureau officers' handling of juveniles. The 1955 Rules and Regulations Manual has a one-page section on the Youth Bureau that outlined its general functions and command structure. Other sections outlined the duties of various ranks of officers and investigative and administrative procedures, but there was no special section in the manual dealing with juvenile officers or juvenile procedures that might serve as training materials. Furthermore, we were told that orders, memoranda, and written procedures relevant to the police handling of juveniles did not exist.

Stamford police recruits attended training at the Connecticut Police Academy at Meriden. The standard police recruit training course, which all officers must take, was 480 hours long, with 400 of these hours at the academy and the remainder in the field. The juvenile program consisted of approximately five hours on police/juvenile interaction, three hours of juvenile law, two to four hours of related subjects (e.g., abuse/neglect and crisis intervention) and a half



day at Long Lane School, a school for delinquent juveniles committed to the Department of Children and Youth Services (DCYS).

The recruit training provided by the Stamford Department itself included lectures on juvenile procedures by the commanding officer of the Youth Bureau and the Juvenile Probation Supervisor for the Superior Court: Juvenile Matters in Stamford.

There was no extensive in-service specialized training offered Youth Bureau officers by the Stamford Police Department. The Connecticut Police Academy sponsored about 100 in-service training seminars a year, either at the Academy or regionally, but only a few of these are related to handling juveniles. Professional groups, such as the Fairfield County Youth Officers Association, sponsored frequent seminars for youth officers on legal and procedural issues. Some members of the Stamford Youth Bureau usually attended such seminars.

Arlington. In the past, standard practice had been for the Division to hold training classes prior to sending new recruits to the training academy. Classes would often run from five to seven weeks during which time the training officer would familiarize recruits with the laws and standard procedures. The juvenile officer would talk on juvenile matters and outside agency personnel would lecture on the role of community agencies. Notebooks and materials would be distributed to the recruits to study before attending the academy. According to the training officer, Arlington recruits excelled in the training academy.

This training was no longer available. There was pressure to get the officers in and out of the academy so that they could be on the street as soon as possible.

Some officers were sent to short classes run by the Massachusetts Criminal Justice Training Council for in-service training. These classes were usually two or three days, but some were for a week or longer. Arlington officers were not permitted to attend classes that ran for more than three days. Statutory requirements prompted a shift in emphasis to CPR and first-aid training: these were now the primary focus of the in-service training that police officers receive. In addition, budget problems prevented the Arlington Police Division's releasing officers needed on duty for training.

While the National Standards recommend 40 hours of recruit training on juvenile issues and an additional 40 hours of training for juvenile officers, we recommended 20 hours for each to the Boston and Stamford police departments. Given the amount of material on juveniles to be covered and the resources in the Stamford and Boston, we felt this amount of time more realistic and sufficient.

In both jurisdictions, recruits should receive at least 20 hours of training in juvenile issues. We urged training in several important areas:

--services for juveniles available in the community area and how police officers can utilize these services;

- alternative procedures to arrest (e.g., contacting parents, informal referrals);
- relations with school officials and school issues;
- issues of privacy and recordkeeping for juvenile cases;
- other specific departmental policies on handling juveniles (e.g., contacting parents, etc.); and
- procedures for intra-departmental case referrals and the handling of companion cases that involve adults and juveniles.

In addition, in Stamford we recommended that the following areas be included in recruit training due to legal differences in the handling of juveniles:<sup>14</sup>

- effect of the Family with Service Needs Act on the handling of status offenders (e.g., concept of limited custody); and
- exclusionary rule for juveniles.

Officers selected to be juvenile officers in both jurisdictions should receive 20 additional hours of training. This training should include:

- crisis intervention;
- adolescent psychology;
- introduction to court and probation personnel and procedures;
- introduction to social service and community placement personnel and facilities; and
- introduction to school personnel and resources.

<sup>14</sup> During the second phase of this project the Stamford Department initiated a program of assigning twenty new recruits to the Youth Bureau for three to five days at a time. The recruits received explanations of the functions of the Youth Bureau, accompanied a juvenile officer on investigations, were introduced to key juvenile court and youth agency personnel and attended juvenile court sessions.

We also recommended that in-service training for patrol officers should include a review of materials on juvenile matters. Such materials should also be included in the promotional examinations for sergeants.

### A-3. SELECTION PROCEDURES FOR JUVENILE OFFICERS

National standards agree that officers selected to work as youth specialists should be of the highest possible calibre (see IJA/ABA Stnds. 4.2 and 4.5; Task Force 7.6; and NAC Stnd. 2.253). They should be selected from among experienced line officers on the basis of "demonstrated aptitude and expressed interest" (NAC Stnd. 2.253; see IJA/ABA Stnd. 4.5 and Task Force Stnd. 7.6). The commentary to Task Force Standard 7.6 calls for improved selection of juvenile officers:

In assigning people to the juvenile unit, a commanding officer should personally interview each candidate, and the candidate should undergo a written examination specifically designed for the position.

Further, each applicant should be given an oral interview with a selection board composed of police command officers and individuals from other juvenile justice system components and public youth service agencies. Where permissible, a validated psychological test administered by the department should be required of all officers being considered for appointment to the juvenile unit.

Candidates for police juvenile officers should possess the following basic qualifications:

- 1) General police experience in the patrol service, with demonstrated competence;
- 2) Above-average intelligence and a desire to learn;
- 3) Desire to work with juveniles; and
- 4) Basic understanding of human behavior.

Secondary criteria for the selection of police juvenile officers should include:

- 1) Formal education, generally a college degree in the social or behavioral sciences, law enforcement, or criminal justice.
- 2) Ability to communicate with a broad range of people, from very young children to highly sophisticated professionals;
- 3) Ability to write effectively; and
- 4) Basic investigative skills, including interrogation, interviewing, and an ability to make effective courtroom presentations.

Other factors to be considered in selection include age, character, personality, temperament, emotional maturity, ability to make rational decisions, patience, ability to work with minimum supervision, and a good police department record and reputation.

While these recommendations are more specific than those of the other standards, all three sets of standards generally agree on the requirements for juvenile specialists.<sup>15</sup>

Stamford. The Stamford Police Department had no formal procedures for selecting officers for the Youth Bureau. In the past, assignments were made entirely at the discretion of the Chief of Police. Due to the low status of the Youth Bureau, decisions to assign officers to the Youth Bureau were often based on other considerations than the qualities needed for working with juveniles. The Bureau was also used as a place for officers who had recently been disabled and needed "lighter" work.

There were no career tracks associated with being an officer in the Youth Bureau. The average length of assignment of the officers who were in the Youth Bureau was 6½ years. The two sergeants in the Bureau had attained this rank prior to their Youth Bureau assignment. One former Youth Bureau officer became a detective, but it was not clear that his assignment in the Youth Bureau furthered his promotion in any way. Doing a good job in dealing with juveniles had not necessarily led to either a long-term assignment in the Youth Bureau or promotion within the Stamford Police Department.

<sup>15</sup>One apparent difference is that IJA/ABA standards place more emphasis on formal higher education as a criterion in selecting juvenile specialists. (See Commentary to Stnd. 4.2.)

We recommended that the Stamford Police Department develop written criteria for evaluating officers' potential for successfully serving in the Youth Bureau. These criteria, which need not be extensive, could include an expressed or demonstrated interest in working with juveniles, knowledge of juvenile laws, and a good police department record and reputation. We recommended that the department consider as a priority the assignment of a female officer and Hispanic officer who fulfilled these qualifications. Officers on the task force emphasized that the selection of officers should be based on merit and on an officer's desire to engage in youth-related work. Applications for Youth Bureau positions should be accepted from all who wish to serve. An officer should be assigned to the Youth Bureau only with his or her consent, and the Bureau should never be the first assignment of a patrol officer recruited by the Stamford Police Department.

There were no outside agencies or professionals who formally or informally reviewed an officer's qualifications and ability to work with juveniles before he or she is appointed to the Youth Bureau. Given the unit's involvement with outside agencies in Stamford, we recommended that an officer selected to serve in the Youth Bureau be interviewed by representatives of youth-serving agencies and community groups to determine an officer's willingness and ability to work with juveniles. This interview would not be binding on the Department but could be a source of valuable information and advice.

Promotional examinations generally did not include questions on laws or procedures pertaining to juveniles. Believing that materials on juvenile law and procedures in promotional examinations would improve the Department's ability to handle juveniles, we recommended that all civil service promotional examinations should include a section on laws and procedures that pertain to juveniles. This would ensure that Youth Bureau officers have knowledge of this important area; it would also help officers who might never serve in the Youth Bureau but who must supervise patrol officers under their command. Moreover, it would communicate to all officers the importance that the Department attaches to juvenile matters.

We also recommended that the Stamford Police Department should communicate to its officers the idea that assignment to the Youth Bureau would be a positive consideration in future assignments and promotions.

Boston. In Boston field experience and an officer's interest were the major criteria for choosing juvenile officers. Commissioner's Memo No. 75-37 of April 9, 1975 describes the procedures for filling a vacant Juvenile Officer position:

#### MENTION AT ROLL CALLS

POST UNTIL APRIL 23, 1975

There is an immediate opening at District Four for Juvenile Officer.

#### Qualifications

Must have excellent knowledge of District Four, familiarity with the residents of the area, particularly with female and male juveniles residing in the area, whether or not they have been offenders against the law. Should have working knowledge of court procedures used in handling juvenile offenders. Must be able to perform skillful investigations and interrogations and should have a good rapport with the parents of juvenile offenders. Should also have some past experience in the care and treatment of juvenile offenders.

A working knowledge of the Spanish language is preferable.

Applications (Form 1659) must be received by Captain Albert L. Flaherty, District Four, by April 22, 1975. Questions should be directed to Captain Flaherty on Extension 4257.

In the fall of 1979, the District commander in Charlestown put in a request to central headquarters to have juvenile officers assigned to the District to work nights. Subsequently, a juvenile officer who was a Charlestown resident was assigned to the district.

Arlington and Belmont. The Arlington Police Division filled the last vacancy for a juvenile officer one year prior to the commencement of this study in the following manner. A notice of the vacancy for the night juvenile officer's position was posted. The notice described the position and requested applications from officers. These were reviewed by the Director of Police Services and the

Director of Community Safety. Finally, the candidates were interviewed by the Director of Police Services whose recommendation was followed.

During this study the juvenile officer in Belmont was asked by the Chief to submit a list of possible candidates for the juvenile officer's position. Although there were no written criteria, the juvenile officer stated he was primarily interested in officers who could communicate with young people and had good police skills. From this list, the Chief selected two young officers to work in the unit.

#### Discussion

In three of four departments (Belmont, Boston and Stamford) there were personnel changes made in juvenile officers during the study.<sup>16</sup> Belmont added two new officers, the Boston Police assigned one evening officer to Charlestown and Stamford assigned two officers to the juvenile unit. Consequently, we had an opportunity to observe the selection and assignment process for new officers.

No department had any written criteria for selecting juvenile officers. Two of the departments (Boston, Arlington) had established procedures for the selection process (public notice, application, and interview). Belmont, faced with the need to select officers, solicited

<sup>16</sup>In the fall of 1981 the Stamford Police Department was reorganized again. The east and west divisions were abolished freeing up two sergeants who were then assigned to the Youth Bureau. These officers appear to have been assigned at the discretion of the newly appointed Chief.

recommendations from the juvenile officer with the final decision resting with the Chief. In Stamford, the Chief controlled the selection process.



#### A-4. TRANSFERRING AND INVESTIGATING CASES

IJA/ABA Standards suggest that patrol officers should handle cases that can be resolved informally by a single encounter; they should arrest the juvenile when appropriate, but "in cases in which dispositions require more protracted work...transfer them to the juvenile officer or juvenile bureau" (see IJA/ABA Commentary to Stnd. 4.3). Despite commentary stating a preference for patrol officers who are generalists, all the standards agree that most responsibility for juvenile cases should be transferred to juvenile officers.

Boston. Cases usually came to the attention of the juvenile officers in one of two types of reports.<sup>17</sup> A civilian complainant might come into the district station and file a report on an incident involving a juvenile, or a patrol officer might report an incident involving a juvenile that required further investigation. In either case, the juvenile officer would receive the report and investigate. Juvenile officers might also encounter juvenile incidents while patrolling, although this happened infrequently. The juvenile officer contacted almost all complainants who came in during the day. Those who came in at night filled out a report that the juvenile officer received and investigated.

<sup>17</sup> These findings are based on observations and interviews with police officers in District 15 and personnel assigned to the Charlestown District Court. We were not able to track cases in District 15 as we did in other departments to determine the flow of paper.

A patrol officer alone decided whether to refer a case to a juvenile officer. Night officers were less likely to refer cases to the juvenile officer for several reasons: a juvenile officer worked only during the day (during the first year of the study), court time was available for night officers, and more active officers worked night tours.<sup>18</sup> Patrol officers on duty at night sometimes called a juvenile officer for advice, but this was unusual. They were more likely to make an arrest that a juvenile officer did not hear about until the arraignment next morning. When this happened, a juvenile officer had no contact with the case. Since nights were busier, the juvenile officer never saw the majority of juvenile cases.

On the other hand, day officers frequently referred cases involving juveniles to the juvenile officer, either because they acknowledged the latter's expertise, because they did not want to be bothered with "junk" or because they would not be paid overtime if they had to appear in court.<sup>19</sup>

<sup>18</sup> Possession of marijuana was one of several charges that was often delayed to get an extra court day; this could be done because the confiscated drugs had to be analyzed by the Food and Drug Administration. An officer who failed to bring a witness to a scheduled hearing also assured the scheduling of another court appearance.

<sup>19</sup> Court personnel estimated that 70 percent of the Boston police officers assigned to District 15 never appeared in court and that fewer than five officers were responsible for most of the juvenile arrests and court appearances. Data on complaints from the Charlestown District Court supported this contention. Of the 141 charges for which we obtained information, three officers accounted for 24 percent of the

In general, the two juvenile officers set their own priorities for investigating cases. They were two of five detectives (2 nights, 3 days) in the station and as such had general investigative responsibilities.<sup>20</sup> District 15 had no detective supervisor; the detectives were under the Captain's command. With the exception of sensitive cases (e.g., attempted rapes or assaults on blacks) the Captain had evidently not established priorities for case investigation. The decision to pursue a particular case rested with the individual detective.

complaints and seven officers accounted for 43 percent. Those officers who did not appear were older officers, those who were approaching retirement, had a jaded view of their work, or claimed that they did not want to waste time on minor offenses. When these older officers did act, they were not likely to pursue either formal court referrals or informal diversion to social service agencies. Several who were trained in the "old school" and who have spent their entire careers in Charlestown told us: "We take care of everything right then and there. No court bullshit, no hard feelings from the community."

<sup>20</sup> Juvenile officers who worked the day tour were not eligible for court time except on days off. Sworn personnel other than the juvenile officer suggested that one juvenile officer had difficulty in collecting overtime pay for work on resolving disputes informally on his day off. Those critical of police performance in Charlestown suggested that overtime was a major factor in the number of arrests made at night. Since these observations were made (1979), the Boston Police Department curtailed the opportunities of patrol officers to be paid for overtime.

To ensure that juvenile officers receive most cases involving juveniles, we recommended that written procedures for handling of juveniles by the Boston Police Department be developed and distributed in the form of a commissioner's memorandum. These procedures would clarify the role of juvenile detectives in juvenile cases that initially came to the attention of patrol officers. These procedures would also clarify the role of detectives from centralized units temporarily assigned to the District to work on more serious cases. In our view the Boston Police Department should consider referring all incident reports involving juveniles to juvenile detectives. These reports could be screened initially by the district commander, who could decide whether a follow-up investigation was necessary.

Stamford. The unwritten policy for patrol officers' handling of juveniles was as follows. When a call was received for police service, a uniformed officer usually arrived at the scene first. Once it was established that a person under the age of sixteen was involved in criminal misconduct and the officer had concluded that additional police involvement was necessary, one of two courses of action might have been taken. The officer might release the juvenile, write a serial report detailing the incident, and request that the Youth Bureau initiate a follow-up investigation to determine whether a court referral was necessary. Or, if the incident was serious and the officer believed that immediate action was required, he or she would turn over the juvenile to Youth Bureau officers. Patrol

officers very rarely reported contacting a Youth Bureau officer as part of an initial investigation. If one was not available, the youth was detained until one was available. After a patrol officer forwarded a serial report to the Youth Bureau or gave custody of the juvenile to the Youth Bureau, his or her role in the case usually ended.<sup>21</sup>

The decision to refer a serial to the Youth Bureau was made by the patrol officer subject to review by his or her immediate supervisor. We could not determine how often a supervisor reversed a patrol officer's decision.

When a detective investigating a case discovered that a juvenile was involved, the case was not automatically transferred to the Youth Bureau. For example, during the period we analyzed, all reports of burglary were sent to the Detective Bureau's burglary unit, even those involving a juvenile. Some of these serials describe incidents in which both an adult and a juvenile were involved; in other cases the suspect's age was not initially known to the patrol officer who referred the case to the detective. These detective reports were eventually referred to the Youth Bureau for follow-up investigations and possible court referral.

<sup>21</sup>Legal procedures in juvenile cases required that a parent or guardian be present during the questioning of a juvenile. For this reason, more waiting was involved in a juvenile case than in an adult case. Most patrol officers would rather leave a juvenile with a Youth Bureau officer and avoid the waiting.

To study the transfer of cases, we collected and analyzed two data sets: 1255 serial reports filed by patrol officers of the Stamford Police Department and 313 Youth Bureau reports for the periods May 1978 and December 1978 to March 1979.<sup>22</sup> These data showed

- fourteen percent of all patrol officers' serial reports involved a juvenile-related offense. Twenty percent of these serials were referred to the Youth Bureau for a follow-up investigation, an average of forty-seven serials per month.
- incidents of disorderly youths, theft, vandalism, assault and incorrigible juveniles were the ones most often referred by patrol officers to the Youth Bureau for follow-up investigation.

In the Youth Bureau, twenty-seven percent of the 237 serial reports referred to the Youth Bureau resulted in a follow-up investigation, indicating that the Youth Bureau exercised considerable discretion in following up patrol officers' serial reports. The following factors may have explained this:

- Patrol officers' serial reports were only one source of juvenile cases investigated by Youth Bureau officers, who must designate some case investigations as priorities. For example, we were told that direct calls for service from citizens (the source of twenty-nine percent of the Youth Bureau reports) received priority treatment.<sup>23</sup>

<sup>22</sup> The data for the two periods were combined but serial reports were analyzed separately from Youth Bureau reports.

<sup>23</sup> An analysis of 20 years of Youth Bureau statistics indicated that in 1958 police information (e.g., serials) was the primary source of case investigations for the Youth Bureau. From 1958 to 1968, there was a continuous upward trend of relying on police information. However, beginning in 1969 this declined.

- Manpower problems contributed to a lack of follow-up of serials. For example, in May 1978 the percentage of serials followed up was significantly higher than in December 1978, a time when two officers were transferred out of the Youth Bureau.

- The decision to follow-up a case was based on the seriousness of the incident, the juvenile(s) involved, and whether the complainant or responding officer requested a follow-up. It was suggested to us that youth officers were more likely to follow up on juveniles who had come to their attention previously. However, if an incident was serious enough (e.g., assault, burglary), the offender's prior police contact made little difference.<sup>24</sup>

- Some serials lacked basic information (e.g. suspect identification) necessary to conduct an investigation. Some Youth Bureau officers suggested that the report writing skills of patrol officers needed improvement. Data collected by project staff showed that officers often neglected to include the age and race of suspects in their reports. Although youth officers could theoretically return a serial to a patrol officer for additional information, we were told this was rarely done.

- Some types of serials (e.g., bicycle thefts, disorderly or suspicious juveniles) were referred by officers in order to bring a particular problem to the attention of the Youth Bureau, but not necessarily to request that they follow up the problem.

In general, Youth Bureau follow-ups of detective reports were more likely to produce court referrals than follow-ups of patrol reports.

Of all patrol serials referred to the Youth Bureau (65) 29 percent

<sup>24</sup> Reports of a missing child were almost always followed up by Youth Bureau officers. We were told that these cases usually involved an incorrigible juvenile who had run out of the house in the heat of a dispute with his or her parents. Disorderly youths, thefts, and vandalism were problems most frequently referred by patrol officers and they had an almost equal chance of being followed up.

(19) resulted in the Youth Bureau's referring the case to court. Of all detective reports referred to the Youth Bureau, 51.4 percent resulted in a court referral.

Although patrol officers' reports of assaults were most often followed up, they were not likely to produce referrals to court. By contrast, three of the four assault cases referred by detectives resulted in court referrals. Serial reports of disorderly youths and incorrigible juveniles were frequently investigated but produced fewer court referrals. On the other hand, incidents of theft and vandalism had lower follow-up rates but higher court referral rates.

We recommended that the Department develop guidelines for screening serials. All serial reports involving juveniles should be referred to the Youth Bureau. Each report would be screened by the head of the unit, who would decide whether a follow-up investigation was appropriate. Further, the Youth Bureau should develop written criteria for screening these serials based upon present practices and the recommendations of this study, and should circulate these to all commanding officers.

To increase accountability, all serial reports and detectives' reports referred to the Youth Bureau should be logged in the Youth Bureau blotter regardless of how the Youth Bureau disposed of them. If it was decided that the report did not require follow-up, the reason for this disposition should be entered on the blotter.

The Department should clarify the role of Youth Bureau officers in juvenile cases in which an adult is involved and the detective

Bureau takes charge of the case. We recommended that joint responsibility for such cases be established as soon as it was clear that a juvenile was involved.

Arlington. If a patrol officer was required to write an incident or arrest report on an incident, the report was handed to the desk lieutenant for review and his signature.<sup>25</sup> The Director of Police Services reviewed all reports and decided which unit should receive them for a possible follow-up investigation. The head of the Criminal Investigations Division (C.I.D.) received a copy of all "crime related incidents" including incidents that involved juveniles. (The original copy was sent to the records room.) Reports could fall out of the system at the point of the Director's review, although we were told that this did not happen. The officer in charge of C.I.D. reviewed all reports from the Director and decided which cases would receive further action and which would be filed (e.g., reports of stolen cars when there was no suspect, or incidents with no leads). The juvenile officers were assigned reports involving juveniles as well as reports involving adults. Reports involving juveniles did fall out at this point. The juvenile officers had little control over what cases they received or in deciding the cases they would investigate.

The juvenile officers investigated the incidents assigned to them and wrote supplementary reports, generally on those cases that involved court action or restitution.

<sup>25</sup>See also Section C-2 on recordkeeping.

The table below shows the number of "official" contacts with juveniles by patrol and juvenile officers between January 1979 and June 1981. These data, collected from contact cards maintained by juvenile officers in Arlington, recorded only those contacts for which some official disposition was deemed necessary.

	N	%
Arrests	229	39.3
Warnings	135	23.2
Warnings and Restitution	69	11.9
Filed	68	11.7
Court Complaints	35	6.0
Protective Custody	35	6.0
Referrals to AYCC	11	1.9
Total	582	100.0

The primary role of the juvenile police officer was not to investigate serious juvenile crime. Between 1979 and June 1981 55 percent of all contacts (582) involved the juvenile officers' investigating an offense. The table below indicates that juvenile officers most often investigated runaways (28.0 percent) and vandalism cases (20.8 percent).

	N	%
Runaway	89	28.0
Vandalism	66	20.8
Larceny*	39	12.3
B & E	30	9.5
Assault	21	6.6
Drugs**	16	5.0
Trespassing	16	5.0
Drinking	11	3.4
Other	30	9.4
Total	318	100.0

\* Includes cases of unarmed robbery.  
\*\*Includes possession of marijuana and controlled substances.

We recommended that the current system of handling cases be improved by creating more autonomy for the juvenile officers in matters involving juveniles by referring all cases concerning juveniles directly to a juvenile officer who would determine whether a case should receive a follow-up investigation.

Belmont. The transfer of cases among juvenile and patrol officers and detectives in the Belmont Police Department was affected by the recordkeeping practices of the department.

The Department was not oriented to writing incident reports on the minor incidents that comprised the bulk of police work in Belmont and that most often involved juveniles. While some departments (Stamford) required officers to write an incident report for all calls for service and other contacts initiated "on view," Belmont required reports for all arrests, Part I crimes and some Part II crimes. The remaining incidents were "blottered." In the absence of written incident reports, the juvenile officers relied on other written sources of information e.g., dispatcher's incident cards and Field Interrogation and Observation Reports (FIO's)(discussed below), to follow-up an incident. The information about the activities of juveniles in these records was not detailed; these records formed the basis for the juvenile officers' decision whether to proceed with a case beyond contacting the responding officer to acquire more information. After reading a FIO, a juvenile officer might have requested an incident report from that officer when more information



was needed but this was not done.

Given the nature of the information on juveniles in this department's records, it was not surprising that the flow of reports about juveniles through the Department did not always lead to the involvement of juvenile officers. Furthermore, while all FIO's, dispatcher cards, incident cards, incident and arrest reports on juveniles were turned over to juvenile officers, there was some evidence to suggest that juvenile officers did not handle the serious cases involving juveniles (e.g., burglaries). Part of this may have been explained by the fact that the original suspect was not a juvenile or there may have been no suspect and the Detective Bureau routinely handled such cases. This may also be explained by the low overall rate of serious crime in Belmont which afforded detectives the opportunity to spend time investigating incidents that in other police departments would have been routinely handed over to the juvenile officers.

## B. EXERCISE OF AUTHORITY

### B-1. THE EXERCISE OF POLICE AUTHORITY AND CONSIDERATIONS OF RACE, SEX AND ECONOMIC STATUS

The national standards urge that race, sex, national origin, religious belief, cultural difference, and economic status should not determine how police exercise their authority. Such biases should be overcome by fostering impartiality in all aspects of operation through policies, training, and personnel practices, and by the promulgation of adequate guidelines governing the use of discretion. (See IJA/ABA Std. 2.1; Task Force Std. 4.2.)

#### Findings and Recommendations

We could not adequately address the issue of racial discrimination by patrol officers of the Stamford Police Department in their handling of juveniles. The race of juveniles was not always included in the serial reports filed by patrol officers in Stamford. Racial discrimination by the police could not be an issue in the other communities: Arlington, Belmont, and Charlestown are racially homogeneous with few minorities residing in those communities. Data that we collected in the four communities were insufficient to allow us to draw conclusions as to whether the police discriminated in their handling of juveniles with regard to sex or economic status.

We did collect data concerning the subsequent referral of cases by the Stamford Youth Bureau to the Superior Court: Juvenile Matters.

The number of black youths that the Youth Bureau referred to court was disproportionate to the number of black youths residing in Stamford. During 1978-79 the black juvenile population in Stamford was 13.6 percent. Of the juveniles referred to court, 47.1 percent were black. Proportionate numbers of white and non-white youths were referred for serious offenses (i.e., assaults, robbery, and burglary-trespass). White youths were more often referred to court for minor offenses (i.e., family problems, using marijuana, and vandalism) than were blacks. While only 31.8 percent of the white juveniles referred to court were accused of shoplifting, 60 percent of the non-whites referred were so accused. However, most of the juveniles referred for shoplifting were apprehended in one department store and that store was in close proximity to a concentrated black population.

A variety of factors might have explained the number of referrals for shoplifting to the Stamford Juvenile Court: a) the elaborate security measures of the department store (Caldor) from which most shoplifters were referred; b) the policy of Caldor to prosecute all shoplifters; and c) the automatic processing of referrals by a Stamford Police Department officer who also served as liason with the store. We had no evidence that there was any discrimination by officers of the Youth Bureau of the Stamford Police who made referrals to Superior Court: Juvenile Matters. In all our conversations with personnel from youth-serving agencies, schools and courts, we heard no charges of discrimination on the part of officers in the Youth Bureau who made referrals.

The data we collected in Arlington, Charlestown, and Stamford indicated that slightly more than 80 percent of the juveniles referred to court in each of the jurisdictions were males. Data from Charlestown led us to conclude that the sex of the juvenile did not significantly affect juvenile court's disposition of the case. We do not have information from the other communities that could lead us to any conclusions about the effect of sex on the disposition of cases in the East Cambridge District Court.

One factor that might have influenced how the police exercised their authority was the residence of the juvenile. In Charlestown approximately 69 percent of the arrested juveniles were Charlestown residents. With data from the Charlestown District Court we determined residence in Charlestown did affect the disposition of a juvenile's case. Residents received slightly less severe dispositions per offense than did non-residents.<sup>26</sup> This finding may be explained by the fact that the Charlestown District Court was viewed by many people as a neighborhood court, where community conflicts could easily be addressed; it may also be due to the aversion of Charlestown residents to outsiders who were not "townies." Police actions may have also partially explained this finding. The fact that a juvenile resided in a housing project in Charlestown did not significantly affect the disposition of the juvenile's case.

<sup>26</sup>Residence outside of Charlestown, however, had a less significant effect on the way the Court disposed of a juvenile's case than the seriousness of the charge and the number of prior arrests. See Appendix B, "Processing Delinquency Cases", Final Report: Boston.

Of the juveniles arrested in Arlington approximately 74 percent were Arlington residents. Almost half of the juveniles arrested by the Belmont police (who arrested fewer juveniles than the Arlington police both in relative and absolute terms) did not reside in Belmont. We have no information on how the juvenile's residence affected the disposition of his or her case in the East Cambridge District Court.

To improve its understanding of the practice of its officers, we recommended that the Stamford Police Department require patrol officers to completely and accurately fill out that portion of the serial report that notes the sex, race, and age of all juvenile suspects, victims, and witnesses they encounter. We recommended that the Charlestown District Court monitor the disposition of juvenile cases so that if discrepancies persisted, they could be quickly recognized, addressed, and remedied. We made no recommendations to the Arlington or Belmont police on this topic.

#### B-2. POLICE AUTHORITY TO QUESTION AND DETAIN JUVENILES

The standards suggest that juvenile codes clarify the authority of the police to intervene in problems involving juveniles. "Intervene is defined by the Commentary to NAC Standard 2.11 as "the moment at which a public official makes contact with a juvenile because he/she is in danger of or is being harmed by others, is engaging in conduct harmful to him/herself, or is engaging in conduct which harms others." The standards suggest that the police authority to intervene in criminal cases should be quite separate and different from the authority to intervene in noncriminal cases, and propose that guidelines be formulated to aid the police in making these decisions. (See IJA/ABA Stnd. 3.2; Task Force Stnd. 5.6; and NAC Stnds. 2.231 and 2.232.

The standards agree that the police should be authorized to intervene when a juvenile has committed a delinquent act, an act that would be a crime if committed by an adult (see IJA/ABA Stnds. 2.3 and 2.4; Task Force Stnd. 5.6; and NAC Stnd. 2.21). The standards also recommend flexibility for police intervention in noncriminal cases, allowing the police to solve these juvenile problems through informal resolution, use of a citation or summons, protective custody, mandatory temporary referral, or by referral to the juvenile court (see IJA/ABA Stnd. 2.5; Task Force Stnd. 5.6; NAC Stnd. 2.21).

The questioning and detention of a juvenile on the streets is the most common form of police intervention. The Commentary to NAC Standard 2.21

suggests that such intervention be based on a "reasonable suspicion" that the juvenile has engaged or is about to engage in a criminal act, has engaged in certain forms of noncriminal misbehavior, or is in need of protection. The IJA/ABA and Task Force Standards do not explicitly require the police to have a "reasonable suspicion" before intervention, but they do assume that the constitutional protections available to adults will apply to the questioning and detention of juveniles (see IJA/ABA Stnd. 3.2; and Task Force Stnd. 5.6).

The primary Constitutional case ruling on stopping and questioning a person on the street is Terry v. Ohio, 392 U.S. 1 (1968). This case holds that an officer must have a "reasonable suspicion" that the person he or she wishes to stop and question on the street has engaged or is about to engage in a criminal act. Further, before an officer may frisk the person stopped, he or she must have reasonable suspicion that the person is armed and dangerous. When a juvenile is detained beyond the time necessary to make a threshold inquiry, the stop may become an arrest. An arrest is a seizure of a person within the Fourth Amendment and therefore may take place only if reasonable.

#### Findings and Recommendations

Persons we interviewed in Stamford stated that few police officers clearly understood the differences between adult and juvenile investigative procedures. Charlestown residents claimed that a great deal of unnecessary harassment took place in their community; juveniles were frequently stopped and questioned without just cause.<sup>27</sup> Belmont police officers

<sup>27</sup>See also Section B-6, Police Response to Groups of Youths.

frequently questioned juveniles on the street about their activities. This questioning often preceded an order by the police to move along. In these situations the juveniles had done nothing to give rise to any reasonable suspicion of misconduct. Arlington patrol officers generally did not initiate contact on the street with juveniles, alone or in groups, unless they received calls for service.

We recommended that the Boston police follow the guidelines concerning stops contained in the Boston Police Criminal Investigative Procedures<sup>28</sup> manual as those guidelines are applicable to juveniles and are consistent with the national standards and current constitutional law. We also recommended that the District Commander formulate, distribute and supervise the implementation of written policies for patrol officers regarding public drinking and groups of youths. The Arlington, Belmont, and Stamford Departments now have manuals prepared by Center Staff that outline juvenile investigative procedures, including stops.<sup>29</sup>

<sup>28</sup>The manual was distributed to all Boston police officers in 1978.

<sup>29</sup>See Section C-1, Written Policies to Structure Police Discretion.

**CONTINUED**

**1 OF 3**

### B-3. POLICE CUSTODY OF JUVENILES

The standards authorize the police to take an alleged delinquent into custody, a procedure analogous to the arrest of an adult. The police are also authorized to take into custody juveniles involved in noncriminal misbehavior and those in danger of harming themselves.<sup>30</sup> According to the standards, there is some confusion as to whether the Fourth Amendment protections available to adults upon arrest must be made available to juveniles taken into custody for delinquent or other misbehavior. The standards suggest that similar or greater protections be made available to all juveniles taken into custody. These protections include informing juveniles of their Miranda rights, giving them the opportunity to confer with parents/guardians or counsel or both, and perhaps also informing them of their right to refuse to consent to a search.<sup>31</sup> The standards agree that the right to counsel should attach at the earliest feasible stage of court proceedings. The standards view legal representation as important in all proceedings that concern the custody, status or liberty of a juvenile. IJA/ABA Standard 2.4 of Counsel for Private Parties specifies that "when a juvenile is taken into custody...the authorities taking such action have the responsibility promptly to notify the juvenile's lawyer...or to advise the juvenile with respect to the availability of legal counsel." (See also Task Force Std. 16.7; and NAC Std. 3.132.)

<sup>30</sup>The standards urge that this authority over children involved in non-criminal behavior be carefully determined and circumscribed (IJA/ABA Std. 3.2 and Commentary; Task Force Std. 5.6; NAC Stnds. 2.231 and 2.232).

<sup>31</sup>The juvenile's right to remain silent is discussed in Section B-2, which addresses the questioning of juveniles. Police are not required by the Constitution to inform adults of their right to refuse consent to a search.

In addition to the protections regarding legal representation, the IJA/ABA Standards would require the police to inform juveniles of their right to refuse consent to a search. Consent to a search is voluntary only after a juvenile has been given such a warning; the fruits of an involuntary search would be inadmissible as evidence. Since the police are not required to inform adults of their right to refuse consent to search, this requirement would expand the protection given to juveniles beyond that given to adults (see IJA/ABA Commentary to Std. 3.2).

#### Findings and Recommendations

Patrol officers in Stamford were most likely to exercise custody (i.e., take the juvenile home, call the Youth Bureau to the scene, transport the juvenile to the Youth Bureau, or arrest the juvenile) in situations involving drugs. However, there were only seven incidents involving drugs during the time of our study. Custody was also frequently exercised in incidents of assault or theft; it was least exercised in incidents involving vandalism, disorderly conduct, or incorrigibility. In general, Stamford Youth Bureau officers were more likely than patrol officers to exercise custody over a juvenile. Temporary detention of a juvenile at Stamford Police Headquarters occurred when a patrol officer arrested a child and a Youth Bureau officer was contacted to continue processing the case. The Stamford Police headquarters has a juvenile holding room that is physically separated from the adult holding unit.

In Charlestown, when an officer decided to transport a juvenile, the officer took the juvenile to the district station. Juveniles were seldom

taken directly home; rather the parent or guardian was called to the station for a "warning."

There was no DYS-approved holding cell in the Charlestown district station. Juveniles to be detained were taken to the Charlestown YMCA a DYS facility. Because the "Y" serves the greater Boston area, space was limited, and thus, DYS would not admit all juveniles that the police took into custody. The officers believed the lack of detention facilities accounted for the fact that so few Charlestown juveniles were put under protective custody for drunkenness under M.G.L. c.199B. If the parent or guardian refused to take custody of a juvenile and the DYS facility refused to admit the juvenile, the only alternative available to the police was to take the juvenile to a hospital. However, nothing could be done when the juvenile left the hospital. DYS could refuse to admit juveniles who were intoxicated, under the influence of drugs, or violent. The police admitted detaining juveniles under the influence of drugs for the juvenile's safety although they had no approved holding area.

In Stamford only 10 percent of all Youth Bureau cases (18 of 177) resulted in the juvenile's being placed in the DCYS detention facility in Bridgeport. Incidents involving runaways accounted for 7 of the 18 instances of detention. Twelve of the fourteen detained juveniles were males; eight were black and six white. Those juveniles held on delinquency offenses were most often charged with assault, robbery, or burglary. That such a low percentage of juveniles were detained was attributable, in part, to three factors: the police and court preferred to release a juvenile to the parent if the



home environment was suitable and the juvenile was not a danger to the community, the DCYS facility could hold only 18 persons and the facility was shared with other communities, and the 50-mile round trip to Bridgeport was time-consuming for the police.

Juveniles in Charlestown were rarely held pending a court appearance. Usually, they were held only when it was unlikely that they would show up at court. The juvenile probation officers made the initial detention decision. When a juvenile was arrested at night, the police contacted the parents and the probation officer. When no juvenile probation officer was available, the police called adult probation officers. The probation officer might ask the arresting officer if the juvenile had been cooperative. "If the kid doesn't have the sense to keep his mouth shut," he would be detained. If no probation officer could be reached, the police made the release/detention decision. Juveniles who were detained were taken to the DYS facility, where they were usually kept just a few hours, until arraignment the next morning.

Both the Arlington Police Division and the Belmont Police Department had DYS-approved holding areas. It was the policy of both towns to detain a juvenile for as short a time period as possible. Usually when a juvenile was taken into custody, the juvenile probation officer of the East Cambridge District Court was so informed. Unless probation informed the police that the juvenile should be detained (e.g., there was an outstanding warrant on the juvenile, the juvenile was an escapee from a DYS-facility, etc.), the police would release the juvenile to the parent or guardian as soon as possible.

If not, the police would release the juvenile to some other responsible adult. The same policy was applicable to juveniles held under protective custody. If a juvenile must be detained for longer than was necessary to contact a parent/guardian and release the juvenile to such person, the Arlington and Belmont police would try to arrange to have the juvenile placed in the DYS-facility in Charlestown. However, the Boston Police Department had priority in placing juveniles in that facility so that there often were not places available for juveniles placed in custody by the Arlington or Belmont police.

We recommended to the Stamford Police Department that it continue the practice of releasing a juvenile to the parent whenever possible. We also recommended that officers include in their reports the length of time they exercised custody over a juvenile. Further, a record should be kept of juveniles detained in the holding room at police headquarters and attempts to contact parents. This information was relevant because it may be suggestive of a home situation that would lead the police to recommend to probation that the juvenile be detained. The practice of noting the time of custody was particularly important after the FWSN Act went into effect and the maximum time period that a juvenile taken into custody under the authority of the Act could be held was six hours.

We also recommended that the police in Charlestown be required to note in their arrest reports the length of time a juvenile was held in their custody. If a juvenile was warned, rather than arrested, the length of time the juvenile was detained should be noted in the FIO report.<sup>32</sup> Further, a record should be kept of juveniles detained in approved holding cells.

<sup>32</sup>See Section B-7 below.

B-4. NOTIFYING PARENTS/GUARDIANS OF A JUVENILE IN POLICE CUSTODY

The standards suggest that the police follow certain procedures when a juvenile is taken into custody. First, they agree that the police should give the juvenile Miranda rights. The police should also immediately notify the parents/guardians that their child has been taken into custody (see IJA/ABA Commentary to Stnd. 3.2; Task Force Stnd. 5.6; and NAC Stnds. 2.242 and 2.243).

All the standards require the police to provide parents/guardians with additional information. The NAC Standards would require the police to inform parents/guardians of the rights to which their child is entitled (see Stnds. 2.242 and 2.243). The IJA/ABA Standards suggest that Miranda warnings be given to the parent/guardian as well as the child (see Commentary to Stnd. 3.2).<sup>33</sup> The Task Force Standards would require that the parents/guardians be notified only of the acts for which the juvenile may be charged, the seriousness of the potential charges, and the possible penalties for committing the alleged act (see Task Force Stnd. 5.8).

Certain procedures should be followed when a juvenile is interrogated, and all the standards stress that care must be exercised to ensure the voluntariness of any waiver or confession. The IJA/ABA Standards recommend the presence of counsel during the questioning of a juvenile; the Standards

<sup>33</sup>The IJA/ABA Standards recognize the difficulty of requiring the police to give Miranda rights to the parents of a juvenile, particularly when parents refuse to come to the police station or are hard to reach. In spite of this reality, the Standards recommend that the police should give parents Miranda warnings.

would not allow the juvenile to waive the right to remain silent without the advice of counsel. If counsel is waived, the waiver must be made in counsel's presence (see IJA/ABA Std. 3.2 and Commentary). The Task Force simply concludes that a juvenile should not be allowed to waive any rights without the advice of counsel, even if counsel has been waived (see Task Force Std. 5.8). The NAC Standards require that a juvenile be informed of his or her right to have counsel, and that a parent or guardian be present at questioning (see NAC Std. 2.247).<sup>34</sup> In sum, the standards are less concerned with the presence of a parent/guardian at questioning than they are with the presence of counsel.<sup>35</sup>

#### Findings and Recommendations

Boston. Juvenile officers in Charlestown attempted to contact a parent or guardian whenever they investigated a juvenile case, whether it was to be handled formally or informally. This was true of alleged delinquency and CHINS cases. One of the juvenile officers was known to go out of his way to contact parents before formal proceedings were initiated. Officers informed us that parents were telephoned shortly after the juveniles' arrest. Officers also informed us that in approximately 30 percent of the cases in which a juvenile was detained, parents in the Metropolitan Boston area would not come

<sup>34</sup> However, these standards would not invalidate a statement obtained in the absence of a parent/guardian.

<sup>35</sup> The IJA/ABA Standards indicate that the advice of a parent/guardian should not suffice to ensure a valid waiver of a juvenile's rights because of the possible conflict of interest between the parent/guardian and child or the coercive nature of such advice (see IJA/ABA Commentary to Std. 3.2).

to the station when called to pick up their child. In Charlestown, the police estimated that 50 percent of the parents did not come. Some parents changed their minds after a few hours, but by then the juvenile was usually in the Charlestown detention facility. The DYS facility could then release the juvenile to the parent.

In Charlestown juveniles were read their Miranda rights upon arrest although parents were not so informed. Counsel was not made available to juveniles during interrogation by the police. We do not know whether parents were present at these interrogations. There were times when the police believed it was not appropriate to go forward with a case after an arrest had been made: a stationhouse adjustment was an alternative.<sup>36</sup> In such instances, the police required the parents to sign a form that releases the police from liability for false imprisonment. Some officers arrested juveniles after stationhouse warnings were given because they were unsure of their liability. A waiver was available, but no one was sure of its effects. While this was not considered to be a major problem it appeared to be of concern to some officers.

Stamford. Stamford Youth Bureau officers were more likely than patrol officers to contact a juvenile's parent about an incident involving an assault, disorderly conduct, drugs, incorribility, theft, or vandalism. This may be explained, in part, by the investigative responsibility of Youth Bureau officers and the fact that a suspect was more likely to be questioned by a Youth Bureau officer than a patrol officer. Police contact with suspects at the patrol level was not necessarily an important factor in deciding whether to

<sup>36</sup> We could not determine how frequently the police resorted to stationhouse adjustments. Some officers insisted that they sought complaints for all juveniles who were arrested. See Section B-7.

contact a parent. Only 9 percent (32 of 351) of the contacts patrol officers had with juvenile suspects led to police contact with a parent. The Youth Bureau contacted a parent or guardian after encountering a juvenile suspect in 82.9 percent (160 of 193) of the reported incidents.

Parents were usually present during the Youth Bureau's questioning of a juvenile. When the juvenile was observed committing the crime (e.g., shoplifting), the parents' presence was not required, as a prima facie case in support of the referral could be made without the juvenile's statement. However, in such cases parents were informed that their child was in custody and were asked to come to the Youth Bureau. If the parents could come to the station, they were asked to grant permission to the police to question the child. Interviews with persons familiar with juvenile court procedure elicited numerous comments to the effect that some police officers did not adequately protect juveniles' rights. Concern was expressed that these officers did not always adequately inform the child of his or her rights and that, at times, they questioned juveniles without their parents' being present. This led to statements that were inadmissible as evidence in later court procedures.

Court and police officials did meet, at least once, to discuss proper procedure when questioning a juvenile. We recommended offering in-service and recruit training as well as updating the Stamford Police Manual in an effort to adequately inform both recruits and current police personnel of the differences between juvenile and adult procedure.

Arlington and Belmont. When a juvenile was taken into custody in Arlington or Belmont, the police immediately attempted to contact the parent

or guardian. As we noted, when this study began it was not the practice of the Belmont Police Department to involve a juvenile officer in the processing of an arrest made by a patrol officer; this is no longer true. Now it is departmental policy to call an on-duty juvenile officer after a juvenile is arrested; the juvenile officer will contact the parent/guardian. In Arlington, if a juvenile officer was available, the arresting patrol officer would turn the case over to the juvenile officer after the juvenile had been booked. The juvenile officer would then contact the juvenile's parents and request that they come to the station to pick up their child. The juvenile officer reviewed the arrest incident with the parent and explained the juvenile court procedure.

The police in Arlington and Belmont encountered few problems contacting the parent or guardian of a juvenile who had been taken into custody. The parents in these communities came to the station to pick up their children. When the parent was unable to pick up the juvenile, the police usually released the juvenile to another person. This may have included an older sibling who had not yet reached the age of majority.

According to Massachusetts law, a probation officer should be notified immediately after a juvenile has been arrested. However, the Arlington police acknowledged that when court was not in session they did not contact probation. They also did not contact probation when they decided not to detain a first-time offender, a very young offender, or when a parent or guardian promised to take responsibility for bringing the juvenile to court.

We recommended to the police in Charlestown that ideally an attorney should be present when they interrogated juveniles, especially in light of the findings that many parents failed to appear at the station when notified their child is in custody. However, ensuring the presence of counsel was neither the obligation nor responsibility of the police. We did recommend that the police provide the following information when they telephoned the parent/guardian of a juvenile in custody: that the juvenile was in need of parental advice and guidance and that while the police would inform the juvenile of the Miranda rights, the juvenile might waive those rights without a parent or guardian's being present.

#### Discussion

Contrary to national standards, Connecticut statutes require the presence of parents rather than attorneys before any statement made by a juvenile may be used in court. This requirement accords with efforts to keep the juvenile justice system from becoming a miniature criminal court. While in some cases parents' interests conflict with the best interests of the juvenile, this is uncommon. Further, in the vast majority of cases the parents will probably be more concerned and better informed than appointed counsel about what is best for the child.

#### B-5. POLICE AUTHORITY TO QUESTION OR DETAIN STUBBORN CHILDREN

Status offenders are juveniles subject to court jurisdiction although they have not committed any act that would be a crime if committed by an adult. Truants, runaways, and stubborn children are status offenders. Some commentators have urged that status offenses be removed from juvenile court jurisdiction because many courts have handled status offenses in much the same manner as, or even more severely than, delinquents. They argue that such problems are best dealt with by parents, guardians, schools, or social work agencies trained to treat noncriminal misbehavior. Other commentators insist jurisdiction over status offenses should be retained because society needs an agency of last resort. However, they would reform the present system by defining more narrowly the juvenile court's power over status offenders.

The IJA/ABA Standards would not permit the police to intervene in a family with a stubborn child unless the juvenile is in "substantial or immediate danger" (see Noncriminal Misbehavior Volume, Stnd. 2.1).<sup>37</sup> These standards would eliminate juvenile court jurisdiction over all acts of misbehavior, ungovernability, or unruliness that do not violate the criminal law (see Stnd. 1.1). However, they would retain jurisdiction over runaways, juveniles whose physical safety is in "substantial and

<sup>37</sup>All IJA/ABA citations in this Section refer to the tentative draft of the Noncriminal Misbehavior volume of the IJA/ABA Juvenile Justice Standards Project. The decision of the ABA's House of Delegates to approve this volume has been indefinitely deferred.

immediate" danger, juveniles in conflict with their families, and juveniles in need of emergency medical services (see Stnds. 2.1, 5.1, and 6.1). In these cases, the police may take a juvenile into "limited custody" (see Stnd. 2.1). In addition, a "broad spectrum of services reasonably designed to assist a juvenile in conflict with his or her family" would be made available (see Stnd. 4.1).

Under the Task Force Standards, court jurisdiction over families with stubborn children would be permitted only if the incorrigibility of the child is repeated and the demands of the parent/guardian on the child are not unreasonable. The Task Force Standards state that the only conduct warranting intervention by the juvenile court is conduct that is clearly self-destructive or otherwise harmful to the juvenile (see Task Force Introduction to Families with Service Needs, p. 311). In spite of this language, the Task Force FWSN jurisdiction would not significantly change existing court jurisdiction over status offenders. FWSN jurisdiction would extend to families of juveniles who are habitual truants, who repeatedly use intoxicating beverages, or who are less than 10 years of age and commit delinquent acts (see Stnds. 10.4, 10.5, 10.6, 10.7, and 10.8).

Although the Task Force Standards do not directly address the question of police intervention, two Standards describe situations in which the police are authorized to intervene coercively. Standard 12.8 would allow the police to provide temporary custody for a juvenile pending a FWSN proceeding only when such care is "clearly necessary to protect the juvenile from bodily harm and all available alternative means for adequately

providing such protection have been exhausted." The police could also remove a juvenile from his or her home under the "Endangered Child" jurisdiction of the juvenile court when the juvenile is in actual physical danger (see Stnd. 12.9).

The Task Force requires the police to exhaust all possible non-coercive alternatives before a juvenile may be taken into custody or become subject to juvenile court jurisdiction by the issuance of a complaint. The Commentary to Standard 10.2 details the findings the family court must make with respect to voluntary services before it can exercise jurisdiction over any of the behaviors described in the standards on FWSN. First, the court must determine whether voluntary services capable of meeting the juvenile's and family's specific needs are available in the community. If the court finds those services are available, it must determine whether they have been offered to the juvenile and the family. The Standards would not empower the court to exercise FWSN jurisdiction until it is able to make a finding that all available services appropriate to the particular case have been offered. If the resources are available and they have been offered to the juvenile and family, the court must determine whether they have been fully utilized.

The court can exercise jurisdiction to force the juvenile and family to receive services if they have unreasonably refrained from making use of available programs. This situation should arise only when voluntary services have been offered but the juvenile and the family refuse to take advantage of such opportunities to solve their problems outside the family court



system. The court may also exercise its jurisdiction when the juvenile and family have participated in the available programs but have failed to benefit from them.

The court must have made a specific finding as to a particular behavior before it can determine what services are appropriate. The allegation that all available alternative resources have been exhausted should be supported by an intake worker's assessment of those services that are available and those that have been exhausted.

The NAC limits police intervention in noncriminal misbehavior cases to stubborn children, runaways, truants, and juveniles exhibiting "asocial or dysfunctional behavior resulting from their excessive use of alcoholic beverages" (NAC Stnd. 2.12). This intervention would be limited to the provision of services on a voluntary basis unless "such services have been offered and unreasonably refused or have proven ineffective after a reasonable period of utilization." The NAC Standards would require the police to obtain a court order prior to taking a juvenile into custody for non-criminal misbehavior. However, if this is impractical, the police are authorized to take such a juvenile into custody only if there is probable cause to believe that he or she has committed one of the four misbehaviors set out in Stnd. 2.12 (see above), and it is determined "that there is no person willing and able to provide supervision and care for the juvenile and the juvenile is unable to care for himself/herself, or that issuance of a citation or summons would not adequately protect the juvenile from imminent danger of serious bodily harm" (Stnd. 2.232).

The NAC Standards agree that juvenile court jurisdiction over the families of truants, stubborn children, runaways, and delinquents less than ten years old should be retained, but assert that it should be invoked only when all available and appropriate non-coercive alternatives to assist the juvenile and his or her family have been exhausted (see NAC Stnd. 3.112 and Commentary for history).<sup>38</sup> The NAC Standards would not permit the police to intervene coercively in the life of a stubborn child unless the misbehavior is repeated and the child is referred to intake, or unless the juvenile is in imminent danger of serious bodily harm.<sup>39</sup> In contrast to the Task Force Standards, the NAC would not subject juveniles who repeatedly use intoxicating beverages to juvenile court jurisdiction.

Until recently most states, including Connecticut, did not distinguish between status offenders and delinquents (i.e., juveniles who have committed an act that would be a crime if committed by an adult). Juveniles who were truant, runaway, stubborn, or had engaged in "immoral conduct" could be adjudicated delinquent. Because status offenses were included within the statutory definition of delinquency, police could stop and

<sup>38</sup> The NAC Standards require the same procedures for "exhaustion of non-coercive alternatives" as do the Task Force Standards.

<sup>39</sup> However, the NAC Commentary to Standard 3.112 states that nothing in the Standard is intended to preclude the police from taking a juvenile home if, for example, the child has violated a curfew (see Stnd. 2.12).



question a juvenile who was stubborn and take him into custody in the same manner as if he or she were a suspected felon.

In Massachusetts, under the Children in Need of Services (CHINS) statute (M.G.L. c. 119 §2), a "stubborn child" is a person below the age of 17 who persistently refuses to obey the lawful and reasonable commands of his or her parent or legal guardian. That disobedience must result in the parent or guardian's inability adequately to care for and protect the child. Applications for CHINS petitions for truants, stubborn children, or runaways are available from the Clerk's office.<sup>40</sup> Prior to July 1, 1978, the Charlestown District Court heard such cases, but they are now handled by the Boston Juvenile Court, as are care and protection cases. At the time of our interviews four CHINS cases from the previous year were still pending in the Charlestown District Court.

Although a police officer may apply for a petition alleging a runaway or stubborn child, a juvenile can be arrested only if he or she fails to obey a summons or the officer has probable cause to believe the juvenile has run away and will not respond to a summons. If the juvenile is arrested, a petition must issue unless one had been previously issued. After the petition issued (this is a legal document, not an order for services), the probation officer discussed the situation with the parents, juvenile, and counsel (private or appointed). Many cases were diverted before reaching a hearing on the merits.

<sup>40</sup> Allegations of specific misconduct are not required and are rarely found in applications for petitions. Alleging the statutory language in the definitions of children in need of services is sufficient.

Under Connecticut law police officers are justified in arresting a juvenile when they have probable cause to believe that he or she has committed an act that brought him or her within the jurisdiction of the juvenile court. By statute, the police can arrest a juvenile without a warrant when the juvenile has been caught in the act of delinquency, the police are acting on the "speedy information" of others, or "when the use of such process appears imperative" (C.G.S. §46b-133). Until recently stubborn children, truants, runaways, and juveniles who engaged in "immoral conduct" were subject to juvenile court jurisdiction.<sup>41</sup>

The very broad language of the Connecticut statute did little to restrain the police from detaining status offenders (see C.G.S. §46b-133). For example, if a police officer approached a juvenile who the parents claimed was stubborn, the officer could take the juvenile into custody if he or she admitted to the offense, if the officer was acting on speedy information of others, or if other circumstances made custody seem imperative.

These broad powers of intervention for non-criminal misbehavior, which were in effect until the recently passed Connecticut legislation was implemented, were quite clearly contrary to the recommendations proposed by national standards. Although these standards disagree on specific changes, they all agree on two basic goals: a need to define

<sup>41</sup> Connecticut has recently enacted legislation to alter significantly the power of the police and juvenile court to intervene in the lives of status offenders. See Recommendation B-8, Final Report: Stamford and Police Procedures for Handling Juveniles (Center for Criminal Justice, January, 1982).

more carefully which juvenile conduct merits coercive intervention, and that voluntary services should be the favored means of dealing with status offenses.

#### Findings and Recommendations

Boston. Police officers with whom we spoke in Charlestown seemed to misunderstand the law as it applies to applications for CHINS petitions. It was their perception that a parent or guardian must file a complaint in Boston Juvenile Court to initiate a CHINS proceedings. According to Massachusetts law, a police officer may also apply for a petition.

We interviewed a probation officer in the Charlestown District Court. He believed there had been only one or two formal commitments to the Department of Social Services or of Public Welfare in the past few years. The probation officer believed judges disliked juvenile cases in general and CHINS cases in particular because they were so time consuming. CHINS cases were also difficult because the family had to assume an assertive posture against the juvenile, in marked contrast to the defensive posture assumed in delinquency cases.

According to an assistant clerk of the Charlestown District Court, the transfer of CHINS cases from the district courts to the Boston Juvenile Court, effective July 1, 1978, was accompanied by an increase (of perhaps 50 percent) in CHINS petitions. The BJC probation officer attributed this rise to professional knowledge: the BJC could offer more comprehensive service than the surrounding district courts. In his view,

consolidation of CHINS in BJC probably meant improved services available to juveniles. Charlestown CHINS referrals to the BJC did not differ markedly from those of other Boston neighborhoods. However, few Charlestown juveniles were adjudicated CHINS. Of those so adjudicated, many were from the housing projects and were either truants or stubborn, rather than runaways.

The transfer of all CHINS cases to the BJC presented a transportation problem for some Charlestown juveniles and their families. When the hearings were held locally, juveniles had no excuse for not attending, as they could walk to court. This was no longer true after July 1, 1978.

We recommended to the Boston Police Department that officers not be permitted to apply for CHINS petitions alleging stubborn children. The goal of this recommendation was to keep as many juveniles as possible out of the formal juvenile justice system and to encourage parents and guardians to assume responsibility for their children.

Stamford. Reports of stubborn children constituted 3.1 percent of all juvenile serial reports written by patrol officers in Stamford (60 of 1174) and 2.6 of all Youth Bureau reports (8 of 313). Our analysis of the patrol officers' serial reports indicates that most stubborn children patrol officers encountered were males (62.7 percent) between the ages of 11 and 16 (96.8 percent). The patrol officers were most likely to make contact with the child on the scene (77.3 percent). Most incidents occurred on the evening shift (61.7 percent). Patrol officers were more likely to report having taken no official action on the scene (90.9 percent

of the incidents) than to warn the juveniles (4.2 percent) or immediately involve the Youth Bureau (4.6 percent). Eleven of 60 patrol serials concerning stubborn children (18.3 percent) were referred to the Youth Bureau for follow-up investigations.

Stamford patrol officers ranked family problems with stubborn children as the third most troublesome juvenile problem they were called upon to handle. Their reasons for considering the problem troublesome were (1) parents were uncooperative, (2) officers were not trained to deal with this situation and did not know when to intervene, (3) the officers were dealing repeatedly with the same children, and (4) the Stamford Police Department did not have any written guidelines concerning stubborn children.

Our analysis of Youth Bureau reports revealed that most stubborn children encountered by Youth Bureau officers were female (6 of 8) and all were between the ages of eleven and sixteen. Youth Bureau officers made contact with the child in four of the eight cases; seven of these incidents were investigated during the evening shift. Data we collected on seven of the incidents indicates that two children were diverted to a social agency, two were warned, and no action was taken in the other three cases.

From January 1978 to July 1979, the Youth Bureau made only two referrals to the Superior Court: Juvenile Matters for stubborn children. The Superior Court: Juvenile Matters in Stamford requested that the police not refer children for incorrigibility because the nature of the offense requires the parent or guardian to document a pattern of disrespectful behavior. Consequently, the Court asked the police, when they encountered such complaints,

to instruct the parents to come to Court to initiate a referral. At that time, the Court intake officer could determine the seriousness of the problem and whether it justified Court intervention.

We were informed that parents of stubborn children would request that their child be referred to the Court on a breach of the peace charge rather than incorrigibility when he or she "acted out." (The former is easier to prove than the latter.) However, we did not determine the extent of this practice.

We recommended that the Stamford Police Department should implement procedures to cope with changes created by the FWSN Act, specifically procedures for handling status offenders when no Youth Bureau officer was available.<sup>42</sup>

After implementation of the FWSN Act, we recommended that the Stamford Police Department monitor statistics of encounters with juveniles and referrals to the Court to note any significant changes in police practices in handling minor criminal misconduct, i.e., offenses for which "status offenders" might be charged.

Arlington and Belmont. Data we collected in Arlington and Belmont about alleged CHINS revealed very few CHINS cases and these were not categorized by type or misbehavior. Thus, we have no information about the police handling of stubborn children in these communities.

<sup>42</sup> Such procedures were developed for the Stamford Police Department by the Center for Criminal Justice. See Police Procedures for Handling Juveniles (January 1982).

### Discussion

The recent Connecticut legislation, while not adopting all the recommendations of the Task Force, makes substantial changes in the authority of police to intervene in the lives of status offenders, based in part on the recommendations of the Standards. There was concern among police officers that, without detention or the threat of it, the law would not work. The curtailment of police power to "hold" status offenders suggested that the police must be aware of all available youth services and be able to refer juveniles to these services efficiently. Police must also have written procedures to expedite cases.

### B-6. POLICE RESPONSE TO GROUPS OF YOUTHS

In Boston, Arlington, and Belmont, youths gathering on corners or in parks were a common phenomenon. However, the police responded to the problem differently in each community. Below we discuss laws pertaining to this problem and the police response to youths "hanging out" in these three Massachusetts communities.

In Charlestown, both young and old people "hang out". On the streets in the housing projects and on certain corners of the main streets, various groups have established their turf. Corner affiliations are important to juveniles aged thirteen to eighteen. The first question new acquaintances ask each other may well be, "Where do you hang?" Until late in the evening there are clusters of people in the streets, talking and drinking beer. The problems associated with hanging out, primarily vandalism and harassment of residents, stem from public drinking.

Arlington youths hang out in the center of town and in the parks and school playgrounds, and even the cemeteries located within the town's borders. Belmont youths gathered in the town's two major squares, parks, and open areas of large private estates.

"Hanging out" is not a crime, but behavior that can be expected to cause a public disorder is criminal. Groups of juveniles who are hanging out are presumed not to be violating the law unless they trespass or act in a way likely to cause a breach of the peace.

The law prohibits a person from entering or remaining on another person's property without a privilege to do so. A person who either enters

or remains in a house, building, boat, or enclosed or improved land, after having been forbidden to do so by the person in lawful control of the premises, is guilty of criminal trespass (see M.G.L. c.266 §120).<sup>43</sup> Trespass may be involved in almost any situation in which a person is on another's property, knowing or having reason to know that he or she should not be there.

Hanging out may involve criminal activity when it is accompanied by conduct that is likely to cause injury or a breach of the peace (e.g., disorderly conduct or loitering). Boston Municipal Codes provide more specific restrictions on public conduct. Asking for money (Ch 7 Ord. 14 §151), disorderly conduct in market areas (Ch 11 Ord. 14 §282) or public grounds (Ch 11 Ord. 14 §340), and making too much noise (Ch 11 Ord. 14 §354) are examples of prohibited activity. Loitering (i.e., conduct in a street that obstructs or endangers travelers, or that is likely to cause a breach of the peace) is also proscribed by municipal ordinance (Ch 11 Ord. 14 §354).

In addition, the youths who gather may be committing one or more of the following offenses: disturbing the peace, M.G.L. c.272 §53; minor transporting alcohol, M.G.L. c.138 §34; trespassing, M.G.L. c.266 §120; possession or drinking intoxicating liquor in a public way or playground, Arlington by-laws Articles 9A Section 4 and Article 9 Section 25; loitering in schoolyards, Arlington by-law Article 9B Section 3; and throwing snowballs or stones, Arlington by-law Article 9 Section 8.

<sup>43</sup>Proof of trespass does not require a showing of intent to commit any other crime in the forbidden area. That forbidden area may be publicly or privately owned. Further, a person may be forbidden to enter or remain directly, by oral command or by locking the premises, or indirectly, by posting "no trespassing" signs.

There are two state statutes (and an Arlington by-law) that authorize a police officer to order a group to move along.<sup>44</sup> These statutes may be unconstitutional except when very narrowly applied.<sup>45</sup> However, there are several other statutes and by-laws that are constitutional and that often allow the arrest of kids who are "hanging out". For these offenses an order to move along should be considered a less restrictive alternative.

M.G.L. c.269§ 1 authorizes the police to disperse unlawful assemblies: "if five or more persons being armed..., or ten or more persons, whether armed or not, are unlawfully, riotously or tumultuously assembled in a city or town..." More questionable is M.G.L. c.41 §98 which allows police to disperse any assembly of three or more persons, and to arrest those who do not obey the dispersal order. Arlington's loitering by-law is also of doubtful constitutionality: "No person shall loiter in any street, or on any sidewalk or in any other public place in the Town after being directed by a police officer to move on... ." Arlington by-law (Article 9 Section 9).

<sup>44</sup>Belmont has no by-law that addresses this problem.

<sup>45</sup>A constitutional challenge of these laws would be based on the First Amendment's guarantee to free speech and assembly. Unless construed narrowly the statutes are overbroad and vague, producing a "chilling effect" on protected speech. If the laws were applied to persons who fall within the disturbing the peace statute (M.G.L. c.272 §53), they might be constitutional as applied.

### Findings and Recommendations

Boston. From May to November 1979, District 15 re-instituted the use of a "gang car" that had first been used in 1978. The car was fielded four and a half nights a week, Wednesday through Saturday, and supplemented other units during two shifts. Assignment to this duty was voluntary, with overtime pay. Based on an assessment of past demands for service, the Captain decided when and where the car was to be fielded. In Charlestown, five areas were targeted for gang patrolling: (1) Monument Square; (2) Doherty Playground (Bunker Hill and St. Martin St.); (3) Polk St. Bunker Hill St.; (4) Charles Newton Coop; and (5) The Bunker Hill Housing Project. This patrol was intended to prevent public drinking and to disperse gangs.

In early July 1979, the Boston Police established a special city-wide Anti-Gang Patrol Unit consisting of 135 officers. This unit supplemented the District "gang cars" in responding to gang complaints.

The extent of Boston's problem with disruptive youth gangs was claimed to be reflected in calls to the police for service. In 1978, the Boston Police Department responded to more than 57,000 complaints about gangs. In 1979, an estimated 30 percent of all calls to the 911 emergency number involved gang disturbances or activities.<sup>46</sup>

During the first ten days of operation in the city, the gang unit responded to 1,015 complaints, dispersed 1,258 groups of youths, arrested 166 disorderly youths, and took 131 youths into protective custody for detoxification. During that time period in Charlestown, the unit responded

<sup>46</sup>Reported in Boston Herald American (undated article).

to 108 complaints, dispersed 67 groups, arrested eight youths for public drinking and took 15 into protective custody for drunkenness.<sup>47</sup>

We examined patrol officers' logs for 17 tours of duty in the District 15 gang car between August and November 1979. A total of 126 gang incidents was logged during these 17 tours, an average of 7.4 incidents per tour. Response to citizen-initiated complaints about gangs constituted 58 percent of all incidents logged. The remaining 42 percent were initiated by officers "on-view". Most of these "on-view" initiated incidents were the result of area checks that the District Captain required the gang car to make because of complaints from citizens. In the logs we analyzed, gang car officers made only one arrest. Usually officers reported rendering a service upon arrival (e.g., dispersing the group). The incidents consisted primarily of juveniles making loud disturbances related to drinking (e.g., noisy radios, parties, yelling at passers-by). Only two incidents of gangs throwing bottles were reported, and only four of groups fighting. Police were not stopping juveniles indiscriminately but were frequently responding to calls for service from citizens. Consequently, Charlestown residents initiated police-juvenile encounters were potentially hostile.

Although officers differed as to the degree of activity they would allow, the police response also depended on who the juveniles were, not only on which officer was responding to the call. Different officers had different "rules" with regard to permissible activity, such as drinking in public. Juveniles were aware of this. Some officers allowed drinking "near the water" so long as the group was not otherwise disruptive.

<sup>47</sup>It is unclear whether these statistics also include responses of the District's gang car.



Other officers might arrest under the city ordinance whenever they saw a violation and others might take no action regardless of the location if the drinking was not accompanied by other troublesome behavior. In a community where the actors were well known to each other, behavior might vary to conform with the standards of the individual enforcer.

Officers knew that certain locations were likely to have "good kids" whereas others would most definitely have "bad actors". The better treatment afforded the "good kids" stemmed from the officer's seeing their "hanging out" as being mainly social and necessary to their survival rather than being purposely disruptive (e.g., throwing bottles, harassing passers-by, or intentionally involving police in conflicts).<sup>48</sup>

Some district officers and residents observed that the city-wide gang unit was indiscriminately moving juveniles and causing hostility toward the district police from the "good kids". This was corroborated by some citizen complaints that their children were being harassed by the motorcycle ("bike") units.<sup>49</sup>

<sup>48</sup> A police cruiser responded to a call about a gang at Elm and Bunker Hill Streets. A group of eight to ten boys and girls in their early to mid-teens were assembled at a corner, some leaning on parked cars and a few sitting on a stoop in front of a store. The officer rolled down his car window and called out to the group to move along, explaining that the police had received a call complaining about their hanging around. The juveniles passively moved along. Officers suggested that these were good kids who did not give them any trouble. But this location appeared repeatedly on incident reports; one officer told us that the owner of the store called the police constantly, acting as though they were his private security force.

<sup>49</sup> However, Charlestown youths who met with project staff complained that officers assigned to the district would often tell adults as well as juveniles in the housing projects to get off the porch and get in their houses, even in situations when people were just milling about.

Some citizen complaints about the "gangs", especially "loud noise" complaints, were difficult for the police to handle because they first had to find the reported problem when they arrived on the scene. For example, a call about a loud radio being played by a gang turned out to be three people listening to a radio; the radio was not loud, and the juveniles were not a gang. In such a situation, when "they're not really doing anything", officers would inform the juveniles that "we got a call" and that if they got another "we're gonna have to move". Even when officers "broomed" the juveniles,<sup>50</sup> the problem would almost invariably return, as indicated by the following call:

Call 17<sup>51</sup>

Citizen: Hi, I'm calling from Charlestown.

Police Operator: What's the problem?

C: Well, the police were just here at the corner of Bunker Hill and Sullivan Streets because a bunch of kids were making all kinds of big loud noises.

PO: Hmmm.

C: Hanging out right on the corner.

PO: Right.

C: And when they came the kids all left and the minute they turned around and drove away, the

<sup>50</sup> To "broom" means to tell them to move along. The net effect is either to move the problem to another location or to have the juveniles return to the same spot as soon as the police leave.

<sup>51</sup> Additional calls are reproduced in Appendix C, Final Report; Boston, Police Transcripts.



kids all came right back and now they're making even louder noises.

PO: We'll send them back.

This call typified the dilemma of the police, residents, and young people of Charlestown.

Citizen callers appeared to accept hanging out as a way of life in Charlestown and sometimes their complaint was not that there was a "gang" on the corner, but that it was time for the gang to quit "hanging" for the evening:

Call 40

Police Operator: And the gang is out there?

Citizen: The gang is out there. They got to go home and go to bed.

PO: All right. We'll be down.

C: Thank you.

Call 30

Citizen: And there's a large group of boys outside. They have been out since about seven tonight and I think that something could be done about it.

Police Operator: Okay, we'll get a car over there.

C: Thank you very much.

PO: All right.

C: Bye bye.

Sometimes, the word "gang" was used inappropriately and the activity the citizen described was not suggestive of disruptive behavior. But the police were still called to intervene and they did.

Call 35

Citizen: On (name) street there is a gang of teenagers playing tag football under these new lights. Can you get them out of here please?

Police Operator: Yes, ma'am.

CC: Thank you.

PO: You're welcome.

Call 1

Citizen: Yes. There's five or six kids out there. I wouldn't say kids. They're grown-ups. They're playing out there and they're making a lot of yelling uh- yelling so that we can't listen to the T.V.

Police Operator: Oh, okay.

C: All right.

PO: We'll go by.

C: Thank you.

Call 45

Police Operator Boston Police Emergency

Citizen: Hello, I'm calling from (gives address). Get the kids off the steps. It's going wild here.

PO: What are they doing?

C: These kids are going wild again, getting lousier.

PO: What are they doing? Just running around, drinking?

C: Yeah, I don't know what they're doing but

they're not supposed to be hanging around on the door step.

PO: All right.

C: Okay. Thank you.

Clearly, citizens had a central role in producing a police response to their problems and generating gang statistics in Charlestown.

We recommended that the Boston Police Department continue its policy of district "gang cars". The calls for service about groups of youths justified continuing this special detail. At the same time, the Department should review the usefulness of the city-wide gang unit, especially the negative consequences of its "moving" the wrong youths in areas with which the officers were not familiar. This generated considerable resentment among young people and their parents that was directed toward district police and can seriously impair existing relations. A similar observation was made in another district: "All that will happen is more confrontation, more hassles. Sending in police who are strangers to us will just bring on more resentment between kids and cops."<sup>52</sup> In addition, samples of calls from the District should be made available to the Commander of the District, to inform him of the exact nature of complaints and to suggest the most useful deployment of patrol officers.

Arlington and Belmont. Citizens' calls for service reporting problems with juveniles initiated a large number of police-juvenile contacts. Patrol officers also initiated on-view contacts in both jurisdictions but calls for service also played a role in these encounters, especially in Arlington.

<sup>52</sup>Dorchester youth quoted in the Boston Herald American, July 1979.

In each jurisdiction, a mimeographed police information sheet, containing information about stolen vehicles, stolen plates and stolen unregistered vehicles, was distributed to patrol officers at roll call before each shift. It also listed problem spots where citizens had requested the police to patrol, often for "youth problems". Following the dictates of the information sheet resulted in repeated checks of designated areas and increased the likelihood of on-view contacts with juveniles. As one officer observed, "I don't prevent crime I prevent calls."

In Arlington, the police often responded to groups of juveniles they observed or to calls about groups of juveniles by ordering the juveniles to disperse. While some citizens complained that this response was not consistent (i.e., at times officers would disperse some groups and would ignore others especially in on-view situations), we did not find this to be true. Patrol officers generally left young people alone and only intervened either when citizens complained of a disturbance or the groups were in the parks after the 10 PM closing. Young people in the parks after 10 PM were in violation of a town by-law (Article 9A Section 6).

Some officers felt obliged to issue a "move on" order in incidents involving alcohol; other officers required that the juveniles dispose of alcohol in their possession and considered that a sufficient warning. In many instances officers confiscated alcohol juveniles left behind when they saw the police approach.

Belmont police often responded to groups of juveniles they observed or to calls regarding groups of juveniles by ordering the groups to disperse. On some occasions, repeated citizen complaints about juveniles resulted in orders at roll call to move all juveniles hanging out. Most officers did not enjoy this task, realizing that the juveniles were not doing anything

illegal. Generally, Belmont police were less tolerant of juveniles hanging out than were the Arlington police. Under no circumstances were groups of youths allowed to congregate in the center of town or Belmont's two main squares.

Officers in both communities were troubled when youths gathered on their own or their friends' private property. There was almost no support for a "move on" order in these circumstances. The need for the police to establish the identity of a youth sitting on a wall in front of his own home or playing basketball in the driveway of his own home caused uneasiness and sometimes

In both Arlington and Belmont we recommended that it should be emphasized to citizens that the police must have legal justification for moving juveniles. (Loud noise is such a justification.) If callers complained that juveniles were noisy, but the police were not witness to any disturbance, the police should inform the citizens of their right to file a complaint against the juveniles. The police should explain that juveniles are allowed to congregate if they do not disturb the peace.<sup>53</sup> Citizens should also be informed of the probability of the issuance of such a complaint.

The officers should not disperse or move along groups of juveniles unless the juveniles appeared to be committing some offense. Park curfew violations, excessive noise amounting to a disturbance of the peace, or other violations may justify police intervention, but when no offense occurred the police should not intervene.

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<sup>53</sup> This suggestion was not well received since the police were obligated to respond to all calls for service no matter how trivial they might sound over the telephone.

We recommended that the Arlington Police Division consider adopting and implementing a policy on the disposal of alcohol confiscated by police officers.<sup>54</sup> Officers who confiscate alcohol from a juvenile should tag it and request the juvenile officer to send a letter of warning to the parents. The parents should also be informed that they may claim the alcohol within a set period of time. Without such a policy we believed the Division increased the cynicism of the town's young people who witnessed alcohol being confiscated but did not know the procedure for its disposal.<sup>55</sup>

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<sup>54</sup> Charlestown juveniles complained to us about the police taking liquor from them. We never observed this nor could we verify this complaint. We observed Arlington police confiscating liquor abandoned by juveniles. Arlington police admitted there was a problem of disposing of the alcohol.

<sup>55</sup> If the police do not arrest the juvenile, it is not clear they have any authority to destroy or confiscate alcohol. (Alcohol is not contraband *per se* but only evidence of some other violation.) This type of police action might be viewed as consistent with the preference for the least restrictive alternative, but it might also lend itself to arbitrary application.

#### B-7. THE USE OF THE LEAST RESTRICTIVE ALTERNATIVE

The national standards agree that the police should adopt a policy of using the "least restrictive alternative" necessary when dealing with juveniles. The IJA/ABA Standards would make available the following courses of action in juvenile matters involving nuisance, mischievous behavior, or minor criminal conduct: 1) non-intervention, 2) temporary assistance to those in obvious need, 3) short-term mediation and crisis intervention, 4) voluntary referral to appropriate community agencies, and 5) mandatory temporary referral to mental or public health agencies under statutory authorization to make such referrals (see IJA/ABA Stnd. 2.4). The police should resolve such problems informally at the scene whenever possible, reserving coercive actions for more serious situations.

The Task Force Standards favor the use of the "least coercive alternative," basing this view on the importance of preserving family autonomy and thus minimizing state intervention. An example of this policy is the recommendation that police departments issue a written citation and summons to appear at intake in lieu of taking a juvenile into custody (see Task Force Stnd. 5.5). The Task Force Standards also suggest that the juvenile officer should consider a community or stationhouse adjustment when the delinquent act is not serious, there is no prior history of delinquency, and an informal adjustment is agreeable to the complainant and to the juvenile's parent or guardian (see Task Force Stnd. 5.7). However, the Standards emphasize that this adjustment should be limited to release or

referral to a youth service agency; the police should not act as probation officers.

The NAC Standards recommend that a juvenile accused of a delinquent act be unconditionally released; when that is inappropriate, the least restrictive alternative should be implemented.<sup>56</sup>

#### Findings and Recommendations

Below we discuss examples of the least restrictive alternative we found in the jurisdictions we studied.

Boston. The "least restrictive alternative" often employed in Charlestown was a "stern warning." In deciding whether this measure was appropriate, officers considered age, offense, and record. It was the patrol officer's decision to make but the juvenile officer was often consulted, as was the victim. For example, a store owner might not want to take time off to go to court but might agree that an adequate solution would be that the juvenile must henceforth stay out of the store.

If the stern warning was chosen, the juvenile might be taken directly home from the scene or brought to the station, where the parents picked him or her up. If the juvenile was taken home, the parents had to promise to bring him or her to the station at the appointed time. A stern warning was just that: the juvenile and the parents came to the station<sup>57</sup>

<sup>56</sup>The purpose for which restraints on the juvenile's liberty may be imposed are discussed in Standard 3.152 and the Commentary thereto.

<sup>57</sup>Juvenile officers refused to go to the home because they believed that "the message" had much more force if delivered at the station.

where the juvenile officer administered the warning. A FIO card was filed.<sup>58</sup>

The juvenile officer might make use of other informal dispositional choices: calling in the parents or meeting with the juvenile and complainant. Mediating disputes and informally arranging for restitution were part of the juvenile officer's responsibilities as he had defined them. With the knowledge and cooperation of an assistant clerk, he also used the hearing on an application for a complaint as a negotiating session to divert cases. The juvenile officer used agency referral only when a parent asked for advice. Then he might suggest an agency, a psychologist, or a priest.

The absence of alternatives to arrest other than stationhouse warnings for minor offenses was a problem in Charlestown. Referral to agencies for certain problems (i.e., criminal violations) was usually inappropriate. Agencies in Charlestown, although large in number, dealt mainly with drug, alcohol, and family problems. While the police knew the family situations of many juveniles, and while this knowledge shaped police-juvenile relations, it did not help solve the problems of offenders.

We made these recommendations to the police:

<sup>58</sup>Field interrogation and observation reports (FIO's) were written up after stationhouse warnings were given, even if the juvenile was not arrested. See Section C-4 of this report.

1. We recommended that the Boston Police continue the practice of giving stationhouse warnings to juveniles. A written policy on this practice should be included in a procedures manual.<sup>59</sup>
2. The Boston Police Department District 15 should not take responsibility for formally screening juveniles who have committed minor criminal offenses or referring them to youth-serving agencies. This was not meant to discourage officers' suggesting to juveniles and their parents or guardian that they contact an agency for assistance. However, it was meant to keep officers from contacting an agency without the knowledge and approval of the juvenile or the parents and guardian.

Stamford. Stamford police data were analyzed and Youth Service agencies surveyed to understand whether juveniles in Stamford were being diverted, and to assess the advisability of a police diversion program. Youth Bureau records indicated that 34 percent of all juveniles contacted or apprehended for committing a priority problem could be claimed to have been diverted.<sup>60</sup> However, Youth Bureau reports indicated that in most cases either no action was taken (25 percent), or the juvenile was transported home or the parents were contacted (72 percent). We interpreted this to mean that in most instances diversion took the form of non-intervention or informal warnings and that very few, if any, juveniles about

<sup>59</sup> The police should be careful not to question a juvenile in custody before he or she is given Miranda rights. A juvenile who begins to confess to a crime other than the crime for which he or she is being warned, must be given Miranda rights before continuing with the confession. Otherwise, such a confession may be found inadmissible in court.

<sup>60</sup> The category "diverted" was our own, constructed for the purpose of quantifying the narratives contained in Youth Bureau reports. See Appendix B, Final Report: Stamford, "Formal Police Contact with Juveniles," and Appendix E, "Survey of Youth-Serving Agencies."

whom reports were written were referred to outside agencies. Personnel in most youth-serving agencies with whom we spoke did not report any formal relationship with the Stamford Police Department.

We recommended the Stamford Police Department should not take responsibility for formally screening juveniles who have committed minor criminal offenses or for referring them to youth-serving agencies.<sup>61</sup> As in Boston we did not believe that it was appropriate that officers contact an agency without the knowledge and approval of the juvenile and the parents or guardian.

Arlington. The least restrictive alternative was illustrated by the practice of "stationhouse adjustments." The police acknowledged that they did not seek complaints against all juveniles they arrested. Some juveniles who had no prior arrests and who had been arrested for a minor offense were told that if they did not misbehave again within three months, no action in court would be taken, but if they did misbehave, police would seek a complaint "at a later date." This practice of "stationhouse adjustments" was used more frequently in the past. It spared the juvenile a court appearance but the record of the arrest remained in the Arlington police records.

<sup>61</sup> Possible exceptions were juveniles who were arrested for the possession of drugs or alcohol and who were believed to be capable of benefitting from participation in an alcohol or drug treatment program. But these juveniles could be referred informally.

Based on arrest data from Arlington, the following table shows that of the 183 juveniles arrested in 1979 and 1980, 55 percent (n=102) were arraigned in court, 25 percent (n=45) were diverted to the court intake program<sup>62</sup> and 20 percent (n=36) were released at the stationhouse without subsequent court processing of their cases.

	N	%
Arraignment	102	55.7
Intake	45	24.6
"Stationhouse Adjustments"	36	19.7
	183	100.0

We offered the following options for the police to consider:

Option (a) Discontinue the practice of stationhouse adjustments completely and process all arrested juveniles for court with no exceptions. This policy would require that arresting officers use their discretion in the field, knowing that once a juvenile was brought to the station that juvenile would go to court. This would also curtail the discretion of the juvenile officers to proceed with formal processing. They might, however, make recommendations to the court for diversion to intake if the juvenile so qualified.

Option (b) Continue the current practice but delay booking the juvenile until a juvenile officer decides whether to release the juvenile without a court appearance.<sup>63</sup> The juvenile officer, in consultation with the arresting officer, would determine the appropriateness of releasing the juvenile without a court appearance based on the following factors:

- the seriousness of the incident (e.g. only those misdemeanors that would normally qualify for intake should be considered appropriate for release);
- the degree of involvement of the juvenile in the incident; and
- a history of prior contacts that suggest a warning for this incident would not be appropriate.

Option (c) Continue the current practice but destroy all records of the arrest (i.e. booking sheet and contact card) after a reasonable period of time.

Option (c) was more acceptable to the Arlington Police than (a) or (b). Any juvenile brought into the station was considered under arrest and was to be booked. They did not wish to discontinue the practice of stationhouse adjustments completely.

Belmont. The Belmont Police Department arrested very few juveniles who resided in Belmont.<sup>64</sup> However, arrest and court data did not accurately

<sup>62</sup>The district court for Arlington and Belmont had a program to divert arrested juveniles at intake. When a police officer requested that a complaint issue (usually through the police prosecutor), the request was sent to the probation office. The probation office then determined, based on written guidelines, whether the juvenile was eligible for the program. If the juvenile was eligible, the juvenile automatically was placed in the program. However, a police officer could recommend that a juvenile not be diverted and it appeared that probation acceded to that recommendation.

<sup>63</sup>If the juvenile was not booked, the parent or guardian would sign a waiver of all claims against the police for false arrest. The juvenile and parent/guardian would be informed that no court action would be taken against the juvenile for this incident but that any future violation would result in formal court processing, that is, release without a court appearance would not be an option for any subsequent arrest.

<sup>64</sup>19 of 35 juveniles arrested in 1979-80 were Belmont residents.



reflect police time spent handling juveniles: the Belmont Police relied heavily on informal means of resolving problems. One alternative was to send letters of warning.

Between 1979 and 1981 the Department sent 61 letters of warning to juveniles. Letters were sent to the parent or guardian because a juvenile allegedly committed a delinquent or a non-delinquent act. No copies of letters sent were kept on file, only a notation that a letter was made on a FIO.

We recommended that copies of letters of warning documenting the handling of a juvenile's case should be retained by the Department. There should be guidelines as to when to send a letter. We believe only letters alleging delinquent acts should be sent. If letters are sent, they should be the result of an incident report, not sketchy information contained in a FIO. If the parents were subsequently contacted and the situation was discussed, the juvenile officer should file a supplementary report of that discussion. Finally, to ensure that the parent/guardian rather than the juvenile receives the letter, the letter should request that the parent/guardian contact a juvenile police officer. If that is not done, the officer should telephone the parent/guardian.

#### Discussion

Each jurisdiction illustrated the problem of "operationalizing" the notion of the least restrictive alternative. We did not recommend implementing a formal police diversion program in Boston or Stamford that would entail the police's screening and referring juveniles

to youth-serving agencies.<sup>65</sup> The juvenile caseload of the Stamford Police Department, the organization of the Boston Police Department, and the nature of the available treatment programs, argued against this. In most instances, we did not believe that the treatment services offered by youth-serving agencies in Boston and Stamford were appropriate alternatives for juveniles committing the selected criminal offenses we studied. Family counseling and drug and alcohol treatment programs are services youth-service agencies offer most frequently. These services are not designed to help those whose primary problem, as seen by the police, is engaging in criminal conduct. The determination that a juvenile apprehended for a violation of the criminal law, however minor that violation, required psychological counseling or medical treatment (other than emergency treatment) was best left to probation officers in the Juvenile Court (if the charge warrants Court intervention).

In Arlington, juveniles were charged, booked and then told there would be no proceedings on the charge unless the juvenile got in trouble again. An official arrest record existed but the juvenile had no opportunity to have the validity of the arrest assessed. This was neither diversion, which was court authorized and supervised, nor was it a voluntary waiver of the right to a court appearance because of the order in which the options were presented. Furthermore,

<sup>65</sup> But see Section D-1 below.

those cases treated in this matter were not likely to go before a judge in the district court but would have been diverted. Aside from not inconveniencing the juvenile by requiring a trip to court, the benefits of this practice were less than they appeared.

Finally, Belmont's low arrest rate and its use of letters of warning suggested that the police had adopted a policy of relying on the least restrictive alternative. But the offenses for which the Department mailed letters of warning and the manner in which information to base a letter was gathered, left us with the uneasy feeling that the police were a bit intrusive. Considerations of due process were less important than avoiding the sanction of arrest while maintaining order.<sup>66</sup>

The absence of arrests is surely not equivalent to using the least restrictive alternative, a notion that requires further consideration.

<sup>66</sup> Juvenile officers routinely visited the Belmont High School and created a visible police presence in the school. We recommended that the police should not be in the schools for other than legitimate police business, including conducting educational programs. The police should not have access to a student's records or be privy to disciplinary proceedings.

## C. ADMINISTRATIVE POLICIES AND PRACTICES

### C-1. WRITTEN POLICIES TO STRUCTURE POLICE DISCRETION

All the standards recognize that police officers exercise discretion when they perform their daily duties. In order to structure these discretionary decisions and to minimize discriminatory and arbitrary decisions, the standards suggest that written policies be formulated to guide police officers. The standards are in general agreement that both public and private agencies should participate in the process of formulating guidelines structuring police discretion.<sup>67</sup>

#### Findings and Recommendations

Boston. As far as we could determine the only guidelines concerning juvenile procedure were some written special orders dealing with very specific juvenile problems. The Boston Police Criminal Investigative Procedures manual, distributed to officers in 1978, contained no comprehensive statements of juvenile procedure. Even though procedures for handling juveniles do not differ from those for adults in many areas, we recommended that the Boston Police Criminal Investigative Procedures manual be expanded to include a section on juvenile policy and procedure. Specifically, we suggested that the following topics be covered:

<sup>67</sup> Task Force Standard 2.5 states that participants should include juvenile justice system personnel, community youth service groups, educators, and other citizens. NAC Std. 2.221 states that the formulation of policies should include consultation with the family court, youth advocacy groups, and programs affected by referral decisions.

- authority to question and detain juveniles;
- procedures for juvenile custody;
- informed consent issues; and
- juvenile records and privacy issues.

When appropriate an attempt should be made, when discussing options for handling juvenile problems, to describe the extent of a police officer's liability.

Stamford. The last update of Stamford's Police Manual (SPM) was issued in 1955. The SPM contained a one-page description of the Youth Bureau. However, there were no policy statements concerning the goals of the Bureau in the handling of juvenile problems, no guidelines for intra-departmental referrals, and no policies to help Youth Bureau officers make decisions.<sup>68</sup>

We recommended that the Stamford Police Department update the Manual as soon as possible.<sup>69</sup> The revised manual should include, whenever possible, statements specifying appropriate decisionmaking criteria for the handling of juvenile problems.

Arlington and Belmont. The Arlington Police Manual was prepared by the Massachusetts Police Institute (MPI) and modified by the Town of Arlington and the Police Division. The lieutenant for Administrative Services who also conducted training drafted statements of the changes in policy or procedure that were reviewed by the Director of Police Services, and

<sup>68</sup>See Section C-1, below.

<sup>69</sup>The Department did this in October 1981. See Chapter IV.

then forwarded to the Director of Community Safety, the town manager and town counsel for approval.<sup>70</sup>

The manual, which contained statements about what an officer should do with a juvenile after arrest, contained no information regarding the investigation of juvenile crimes or the handling of juveniles before arrest. The topics of stop and frisk and search and seizure were covered in the manual as they pertain to adults, but not juveniles.

The Division recognized that statements of policy on paper were important in defining the municipality's liability for the acts of individual officers. On occasion, the training officer had been called into court to testify about the training provided officer. The manual had been subpoenaed to determine divisional policy. Arlington officers on the task force believed that a manual clearly defining policy was extremely important to protect them and the town.

The 1976 MPI manual is the basic manual distributed to Belmont police officers. The manual was approved by the Board of Selectmen before distribution. In general, the Belmont Police had very few written policies that they developed internally. The Department had not designated an officer to monitor changes in the law and distribute these updates to other officers.

We urged the Arlington Department of Community Safety-Police Division and the Belmont Police Department to adopt "Police Procedures for Handling

<sup>70</sup>Shift lieutenants distributed the manual to officers at roll call and then returned a paper saying that on certain dates the manuals were distributed to the officers within his command. Similar procedures were used to distribute materials that report on changes in the law. In general police departments have problems getting individual officers to sign for their manuals. Some refused to sign for manuals because they believed that this would render them liable either to the department or third parties for breaching the mandates of the manual.

Juveniles" prepared by project staff during our study as a formal policy statement and distribute it to all officers. The purpose of the manual was to provide guidelines for police officers in the exercise of discretion when handling juveniles. The manual, based on state and federal statutory and case law, did not necessarily reflect a change in current procedures but articulated police practice and policy. National standards were also considered. Several drafts of the manual were prepared and reviewed by Arlington and Belmont police officers.

We also recommended that the procedures manual be distributed to auxiliary police officers of the Belmont Police Department. Both Arlington and Belmont utilized volunteer auxiliary police but in very different capacities. In Belmont the officers were uniformed and armed, and relied upon for crime prevention, investigation, and response to citizen complaints. There was an unmarked police car designated as the auxiliary car. Arlington auxiliaries were also uniformed, but performed only traffic control and school function duties. Belmont auxiliaries wrote FIO's on juveniles. Officials in both departments admitted having no knowledge of the legal ramifications of using auxiliary police. They were aware of questions concerning the liability of the officers and/or the municipality, and the problem of a potential conflict with police unions.

#### Discussion

It was important that the police departments articulate their policies concerning juveniles to ensure consistency. Police departments understand that adherence to enunciated procedures reduces the risk of individual officer liability in a civil action arising out of official police conduct.

Procedural consistency also increases the probability of successful prosecutions of juveniles when prosecution was warranted. The manual we distributed in these departments could also serve as a training document.

C-2. CIVIL LIABILITY OF POLICE WHO INTERVENE IN JUVENILE PROBLEMS.

The United States Supreme Court recently decided that municipalities can be held liable for the acts of employees that violate an individual's constitutional rights.<sup>71</sup> Because this decision indicates that municipalities will no longer be immune from liability in these cases, it is important to discuss its potential impact on the civil liability of the police in Massachusetts.

The IJA/ABA and Task Force Standards agree that juvenile codes should clearly define the liability of police officers involved in juvenile problems (see IJA/ABA Stnd. 2.5 and Commentary; Task Force Stnd. 5.6 and Commentary).<sup>72</sup> The IJA/ABA Standards urge that police departments write guidelines for the handling of juvenile problems to clarify proper police procedures; such written procedures will help train police officers and increase accountability. The Standards recognize the need for written guidelines and clarification, especially since police officers are now being asked to intervene in "ways other than through use of their arrest power" (see IJA/ABA Stnd. 2.5B).

<sup>71</sup> See Owen v. City of Independence, 445 U.S. 622 (1980).

<sup>72</sup> The NAC Standards do not address the question of civil liability and immunity of police officers.

Under Massachusetts law, police misconduct that causes injury, whether an act or an omission, can theoretically give rise to civil liability on the part of both the individual police officer and the municipality.<sup>73</sup> An individual can sue either the police officer whose act or omission constitutes a tort or violates a statute or the municipality that employs the officer.

A tort is a wrongful action for which a court will compensate an injured party. Torts include such acts as false imprisonment, assault, battery, invasion of privacy, defamation, and intentional infliction of emotional distress.

In addition to tort suits, there are also acts or omissions that violate a person's statutory or Constitutional rights. The most frequently used statutory action relies on section 1983 of the United States Code (42 U.S.C. § 1983). This section allows a citizen to bring suit against a police officer and/or municipality for injuries that interfere with a right or privilege guaranteed by the Constitution of the United States. For example, if police officers illegally enter a private home or search a person without probable cause, they may be sued under section 1983 for violation of the Fourth Amendment to the U.S. Constitution, which protects individuals against unreasonable searches and seizures.

Massachusetts law recognizes the following torts: assault, battery, false imprisonment, false arrest, intentional infliction of emotional distress, defamation, negligence, and invasion of privacy.

<sup>73</sup> For example, assault, battery and false arrest are acts that lead to police liability; failing to answer a call for help is an omission that may lead to police liability.

The tort action most often brought against the police is false imprisonment, the unlawful restraint by one person of the physical liberty of another. The restraint can be accomplished by physical force, threats of force, or by a claim of authority (i.e. conduct a detained person believes is authorized by the state).<sup>74</sup>

An officer charged with false imprisonment may defend him or herself by asserting that there was no restraint, that the person consented to the restraint, or that the restraint was made with proper legal authority. When an officer makes a warrantless arrest for an offense, whether a felony or a misdemeanor arrest, the officer will be held not liable if he or she had probable cause to make the arrest. An officer is also protected from liability if he or she acted in good faith when assisting in effecting an arrest that is subsequently held to be unlawful. However, an officer may be liable for false imprisonment if an arrest is made pursuant to a warrant that is invalid on its face.<sup>75</sup>

Another tort action brought against police officers is assault and battery. A police officer is justified in using a reasonable amount of force in effecting an arrest or preventing an escape. However, if a police officer uses more force than is reasonably necessary or unnecessarily subjects a person in custody to physical indignities, that officer may be sued for assault and battery.

Police officers can also be sued for negligence. Whenever a person

<sup>74</sup>W. Prosser, Torts 11 (4th ed., 1971).

<sup>75</sup>Buzell v. Emerton, 161 Mass. 176, 36 N.E. 796 (1894).

has a duty recognized by law to perform an act, that person is required to perform that duty in a reasonable manner.<sup>76</sup> Failure to perform such a duty in a reasonable manner is negligence. If a court determines that an officer took unreasonable risks that led to the injury of a citizen, it will compensate the injured party.

Claims alleging intentional infliction of emotional distress or invasion of privacy are less frequently brought against police officers. To build a case for intentional infliction, a plaintiff must show that there was an intent on the part of the officer to cause mental distress, or that the officer's conduct was very reckless, resulting in severe distress. In Massachusetts, there is no need to show actual physical injury in order to recover damages. Punitive damages are also available against a police officer if it can be shown that the officer acted with malicious intent. While Massachusetts recognizes invasion of privacy as a cause of action,<sup>77</sup> no case extends this right to the kinds of intrusions likely to result from an officer's detaining or diverting a juvenile.

In addition to the tort action noted above, an injured person can sue the police for violations of civil rights under federal law or the Constitution in a §1983 action. If, for example, a police officer fails to provide a prisoner in custody with proper medical care, this may amount to cruel and unusual punishment, in violation of the Eighth Amendment. However, good faith has served as a successful defense in §1983 actions against the police.

<sup>76</sup>Bergerson v. Forest, 233 Mass. 392, 124 N.E. 74 (1919).

<sup>77</sup>Wright v. R.K.O Pictures, 55 F. Supp. 639 (D. Mass. 1944).

Massachusetts has recently passed a state statute similar to the federal statute.<sup>78</sup> This statute provides a remedy for civil rights violations against private persons committed by persons acting under color of state law. To date, not enough cases have been brought under the statute to determine how it will affect liability and indemnification.

An individual who claims to have been injured by a police officer may also sue the municipality as employer of the police officer. However, recovery against a municipality for the tortious conduct of its employees is difficult due to the doctrine of sovereign immunity, which in many cases protects municipalities from being sued for acts of employees. In certain cases a person will not be able to recover from either the individual officer or the municipality.<sup>79</sup>

However, Massachusetts has a statute that requires public employers to assume liability for damage caused by employees if the employee was acting within the scope of his office of employment at the time the alleged damage occurred (see M.G.L. c.258 §2). Thus, persons injured by acts of a public employee may recover payment on the judgment from either the municipality or directly from the Commonwealth except when the employee was acting outside the scope of his or her employment in a grossly negligent, willful or malicious manner.

<sup>78</sup>It was enacted in two parts; M.G.L. c.12 §§11H and 11I address civil liability; M.G.L. c.265 §35, criminal liability.

<sup>79</sup>See Appendix E, Final Report: Boston for a more detailed discussion.

Exceptions to this indemnification statute include all intentional torts, non-negligent acts, and discretionary duties. This appears to include almost every potential claim that an injured party might be able to bring against a police officer. This would effectively limit plaintiffs to bringing common law tort actions and suits under the federal civil rights statute against the officer, thereby limiting the compensation to that which the officer could afford. However, this may be changing.<sup>80</sup> In Owen v. City of Independence,<sup>81</sup> the United States Supreme Court limited the municipality's ability to assert a qualified immunity when an individual sues the municipality for violations of Constitutional rights or federal law under section 1983. This decision indicates that a municipality will now be liable for injuries caused by an employee if the act of the employee may reasonably be construed to represent the government's 'policy or custom, whether made by its lawmakers or by those whose edicts or acts may fairly be said to represent official policy.'<sup>81</sup> Therefore, in order to avoid liability, municipalities should enunciate official policies and follow practices that neither encourage nor support the violation of Constitutional rights.

The recent enactment of M.G.L. c.12 §§11H and 11I provides a vehicle for civil rights suits in the state courts based on the federal statute. If Massachusetts courts interpret this statute in a manner analogous to the

<sup>80</sup>M.G.L. c. 258 §9, which allows public employers to indemnify employees, is intended to indemnify individual officers who have incurred personal liability. See Appendix E, Final Report: Boston.

<sup>81</sup>Owen v. City of Independence, citing Monell v. City of N.Y. Dept. of Social Services, 436 U.S. 658, 694 (1978).



Supreme Court's interpretation in Owen suits against a municipality for the actions of its police officers may become more prevalent. To avoid liability in such cases it is incumbent upon municipalities to enunciate clearly their official policies.

Because municipalities in Connecticut already assume liability for the acts of their police officers, Owen will not change existing practice. However, in the few cases in which a municipality refuses to assume liability, it may no longer be able to assert the defense of good faith of an employee for acts that violate an individual's Constitutional rights.

#### Findings and Recommendations

Several Boston police officers expressed concern over their liability as police officers, usually in reaction to pending lawsuits against fellow officers. Several officers mentioned concern over their personal liability when they took a juvenile into custody but did not formally arrest the juvenile. We were told that some officers felt obligated to book the juvenile to protect themselves from liability.

The Stamford police officers expressed concern over personal liability when taking a juvenile into custody after Connecticut's new Family with Service Needs Act (FWSN) is implemented. These are examples of questions police asked: what happens if services cannot be provided within the six-hour limit on holding a juvenile? Will the police be liable if they continue to hold the juvenile? Will they be liable if they release the juvenile to the street at the end of six hours and the juvenile is injured?

Legal counsel was not available to officers of the Boston Police De-

partment or Stamford Police Department to help them with problems they might encounter in the course of performing their duties. In recent years much of the responsibility for providing legal assistance to Boston police officers fell to the assistant district attorneys, but in Charlestown and some other districts, the District Court was in session only one day a week.

In Boston and Stamford a formal system should be established whereby police officers who encountered legal problems in discharging their duties as police officers could receive speedy advice. We suggested that the police departments be provided with ready access to legal counsel twenty-four hours a day. Opinions of the appropriate legal advisors<sup>82</sup> should be written and widely distributed throughout the departments and incorporated into training materials. These opinions should be used to keep officers informed of recent court decisions and subsequent changes in criminal procedure.

<sup>82</sup>In Boston there is a legal advisor to the Boston Police Department; in Stamford, the city's legal counsel and court advocates in Superior Court: Juvenile Matters filled this role.

C-3. THE RETENTION OF RECORDS ON JUVENILES.

The national standards recognize that recordkeeping practices in the juvenile justice system require systematic reform to prevent violations of confidentiality and privacy, considerations that are particularly important when dealing with children and juveniles.<sup>83</sup> All the standards advocate adopting legislation to govern the collection and retention of information pertaining to juveniles (see IJA/ABA,<sup>84</sup> Juvenile Records and Information Systems, Stnds. 11.1 and 11.2, Task Force Std. 28.1; and NAC Std. 1.5). The Task Force suggests that legislation and regulations be written "to provide for reasonable safeguards to protect against the misuse, misinterpretation, and improper dissemination of the information and for periodic evaluations of information collection and retention practices within the State to determine whether information is being collected, retained, and utilized properly." (Std. 28.1)

The standards recommend that the information collected by a juvenile justice agency, including a police department, must be the minimum necessary for an informed investigation and referral (see IJA/ABA Std. 19.1B: Commentary to Task Force Std. 28.1; and NAC Std. 1.52). The standards concern themselves with the competing interests involved here: the juveniles

<sup>83</sup>The records that are retained by police departments on juveniles include records of complaints, contacts, arrests, investigations, and dispositions (see IJA/ABA Stnds. 19.1 and 19.2; Stnds. 5.1 and 5.14; and NAC Std. 1.52).

<sup>84</sup>All citations in this section to IJA/ABA Standards refer to Juvenile Records and Information Systems.

privacy interest ( and the dangers of misuse of the information) versus the need to have adequate information for thorough investigation of cases and proper referral to community service agencies.

The proper maintenance of the records is also a central concern of the standards. Various methods are suggested to ensure the accuracy, relevancy, and necessity of any and all records kept by the police. For example, all the standards would allow juveniles or their parents/guardians to challenge a police department on the correctness of its records (see IJA/ABA Std. 21.1; Task Force Commentary to Std. 28.1; and NAC Std. 1.52). The standards suggest that statutes and regulations be promulgated to ensure the accuracy and necessity of the records; they also propose that these practices be periodically evaluated to determine if they comply with the adopted regulations (see IJA/ABA Commentary to Std. 19.2; Task Force Commentary to Std. 28.1; and NAC Std. 1.51).

Additional provisions reflect the standards' concern with the proper maintenance of information. The IJA/ABA Standards propose that each law enforcement agency designate one person to be responsible for the collection, retention, and dissemination of law enforcement records pertaining to juveniles.<sup>85</sup> (Std. 19.3) Two provisions of the NAC Standard require the completeness and accuracy of juvenile records (Stnds. 1.54 and 1.55).

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<sup>85</sup> As a mechanism for conducting periodic evaluations of police record-keeping, the IJA/ABA Standards propose that a juveniles' privacy committee be established in each state with the authority to examine and evaluate juvenile records and information practices and to make recommendations concerning privacy. This committee would also be able to conduct investigations and initiate litigation against juvenile agencies and police departments whose information systems and practices are not in conformity with applicable state statutes and regulations (see Std. and Commentary; Task Force Std. 28.3; and NAC Std. 1.51).

The standards agree that juvenile records should be kept physically separate from adult records for two reasons: (1) to limit the risk of misuse; and (2) to assure complete confidentiality (see IJA/ABA Std. 19.4; Task Force Std. 5.14; and NAC Std. 1.52).

Massachusetts law concerning the maintenance, access, and storage of juvenile records is sparse. There are only limited restrictions on records or information collected prior to a juvenile court proceeding. The Criminal History Systems Board and the Security and Privacy Council protect the rights of adults by promulgating written regulations concerning access, maintenance, and storage of criminal history records and information; these two groups have statutory authority to conduct investigations consistent with their authority (see M.G.L. c.6 §§ 167-170). The authority of these two groups is confined to regulations involving offender records and information, including the most common police records (e.g., incident reports, booking sheets, and arrest records) but not police intelligence information. No equivalent group is authorized by statute to protect the rights of persons under seventeen years of age. Although many police departments apply the rules promulgated by the Criminal History Systems Board to juveniles as well as to adults, not all departments do this.<sup>86</sup>

Although the police in Massachusetts are not required by statute to seal or expunge records on juveniles, a recent case held that the juvenile court has jurisdiction to order sealing or expungement of such records if

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<sup>86</sup> Information received from the Criminal History Systems Board.

little or no law enforcement purpose is served by their maintenance and dissemination, (see Police Commissioner of Boston v. Municipal Court of Dorchester District, 374 Mass. 640 (1978)). Such expungement or sealing can be ordered only in "light of a reasoned view" that carefully weighs the interest of law enforcement in maintaining the records against the interest of the juvenile in having the records sealed or destroyed.

By statute juvenile court records are not public records (see M.G.L. c.119 §60A). Massachusetts law does authorize the sealing of juvenile court records. Chapter 276, section 100B allows persons to petition the Commissioner of Probation to seal their juvenile records if:

- at least three years have elapsed since the last court appearance or the termination of commitment or supervision; and
- the person has not subsequently been found guilty of offenses other than minor motor vehicle violations, either in Massachusetts or elsewhere in the United States.

This general section applies to all juvenile court records.

Once a juvenile record is sealed a juvenile may answer "no record" to questions concerning the existence of a juvenile record on an employment application; all applications requesting such information must state that anyone with a sealed juvenile record may so answer (see M.G.L. c.276 §100c). Records maintained by the Department of Youth Services are also regulated by statute. These records may not operate to disqualify a juvenile for subsequent public employment. (M.G.L. c.276 §100B.)

The effect of all the above statutes and case law is, that while juvenile court records may be adequately protected, records generated prior to court proceedings are typically not protected. Police recordkeeping for juveniles

is for the most part not regulated unless there are subsequent formal court proceedings. Unlike adults, juveniles have no Criminal History Systems Board or Privacy and Security Council to protect their interests or to advocate reform.

In Connecticut, police, court and agency records are all subject to erasure when certain statutory conditions are met. In response to the juvenile's or parent's petition to the superior court to erase the records, the court must issue an erasure order if it finds that two years have passed since a juvenile adjudicated delinquent was subject to court-imposed supervision. In the language of the statute, the court shall order "all police and court records pertaining to such child to be erased." The statute plainly refers to any recorded references, including arrest, complaint, referrals, petitions, reports and orders. Copies of the erasure order are to be sent to all persons, agencies and institutions known to have qualifying information. A response of "no record" would be required to any person subsequently seeking disclosure, except that the fact of the erasure may be substantiated when, in the opinion of the court, it is in the best interest of the juvenile to do so.

The erasure of records of a juvenile who is dismissed as not delinquent is handled differently. Whereas the juvenile or parent must initiate the petition for erasure when the child has been found delinquent, the erasure order is to issue automatically when a juvenile has been dismissed as not delinquent. It should be noted, however, that the accompanying court rule would appear to qualify the statutory mandate by the addition of the phrase "if such child has no prior outstanding and unerased police record or court

record pertaining to a delinquent petition" (see Rule Section 1062).

This condition makes erasure of the dismissed charge dependent on a clean record as well as on a finding of not delinquent.

#### Findings and Recommendations

Boston. The Boston Police Department (District 15) has no separate recordkeeping system for juveniles. The same forms were used to record information on both adults and juveniles who were arrested and against whom a complaint was later filed. While several special forms were used for juveniles, these were integrated into the adult recordkeeping system, both in the District and at Central Headquarters, where copies of all forms were forwarded and stored.<sup>87</sup> The demise of the Juvenile Aid Section, the Boston Police Department's centralized juvenile unit, put an end to the maintenance of a separate information system on juveniles.<sup>88</sup>

At the time of this project the forms that were maintained in the District Station in which a juvenile might be identified included the following:

- FIO Reports. FIO reports were filled out by officers to record suspicious and non-suspicious behavior of adults and juveniles. FIO reports were basically intelligence gathering devices. One copy was forwarded to the Intelligence Division at Headquarters. We were told that no one other than law enforcement officials had access to these reports.<sup>89</sup>

<sup>87</sup> A few forms currently or formerly used are peculiar to the District.

<sup>88</sup> We assume that these old records have been retained.

<sup>89</sup> Our only recommendations on recordkeeping to the Boston Police Department concerned FIO's. See Section C-4.

--Incident Reports. Incident reports were filled out for all reports that were not "miscled:"<sup>90</sup> a 911 call, an internal police report (e.g., cruiser accident), and a follow-up report. Incident reports were filled out even though an arrest booking sheet was filled out at the time of arrest. Copies of incident reports were retained by Headquarters, the District, detectives, the officer, and the victim. These reports were supposed to be reviewed by the patrol supervisor and the duty supervisor.<sup>91</sup>

--Arrest Booking Sheet. An arrest booking sheet was filled out by the booking officer (usually the desk sergeant) each time an arrest was made. This sheet, along with the incident report, was filed according to the central complaint number. Copies of these sheets went to Central Records, the ID section, the prosecuting officer, the district, and detention (for adults). Disposition information was relayed by the arresting officer to the district clerk.

--Juvenile Release Form. This form released a juvenile from the custody of the police to the care of any person, including parent, guardian, friend or minor, who was old enough to understand the responsibility to bring the arrested juvenile to court. One copy of the juvenile release form was filled out by the officer at the station and filed with the arrest booking sheet.

--Protective Custody Form. These forms were filled out when a person was in custody as a result of alcohol incapacitation.

--Photos and Fingerprints. The police took the photograph and fingerprints of a juvenile only when a juvenile was accused of a felony. We have no information on distribution of or access to these records.

<sup>90</sup> "Miscled" (i.e., miscellaneous) incidents are incidents that come over the radio and require no police action.

<sup>91</sup> Since March 1, 1979, a revised incident report, incorporating solvability factors, had been used. The form was designed to force a decision on the need for further investigation. The decision was now to be made by the duty supervisor rather than the detective supervisor, who was previously responsible for evaluating the report and determining whether to assign a detective. In addition to the copies for Headquarters, district, detectives and the officer, the new form had a fifth copy (modified) to go to the victim. The new form included a category to indicate whether juveniles were involved. District 15 personnel suggested that in fact it was infrequently filled out. When the old incident report form was developed, the Juvenile Aid Section (JAS) was still in existence and reports involving juveniles were forwarded to JAS via the district juvenile officer.

In addition to these "official" records, one other form was used in District 15, but only sporadically:

--Social Work Referral. These cards were developed by a social work graduate student in 1978 to facilitate police referrals. Officers were to fill them out when they encountered problems with adolescents or families, before or after arrest. Completed cards were to be forwarded to a local social service center. These cards were not generally distributed to officers in District 15 but only to officers who had shown an interest in participating. They were seldom used during the project period.

Non-police records maintained in the Charlestown District Court included:

--Clerk of court's official records. These records included the docket number of a case, the complaint, the attorney's name, etc. Complaints and summonses were confidential.

--Probation Department's Confidential Records. These records contained the prior criminal records of juveniles, social case histories, and materials collected during probation supervision. These records were more extensive than those of the court. However, we were also told that personal information on a juvenile was readily accessible because lawyers in Charlestown compared notes about past records, because someone would know the family involved, and because it was possible to ask the probation officer for information. Furthermore, working relations between the police and lawyers in Charlestown were such that information on family histories was openly shared.

Stamford. In Stamford, most juvenile records were housed in the Youth Bureau and thus were kept separate from adult records. These included:

--Youth Bureau reports;

--patrol serial reports and Detective Bureau reports forwarded to the Youth Bureau for follow-up investigation;

--Youth Bureau reports and an index file of juveniles contacted during an investigation;

--court referral and an index card file of all juveniles referred to the Court;

--missing person reports (for juveniles); and

--suspected abuse and neglect reports by Youth Bureau personnel.

Some records on juveniles were not retained by the Youth Bureau:

--patrol serial reports mentioning juveniles that were not referred to the Youth Bureau; and

--detective reports of juveniles involved in more serious offenses when an adult may also have been involved (e.g., abuse and neglect, rape), or when the case was serious enough (e.g., murder) for the Detective Bureau to assume the primary investigative role.

The following records were generated for each incident investigated by the Youth Bureau:

The Blotter. The Youth Bureau blotter was an 8½" by 11" three-ring binder containing a typed record of all incidents that generated a Youth Bureau Case Report. In effect, it functioned as a short summary of each case. Each entry in the blotter included 1) blotter entry number; 2) date of entry; 3) complainant(s);<sup>92</sup> 4) type of complaint; 5) the name(s), age(s), address(es) of juvenile(s) reportedly involved; and 6) the Youth Bureau case report number. A color-coded check mark (✓) appeared next to the entry to indicate whether the juvenile involved was subsequently given a warning, referred to Superior Court: Juvenile Matters, or transferred to the detention facility in Bridgeport. The blotter contained all entries

<sup>92</sup> There were several ways that an incident involving juveniles came to the attention of the Youth Bureau and consequently generated a Youth Bureau report: 1) through patrol officers' serial reports that were referred for follow-up investigation; 2) by a detective report referred when a suspect was found to be less than 16 years old; 3) directly from the police dispatcher at the time the incident was reported or when the patrol officer upon investigation requested that a Youth Bureau officer be called to the scene because a juvenile is involved; 4) through a direct call for service to the Youth Bureau either by phone or walk-in; and 5) through direct observation of an incident (on-view). These were categorized by the Youth Bureau into the following sources of complaints: 1) factories and stores; 2) citizens; 3) parents and relatives; 4) parents requesting assistance; 5) police information; and 6) schools and agencies.



for the current year; at the start of a new year a new blotter was begun. At the bottom of each blotter page was an updated summary of the number of 1) referrals made to court; 2) warnings given; 3) juveniles detained; 4) parents interviewed; and 5) meetings attended by Youth Bureau personnel. This information formed the basis of monthly and yearly statistical reports of the Youth Bureau.

Youth Bureau Case Reports. If an incident entered in the blotter required an investigation, the Youth Bureau Commander assigned it to an officer. The case report detailed the investigation and disposition by the investigating officer. Each report contained information about the offense (time, date, complaint, and type of problem), the suspect (age, sex, race, and address), and the circumstances of the offense. Youth Bureau reports were filed numerically (by case number) upon completion of the investigation and approval of the commanding officer.

Referrals to the Superior Court:Juvenile Matters. If the investigating officer determined that the juvenile(s) involved in a case should be referred to the Superior Court:Juvenile Matters, a standard Police Referral Form (provided by the State of Connecticut) was filled out for each juvenile suspect. The referral form summarized offense and offender information included in the Youth Bureau Case Report and also included a summary statement by the child and a summary statement of the investigation. Sometimes the officer attached the Case Report to the referral form. A copy of the referral was retained by the Youth Bureau and kept in the juvenile's referral folder, which was kept in an alphabetical file separate from the Case Reports.

Contact and Referral Index Cards. Upon completion of an investigation the names of all juveniles who were contacted (suspects and witnesses) were logged on 5 x 8 index cards, which were filed alphabetically. The entry included the juvenile's name, address, phone number and blotter entry number for the case.

If a juvenile was referred to the Court, a 3 x 5 color-coded index card was made out and filed alphabetically. Information on this card included the name, address, date of birth, and sex of the referred juvenile and the date of the referral to the Court. A white card was used for Caucasians and a yellow card for non-whites.

At the time of this study one Youth Bureau officer was responsible for maintaining all records; he also carried out investigations. His recordkeeping duties included

- maintaining the blotter (i.e., typing in entries and keeping statistics);
- filing of all reports, referrals, and index cards;
- complying with all Court erasure orders; and
- generating monthly and yearly statistical data for Departmental reports.

This dual role, compounded by the lack of secretarial help, contributed to a huge backlog of Court erasure orders, and to difficulties in maintaining accurate blotter entries and filing reports correctly.

Access to information that included a juvenile's name was restricted solely to Youth Bureau personnel for use in their investigations and, when necessary, in referrals to the Superior Court:Juvenile Matters.

We recommended that one person be responsible for maintaining Youth Bureau records under the supervision of the Youth Bureau Commander. This



person should not be a sworn police officer. Sworn officers in the Youth Bureau should be available to do the investigative work for which they were trained. The task of maintaining the records and assisting officers in typing and filing reports should be assumed by a civilian clerk supervised by a sworn officer.

Certain steps needed to be taken to prevent identifiable records of juveniles being filed with adult records:

a. If practically possible, all patrol serials that mention a juvenile by name should be kept with Youth Bureau records, regardless of whether a follow-up investigation is requested or desirable. In addition to meeting recordkeeping requirements, this would inform Youth Bureau officers of the activities of juveniles encountered by patrol officers. These serials should not be filed with adult records. We recognized that some record of the patrol serial must be retained for administrative purposes (i.e., "keeping track" of all serial reports), and suggested that a simple form stating that the serial report (giving its number) had been forwarded to the Youth Bureau should be filed by the records division.

b. The names of juvenile suspects appearing in patrol officers' serial reports should not be entered into the Department's Soundex System.

c. A copy of all Detective Bureau investigative reports that involve an adult and juvenile should be kept in the Youth Bureau.

Finally, we recommended that the Stamford Police Department should consider permanently sealing all juvenile records more than five years old that were then in its possession.

Arlington and Belmont. When a call for service was received by the operator/dispatcher, an incident card was generated for that call if a car was dispatched. Reflecting the service oriented policing style of the two communities, a car was dispatched for all calls regardless of the seriousness of the complaint.<sup>93</sup> The incident card was "time-punched" at the time of dispatch, at the time of the car's reported arrival, and when the call was "cleared" (i.e., the car was available for the next call). The card was then forwarded to the desk of the shift commander, usually a lieutenant.

In Arlington, the desk lieutenant decided whether to enter the call in the major incident blotter or the minor incident blotter. The reporting officer filed an incident report for all serious incidents.

Major incidents included stolen cars, recovered cars, arrests (felony or misdemeanor), and events that may have "political repercussions." Minor incidents were service calls or disturbances.

Belmont police generated a hand-written daily log from incident cards (kept by the shift commander) that recorded the time of the call, the responding unit, incident code, location, action code and whether an incident report or arrest report was generated by the call. At the end of the shift, this information was typed onto a daily log.

Each jurisdiction used the same (identical) form for incident and arrest reports. The difference between an Arlington arrest report and

<sup>93</sup> In Boston, two separate units, connected by computer, were used: one (civilian operators) to receive calls and the other (police officers) to dispatch patrol cars. The operator/dispatcher function in these towns was performed by the same person. Belmont's operator/dispatcher was a sworn police officer; the Arlington operator/dispatcher was a civilian.

incident report was the numbering in the right hand corner: incident numbers had a different sequence than arrest numbers. Supplementary reports (including follow-up investigations by detective or juvenile officers) retained the original arrest or incident report number.

Belmont incident reports retained the same record number as the incident card. Since this report also doubled as an arrest form, the arrest number was the same as the number of the original incident card. Officers indicated whether this report was an incident report or arrest report in the arrest or incident box in the right hand corner. Arrest numbers had the prefix "a" preceeding them. If the officer needed additional space, he used a report supplement that retained the same report number.

In each jurisdiction, an arrest card was written for each individual arrested; it was filed alphabetically. Cards for juveniles were not kept separate from adult cards. The card contained basic information on the arrestee (D.O.B., occupation, sex) as well as date of arrest, arresting officer, offense, court date, court (juvenile or adult) and court disposition. The card's arrest number enabled an officer to locate the case file containing all reports patrol officers and detectives wrote on the case. Arlington arrest cards and files were kept in the main records room. In Belmont, the arrest cards were kept in the Detective Bureau with the case files stored in the main records room.

If a person was taken into custody because of alcohol incapacitation, a protective custody report was written as required by M.G.L. c. 119. Booking sheets and Protective Custody forms were kept on a three-ring binder at the front desk. No arrest report was filed. All arrest and protective custody incidents were entered in the blotter.

The policy of both jurisdictions was to fingerprint and photograph persons arrested and charged with committing a felony. We are not certain that all juveniles who were arrested for felonies were fingerprinted or photographed. Also, as part of an investigation a juvenile might be fingerprinted when the police had a print with which to match it. In each jurisdiction there were two types of photographs: the formal (black and white with the police board) and informal (polaroid color close-up). Formal pictures would be employed only when the picture was forwarded outside the department or used for an eyewitness identification.<sup>94</sup> The detectives also kept copies of the high school yearbooks.

Juvenile officers filled out a yellow contact card on each juvenile arrested. This provided basic information on the child and parents as well as the name of the arresting officer, the juvenile officer, the offense and court disposition. The C.I.D. kept track of the disposition of all their cases. When the juvenile was arrested and was released to his or her parents, the parent was required to sign a release form that made the parent responsible for the child's appearance in court. A record of the time in detention was kept on the arrest booking sheet.

If the child's case did not go to court (i.e., stationhouse adjustment), the parents were still required to sign the form. The officer amended the form to read "at a later date" where a date for court appearance would

<sup>94</sup> Arlington's practice was to cut off the information from the bottom of the police board picture when used for identification purposes. The board identified the department by name and had the date in "scrambled code" that looked like a social security number. Also, the practice of sending fingerprints to the FBI was optional. Forwarding a photo/fingerprint to the Massachusetts Department of Public Safety was only required by law for narcotics cases.

normally be written.<sup>95</sup> This was also written on the booking sheet. The police made an arrest but did not seek a complaint in court; there was no intention to pursue the case at a later date. As one juvenile officer observed, an arrest and release to parents without court appearance was technically illegal, but that "everyone does it and everyone, including the courts, knows about it."

When the juvenile inspector followed up a patrol report, he used a report supplement form. This form retained the original incident card and report number (which were the same). When a supplementary report was written, the original was forwarded to the records room, while the copy was destroyed. However, the juvenile officers retained copies of their own reports.

When a juvenile inspector received a direct call for service (i.e., not through the dispatcher), he would request an incident card number from the dispatcher and then inform the dispatcher of the disposition. However, a juvenile inspector was not required to do this for every call he received.

Juvenile officers also filled out a contact card for juvenile suspects in an investigation. Contact cards were filed alphabetically, by the juvenile's name and by offense. A new set of cards was begun each year.

The generation and follow-up of reports by Belmont juvenile officers was essentially the same as in Arlington. However, the department was not oriented to writing incident reports on the minor incidents that comprised the bulk of police work in Belmont and that most often involved

<sup>95</sup> See Section B-7, The Least Restrictive Alternative.

juveniles. Belmont required reports for all arrests, Part I crimes and some Part II crimes. The remaining incidents were "blottered." In the absence of written incident reports, the juvenile officers relied on other written sources of information, e.g., dispatcher's incident cards and FIO's to follow up an incident.<sup>96</sup>

Juvenile officers in both jurisdictions used the records generated by the department for the tally of monthly statistics. In Arlington, the contact cards of the day and night juvenile officers were combined to calculate the total number of juvenile cases. In Belmont, the monthly case-load was calculated by combining dispatcher's incident cards, incident/arrest reports and FIO's. Each dispatcher incident card involving a juvenile was kept separate for the month by records room personnel. After the number of police contacts was counted, they were filed with the rest of the dispatcher incident cards. Then, all FIO's and incident/arrest reports were added to this total. However, the three sources were considered alike and the involvement of the juvenile officer was never indicated.<sup>97</sup>

We recommended to both communities that the police use a contact card that allowed for multiple entries. The current system of duplicating a card for each contact and storing the cards by year gave no indication of a juvenile's history of contacts without searching each year. A blotter to record all cases referred to the juvenile officers should also be adopted.

<sup>96</sup> See Section C-4, FIO's.

<sup>97</sup> This almost bestowed on the incident card the status of a record. The juvenile officer told us that occasionally patrol officers would rip up a card if he "happens to know the situation and will handle it personally." He was careful to say that it is not a widespread practice.

Entries in the blotter should include all cases referred to the juvenile officers regardless of their disposition within the Division. This would allow for a quick tabulation of monthly statistics.

#### Discussion

The records in the Massachusetts police departments appeared to be properly maintained but they were not organized in such a way that they were in accord with national standards. Specifically, the departments did not have central juvenile units that stored and maintained current juvenile records. Instead, juvenile records were integrated into the adult recordkeeping system. Boston's recordkeeping system would have to be massively reorganized to be in accord with national standards.<sup>98</sup> However, separating all juvenile arrest records from adult records did not seem practical and offered no assurance that these records would be more confidential. Even if juvenile arrest records were sorted from adult arrest records, the risk of misuse would still be high because of the storing of duplicate records in the districts and at Headquarters.

One major problem is defining a record. Stamford, for example, considered the "referral" to court to be the juvenile's "official" record. Other sources of written information describing a juvenile's involvement were not considered part of the record per se. Focusing on the juvenile's record of arrest neglects other sources of information generated by a police department that record a juvenile's alleged involvement in an

<sup>98</sup>Centralized juvenile units do facilitate the separate storage of juvenile records. This was the case in Stamford and apparently in Boston during the operation of the Juvenile Aid Section (JAS).

offense. In Arlington and Belmont there were many ways for the police to gain access to a written record of the same incident.<sup>99</sup>

In the Massachusetts jurisdictions, the careful storing of records could not overcome the problem of criminal justice personnel sharing personal knowledge of individual juveniles. The small size of the communities, and the long tenure of the police, court and probation personnel made the control of confidential information very difficult. Records may have been physically secure and the public may have been denied access to them as the standards require, but the information the records contained was not always private knowledge.<sup>100</sup>

<sup>99</sup>This is of critical importance in the matter of expunging records. See Final Report: Stamford, pp. 122-134.

<sup>100</sup>The Arlington and Belmont police practice of recording the court's disposition of the cases added to the problem. (In addition, the information was not always accurately recorded and misrepresented the court's decision to the disadvantage of the juvenile.) In Charlestown, police and court personnel were acquainted with each other as community residents.

#### C-4. FIELD INTERROGATION AND OBSERVATION REPORTS

The Boston Police Department and the Belmont Police Department use an investigative tool known as a Field Interrogation and/or Observation Report (FIO Report) to gather information on criminal activity and non-criminal activity. A major concern of the national standards is the damage improper maintenance and dissemination of such records can cause a juvenile. The following discussion focuses on the national standards' recommendations to regulate the maintenance and dissemination of investigative reports. These recommendations are included in the general standards concerning police recordkeeping; some apply to all police records on juveniles,<sup>101</sup> while others are specific to investigative records only (see IJA/ABA<sup>102</sup> Juvenile Records and Information Records Std. 19.1; Task Force Std. 5.14; and NAC Stnds. 1.52 and 1.531).

The national standards propose three major changes in police recordkeeping practices: 1) developing practices that will assure the maintenance of only accurate, relevant, and necessary records, 2) limiting access to these records, and 3) systematizing existing methods of sealing and expunging records.

A number of practices have been proposed to ensure that all records kept by the police, including investigative reports, are accurate, relevant and necessary. These practices include:

<sup>101</sup> Police generally keep records on the investigation, arrest, detention and intra-departmental disposition of juvenile cases.

<sup>102</sup> All citations to the IJA/ABA Standards in this section refer to the Juvenile Records and Information Systems volume.

- 1) the promulgation of statutes and regulations governing the collection and maintenance of records, including periodic review of the records for accuracy and necessity (see IJA/ABA Commentary to Stnd. 19.2; Task Force Commentary to Stnd. 28.1; and NAC Stnd. 1.51);
- 2) the establishment of Juvenile Privacy Committees to examine and evaluate juvenile recordkeeping practices and to enforce applicable state statutes and regulations (see IJA/ABA Stnd. 19.8 and Commentary to Stnd. 2.1; Task Force Commentary to Stnd. 28.3; NAC Stnd. 1.51); opportunities for an individual, presumably the parent/guardian or lawyer of a juvenile, to challenge the accuracy of these records (see IJA/ABA Stnd. 21.1; Commentary to Stnd. 28.1; NAC Stnd. 1.52);
- 3) physical separation of juvenile records from adult records, to prevent misuse and to assure confidentiality (see IJA/ABA Stnd. 19.4; Task Force Stnd. 5.14; NAC Stnd. 1.52); and
- 4) designation of one police officer as sole caretaker of police juvenile records (see IJA/ABA Stnd. 19.3).

The second major change proposed by the standards would restrict access to juvenile records. However, the standards vary significantly as to which individuals and agencies should be allowed access to police investigative information. The IJA/ABA Standards would allow a juvenile or his or her representative to inspect any record that includes information pertaining to a case in which the juvenile has been arrested,<sup>103</sup> or that includes information not relating to a pending investigation (see IJA/ABA Stnd. 20.2 and Commentary). These Standards would allow certain third parties to have access to police investigative reports (see IJA/ABA Stnd. 20.3)<sup>104</sup>; law enforcement

<sup>103</sup> We assume that the IJA/ABA's use of the word "arrest" in this context specifies cases in which a complaint has been issued.

<sup>104</sup> The Commentary to IJA/ABA Standard 20.2 is unclear. Read in conjunction with Standard 20.3, it seems to suggest that juveniles would not be allowed access to certain investigative material that is accessible to court personnel and other law enforcement agencies. We assume, however, that this was a drafting error. A juvenile or his or her representative should have access to any investigative records to which court personnel have access.

officers of any jurisdiction for law enforcement purposes; probation officers, judges, or prosecutors for purposes of executing the responsibilities of their positions; the state correctional agency if the juvenile is currently committed to the agency; a person "to whom it is necessary to disclose information for the limited purpose of investigating a crime, apprehending a juvenile, or determining whether to detain a juvenile;" and a person using such information for purposes of research (see Stnd. 20.3).

The NAC Standards put stricter limitations on access to police investigative information. Access would be limited to law enforcement officers within the agency when essential to achieve a law enforcement purpose and to officers in other agencies to confirm information in the files of the other agency or to assist in an on-going investigation (see Stnd. 1.531). The Task Force Standards would allow only the court hearing a juvenile case and the "appropriate parties to the proceeding" to inspect police files (see Stnd. 5.14). These parties would probably include the judge, the probation officer, the juvenile, and his or her representative. This standard requires a criminal justice or private agency to obtain a court order allowing access to police records.<sup>105</sup> The news media, business and industry personnel officers, private investigators, insurance agents, and curious persons would therefore not be allowed to inspect police investigative reports.

<sup>105</sup> Criminal justice agencies able to justify the inspection of these records on a need-to-know basis would be granted a court order permitting inspection.



The third major change proposed by the standards that would affect the use and distribution of investigative reports is the practice of sealing or expunging juvenile police records. The IJA/ABA and NAC Standard support laws that provide for the expungement of juvenile records. The Task Force Standards advocate the sealing, rather than the destruction, of the records.<sup>106</sup>

When a police department is notified by the court that a juvenile's record has been destroyed, or if a juvenile is arrested or detained but has not been referred to a court, the IJA/ABA Standards would require the police to destroy:

all information pertaining to the matter in all records and files, except that if the chief law enforcement officer of the agency, or his or her designee, certifies in writing that certain information is needed for a pending investigation involving the commission of a felony, that information, and information identifying the juvenile, may be retained in an intelligence file until the investigation is terminated or for one additional year, whichever is sooner (see IJA/ABA Std. 22.1).

It is unclear whether the Task Force and NAC Standards require the police to destroy investigative records (see Task Force Std. 28.1 and NAC Std. 1.56).

#### Findings and Recommendations

The Boston Police and the Belmont Police use Field Interrogation and Observation Reports (FIO's) to gather intelligence information on adults and juveniles. The Belmont Police Department first used FIO

<sup>106</sup>For further details as to when and under what circumstances the standards suggest the sealing or expungement of juvenile records, see Recommendation C-1, Final Report: Boston.

cards in the 1970 and adapted them from the Boston Police Department. The cards were used to tally monthly statistics on police contacts with juveniles and were the basis for sending letters of warning to parents about the behavior of their children. (See Section B-7 for a discussion of letters of warning.)

FIO forms recorded the name, birth date, and address of the observed juvenile or adult, the time and place of the observation, the reasons for the observation or interrogation, and the names and addresses of the observed person's companions. The Belmont FIO's indicated what further action (contacting a juvenile officer, sending a letter of warning) would be appropriate for the officer to whom the FIO was referred.

The Belmont and Boston Police Departments used FIO's differently. In the absence of guidelines, Boston police could and did record any activity of any person. This information was then used to identify suspects.<sup>107</sup> Many police officers in Charlestown believed that an FIO should be written out for each stop or arrest. Because the police did not have ready access to central arrest information, FIO's were used as a duplicate arrest record in the Charlestown district.<sup>108</sup> FIO's were also filled out after a stationhouse warning, even if the juvenile was not booked or charged with a crime.

<sup>107</sup>FIO's have also been used in other contexts. During the summer of 1979, when gang-related problems reached unusually high levels, the Boston Police Department used "field sighting reports" to inform parents that their child had been seen in a group, even if the juvenile was not causing any trouble. The police took down the names, ages, and addresses of such juveniles. This information was fed into a computer, and when the name of a juvenile showed up more than once on the computer, a letter was sent to the parents to alert them that their child was part of a neighborhood gang. Boston Herald American, undated article.

<sup>108</sup>The arrest booking sheet was filed with the Incident Report according to the central complaint number of the incident for which the arrest was made.



In Belmont, officers reported infractions of the law or suspicious activity even if officers took no action. (It is important to stress that the types of infractions reported were not major crimes, i.e. felonies.) Considerable non-arrest information was collected on juveniles in situations in which it was clear an arrest could have been made (e.g., riding an unlicensed/unregistered mini bike). In some instances, the information written on FIO's did not record a legal violation or a suspected violation (e.g. gathering on corners). In addition, police FIO's recorded information regarding punishment for school infractions (e.g., suspensions for marijuana). The quality of the intelligence data contained in some FIO's was questionable; in others a report might have been a better form of communication.

Belmont FIO's, in contrast to those written in Boston, substituted for other kinds of reports (i.e., incident reports) that could have been written. Officers were not pressured to write lengthy reports and instead filed FIO's which, in this department, were not strictly an intelligence gathering device. Unlike incident reports or police logs they were not open to public scrutiny.<sup>109</sup> In any event, the cryptic descriptions of events involving juveniles made them indecipherable to all but the officer who wrote the FIO.

In District 15 and Belmont FIO's on juveniles were filed alphabetically, were not kept separate from adult FIO's, and were available to any police officer. District 15 officers sent copies of all FIO's to Headquarters.

<sup>109</sup> An amendment to Chapter 21 of the Massachusetts General Laws, passed March 25, 1980, made police logs available to the public. M.G.L. c.41 §98F.

There was no procedure for the destruction of FIO's in Charlestown. Many FIO's in Charlestown had never been counted or analyzed. (In the districts, the ranking officer usually reviewed all FIO's filed.) Some officers in Boston suggested that FIO's were sometimes used to evaluate the performance of officers and that there were informal quotas to encourage the use of FIO's.

The juvenile officer of the Belmont Police kept a duplicate copy of all FIO's on juveniles. He systematically purged his own files but the Department had no policies on the destruction or retention of these records. In Belmont most FIO's on juveniles were written for minor criminal misconduct, i.e., alcohol related offenses. FIO's were written mostly on young people (males) between the ages of 14 and 16 although FIO's were written on children as young as eight. Field interrogation reports did not duplicate arrest reports in Belmont as they did in Boston.

The standards recognize that investigative reports such as FIO's are legitimate and necessary tools for the investigation of crime. Our recommendations concerning FIO reports were intended to help the Boston Police Departments conform with the national standards' recommendations on recordkeeping by police departments. The police should formulate guidelines to inform officers which kinds of activities may be documented by FIO reports. These were the most important recommendations we made to the Belmont and Boston Police.<sup>110</sup>

<sup>110</sup> The Belmont police were given a copy of our earlier report to the Boston police and were aware of our position on FIO's. There was no need to repeat verbatim the recommendations we made to the Boston Police Department. Belmont could not curtail its use of FIO's unless officers wrote other kinds of reports.

We believe that the type and scope of information collected in FIO reports should be defined more precisely. FIO reports should be used only to investigate crimes. Under no circumstances should FIO's be used to monitor truancy, runaway, stubborn, or incorrigible behavior, or other such "status" offenses. (We recommended to the Belmont Police that information regarding school discipline should not be recorded other than to note that the juvenile has been turned over to school officials for disciplinary purposes.) We suggested the following procedure for FIO reports:<sup>111</sup>

An FIO report that identifies a person by name should be recorded only if the conduct observed reasonably suggests that criminal conduct has taken place, is taking place, or may take place.

The practice of using investigative reports such as FIO's for stops, arrests and stationhouse warnings of juveniles is permissible under this definition of investigative information. Filling out an FIO on a juvenile when the officer cannot reasonably anticipate the occurrence of any possible crime from the observed activity would not be permissible under this definition. For example, a well-known juvenile troublemaker cannot be cited in an FIO for walking to and from school. However, if he is seen in front of an abandoned building that has been repeatedly vandalized, filling out an FIO would be appropriate.

<sup>111</sup> This definition is a modification of the NAC definition of investigative reports: "...identifiable information compiled in an effort to anticipate, prevent or monitor possible acts of delinquency or in the course of the investigation of specific acts of delinquency," (Std. 1.531).

Juvenile FIO's should be kept separate from adult FIO's in order to assure the confidentiality of these records. (This applies only to Boston.) FIO's should be filed by the date of the report, and not by the names of the juveniles observed. Filing FIO's by the date of the observation should help officers identify all suspects who were in a particular area on the day a crime was committed. Upon learning that a crime has been committed, officers can simply inspect all FIO's filed on the day of the crime to retrieve the names of all juveniles observed on that day. FIO's filed alphabetically by the name of the juvenile are only as effective as the officer's memory for names. Should a name be forgotten or incorrectly remembered, a guilty juvenile could easily escape detection while a juvenile innocent of the crime could be mistakenly associated with it.<sup>112</sup>

FIO reports should not be kept indefinitely. We suggested that each FIO be destroyed within three months of the date of the observation. However, if an on-going investigation has focused on a specific person or series of crimes, FIO's on that person and/or associates known to the police may be kept until the investigation is completed. We suggested destruction of FIO's no later than three months after the date of the observation because

- a) after three months have passed such investigative information becomes stale and loses its value to the police; and
- b) the utility FIO reports might have after three months is outweighed by the juveniles's privacy interest in these

<sup>112</sup> Massachusetts law does not require the adult and juvenile FIO's be kept separate.

potentially prejudicial records, unless he or she is a suspect in a current investigation.

The standards do not require the destruction of investigative reports, but we believe that the use of such investigative records as FIO reports was not carefully considered by the standards. The standards do suggest that juveniles (and their parents) be informed of all records kept on their activities, that opportunities be provided for challenging the accuracy of these records, and that the necessity of maintaining any record be periodically reviewed (see Introduction). Instead of proposing adoption of all these cumbersome methods of assuring the accuracy and necessity of FIO's we believe that the recommendation to destroy FIO's after three months would ensure conformity with the standards' philosophy that juveniles should be protected from the consequences of having a police record.

FIO's should not be used to evaluate the performance of police officers. An officer should not be required to meet a quota of FIO's. The use of FIO's by a police department to evaluate the performance of individual police officers might compel officers to fill out FIO's on situations in which they were not justified.<sup>113</sup>

<sup>113</sup>For more extensive discussion of these recommendations see Final Report: Boston, pp.128-137.

#### D. ROLE OF OTHER AGENCIES

##### D-1. THE PRETRIAL REVIEW PROCESS AND PRETRIAL DIVERSION

The standards all recommend that referral to the formal juvenile justice system be made only when certain criteria have been met (see e.g., IJA/ABA Stnd. 2.3). Basically, they would have only serious delinquent offenses referred to juvenile intake (see Task Force Stnd. 5.10 and NAC Stnd. 2.221).

The IJA/ABA Standards require that a complaint filed against a juvenile should be reviewed by a prosecutor for legal sufficiency. Additionally, someone from the probation or intake staff should review the complaint to determine whether formal action is appropriate under the circumstances (see IJA/ABA Stnd. 3.2). The standards would require that prosecutorial discretion in the review of juvenile cases be guided by a policy statement formulated in the office of the district attorney.

The Task Force Standards (15.1) would require a separate division of the local prosecutor's office to represent the state in family court. The role of the family court prosecutor would include advising the intake officer on the legal sufficiency of a complaint (see Task Force Stnd. 15.13). The decision to file a petition rests with the family court prosecutor and should be based on consideration of the facts the complainant presents and consultation with the intake officer, who has made a preliminary determination as to the legal sufficiency of the alleged facts (see Task Force Stnd. 15.13).<sup>114</sup>

<sup>114</sup>The Commentary to this standard states: 'The term 'legal sufficiency' involves a two-pronged test: (1) whether the facts and alleged events are sufficient to establish the court's jurisdiction over the youth, and (2) whether the competent and credible evidence available is sufficient

The NAC Standards also provide for the review of complaints (Std. 3.142). The intake officer would determine whether the allegations are sufficient to bring the juvenile within the jurisdiction of the family court. If legal sufficiency is not clear, the intake officer should consult with an attorney from the family court section of the prosecutor's office. If the complaint is legally sufficient, the intake officer would then decide whether to file a petition. (This determination should be made using the criteria discussed in Standard 3.143 regarding the seriousness of the alleged delinquent conduct).

If, after the complaint is found to be sufficient, the intake officer decides not to recommend to the prosecutor that a petition be filed, the officer may dismiss the complaint or refer the juvenile for services without formal court process. A complainant who disagrees with the intake decision to dismiss a complaint may resubmit the complaint to the family court section of the prosecutor's office (see NAC Std. 3.147).

The IJA/ABA Standards recommend that a juvenile alleged to have committed a minor criminal act should not be referred to the formal juvenile justice process unless the less restrictive alternatives described in Standard 2.4 are not appropriate under the circumstances. These and other standards relating to the above questions have been discussed in detail in the section concerning the least restrictive alternative.

to support the petition. The first part of the test is concerned with such matters as the age of the juvenile and the nature of the juvenile's alleged conduct. The second part is essentially equivalent to a determination of probable cause.

#### Findings and Recommendations

Boston. During the course of our study the initial review of applications for complaints in Charlestown took place at clerks' hearings. The clerk was given little statutory and no administrative direction.<sup>115</sup>

An application for a complaint was filled out by the police or victim and sent to the defendant. It served notice to the defendant of the allegations against him or her. If the defendant did not appear and probable cause was established, the complaint would issue.

A complaint was sought before the clerk of court. The juvenile officer telephoned the parents, informing them of the complaint hearing and advising that they be present. Proceedings were informal, each person telling his or her story. The detective made his own report at this hearing. Some cases ended here, the clerk deciding that the matter did not belong in court or that the parties needed time to reach a settlement.

If the complainant, police officer, parents, and juvenile were present before the clerk of court at these hearings, the matter was often settled there.<sup>116</sup> The clerk might strongly suggest that if some proposed remedy was

<sup>115</sup>For a description of the processing of a typical delinquency case according to procedures established by Massachusetts statutes and court rules, see "Processing Delinquency Cases in Massachusetts," in Police Procedures for Handling Juveniles (Center for Criminal Justice, January 1982). See also Appendix B, Final Report: Boston.

<sup>116</sup>In the past, there was a tacit understanding between the two assistant clerks regarding their functions: one routinely handled complaint hearings and the other handled the court (adult and juvenile) sessions. At the completion of this study, the former clerk stopped handling all the juvenile complaint hearings. The chief clerk was handling more, and more complaints were being issued. Consequently, the clerks' hearings were no longer used to issue a formal warning.

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not forthcoming the complaint would issue.<sup>117</sup> The clerk has no authority to authorize restitution.

Many juvenile cases that came before the clerks were based on a complaint by a civilian rather than the police, although the citizen might go forward as a result of instructions from the police. If a civilian came to initiate the complaint process without having been referred by the police, the clerk might refer the individual to the police, thereby necessitating police involvement in the application process.<sup>118</sup> The clerk claimed that civilians did not understand the standards of evidence required for issuing complaints and that for this reason he used the police as preliminary screeners. He might also ask them to investigate further to gather additional evidence. On a juvenile matter the clerk would request that the juvenile officer investigate.

One clerk saw the complaint hearing as providing alternative sentences and serving to protect the public purse.<sup>119</sup> Under the juvenile statute

<sup>117</sup>It was unusual for the juvenile to deny the accusations at this stage. However, if a complaint does issue the juvenile will often deny the allegations at a hearing on the merits.

<sup>118</sup>Certain types of complaints were denied by the court more frequently than others. Complaints by citizens were more often denied than those for which the police applied. During the course of our study in Charlestown 70 percent (14 of 20) of the citizen complaints of assaults were denied as were 90 percent (10 of 11) of the vandalism complaints.

<sup>119</sup>The clerk in Charlestown was more active in pursuing alternative sentences than was the probation officer. The clerk's approach was similar to that of the probation officers in the East Cambridge District Court. See below.

(M.G.L. c. 199 §54), the court was to hear the complainant and witnesses under oath before issuing the complaint. There was no provision in Chapter 119 to notify the juvenile at this stage that he or she was the object of a delinquency hearing. The clerk estimated that he issued a notice of hearing to the juvenile in almost 90 percent of the cases coming before him. The notice stated the charges and informed the juvenile that he or she might attend. Only when the clerk believed that there was no question about the incident did he issue the complaint without prior notice to the juvenile and a hearing. The notice was routinely given to the police to deliver to the juvenile. Police and court personnel often referred to it as a summons, although it was not; there was no possibility of a warrant issuing or of the juvenile being found in contempt for failing to respond. However, apparently through ignorance rather than design, this title served to suggest that the notice had authority that it actually lacked. Those notified did tend to appear at the scheduled time.

The clerk saw the following as the purposes of complaint hearings for juveniles:

a. Because of the time lag between incident and hearing, hostilities were likely to dissipate. In non-serious matters time might facilitate an informal resolution (e.g., an apology to the complainant) that was satisfactory from the point of view of all the parties.

b. In other situations, the clerk might (often with the involvement of the juvenile officer) decide to hold a complaint hearing of which the juvenile was notified. The clerk had no intention of issuing a complaint, but the juvenile did not know this. In these cases, a determination had been made that the juvenile needed to understand the severity of the situation,



but also that the attitude of the juvenile and of the family boded well for nonjudicial supervision. In this category of cases (and the cases described in (a) above as well), the decision not to issue the complaint was based largely on considerations unrelated to the adequacy of the evidence presented. In other words, a complaint would not issue in the absence of a finding of probable cause, but even if probable cause existed the complaint very likely would not issue.

c. For a third category of cases, the clerk might decide to issue a notice and hold a hearing on the complaint application as an explicit attempt to determine which cases should go before the judge; he would anticipate the likely judicial disposition. For example, if a case coming before the clerk involved a first-time offender for a relatively minor offense, the certainty of the judge's disposition seemed to make the judicial exercise wasteful. Going to trial involved police overtime and the time of court-appointed counsel, court personnel, and the like. Depending on the attitudes of all parties involved, the clerk might try to arrange restitution for first offenders who committed minor offenses. Assuming such agreement was reached, the complaint was not simply denied; rather the complaint hearing was said to be continued. If the agreement had been carried out, the complaint was then denied. It is in these instances that the clerk referred to his role as providing "alternative sentencing."

The clerk retained complaint applications and complaints issued. If a complaint was denied, he indicated the reasons in writing (e.g., restitution of a specified sum by a particular date, or agreement by the parties). The clerk contended that he did deny a substantial number of complaints and that he may have been disliked by some police personnel for this reason.

He described himself as an active clerk as compared with his fellow clerks, who he suggested, were more likely to issue complaints routinely for the police. The clerk contended that he would rather err on the side of denying complaints, because a dissatisfied complainant has the statutory right to request a hearing before a judge. If the clerk issues a complaint, however, the defendant has no options.<sup>120</sup>

The clerk often tried to obtain background information from the juvenile probation officer informally prior to the hearing. Since the juvenile had not yet been charged (the complaint not yet having been issued), probation had no authorized role in the process.

There appeared to be a great deal of uncertainty in Charlestown concerning the legal basis for juvenile diversion. The clerks and judges in the district court system questioned whether the rights of the juvenile to due process could be adequately protected without formal court processing. Police officers in Charlestown expressed concern that pretrial diversion might expose them to charges of false arrest for detaining juveniles who were later released without being processed. Social service agencies were concerned with their rights and responsibilities regarding the treatment of juveniles who were not serviced under a formal court mandate, i.e., whether they would be able to keep juveniles in treatment without the threat of court proceedings. Because the Commonwealth of Massachusetts

<sup>120</sup>The clerk has authority to weigh legal sufficiency, but the source of his authority to consider other factors in deciding how to proceed on an application is not clear (see M.G.L. c. 119 §54).



generally evaluated the operation of its criminal justice agencies by their caseloads, diversion of a juvenile, while perhaps in the best interests of the juvenile and an improvement in qualitative performance, might reduce an agency's caseload. Such reported reductions threatened not only funds and positions, but even the existence of a district court.<sup>121</sup>

We recommended the adoption of a formal procedure for diverting away from the Charlestown District Court juveniles who committed specified offenses. This would include a discussion between a complainant and a juvenile to facilitate the resolution of a dispute through mediation or restitution prior to arraignment or other formal appearance before the court. While this process might lead to some casual and informal counseling of the juvenile, we did not believe diversion should lead to the juvenile's being enrolled in social service programs or receiving formal counseling, a mental health evaluation, or treatment. If the juvenile appeared to be in need of such services, it was more appropriate that the juvenile be formally processed by the court, with the benefit of defense counsel. This not only safeguarded important rights of the juvenile but also ensured that, should a decision for treatment be made, the power of the court could be used to guarantee the provision of adequate treatment.

Only juveniles accused of committing certain types of offenses should be eligible for a diversion process involving mediation or restitution. These offenses were vandalism, simple assault, use without authority, and

<sup>121</sup> Formal court processing of juveniles could be quite expensive for the Commonwealth, as well as for citizen complainants. Costs included police overtime for court appearances, witness fees and the appointment of public defenders, as well as the operation of the court itself. If continuances were granted prior to the final disposition, costs could rapidly escalate.

certain types of non-criminal misconduct. They usually involved citizen complaints against juveniles with few previous arrests, younger juveniles, or other juveniles for whom such a process appeared particularly suitable.

A hearing before the District Court judge should be required for

--more serious, repeat delinquents for whom the persistent use of other, non-punitive efforts had failed; and

--certain probation and parole violators.

Specifically, delinquent acts requiring referral should include:<sup>122</sup>

--All delinquent acts that if committed by an adult would be felonies, except those first offenses in which the circumstances may mitigate the offense;

--All delinquent acts involving weapons, including unlawful possession and unlawful use or threatened use against another person;

--All serious gang-related delinquent acts in which the alleged delinquent was engaged in gang violence, intimidation, or the like;

--All delinquent acts committed by juveniles under community supervision (probation or parole), or those with a case pending, if the delinquent act for which they were taken into custody was within the scope of the delinquent acts described above; and

--All delinquent acts committed by juveniles whose three most recent delinquent acts (within the preceding 12-month period) were disposed of by community adjustments.

In addition, there were certain other cases in which a referral to juvenile court might have been necessary:

--When the juvenile had been selected for a diversion program but had refused to participate; or

<sup>122</sup> Those criteria for referral are taken from Task Force Standards 5.10 and 5.11.

--When it had been determined that parental supervision was not effective or that the juvenile's parents themselves were engaged in criminal conduct.

We recommended that this diversion process should involve a court clerk, juvenile probation officer, the juvenile, a parent/guardian, and the complainant. These participants should discuss the alleged incident and attempt to resolve the complaint in a manner acceptable to all the parties. While the emphasis should be on reaching an agreement without invoking more formal or costly legal mechanisms, it should be made clear to both complainant and juvenile that a hearing before the judge is possible if either side demands it. In some cases, it may be useful to include a social service worker or a police officer. Generally, however, such cases should be handled by as few people as possible (e.g., without appointed legal representatives) and kept strictly confidential. Finally, any juvenile who violates a diversion agreement should be ineligible for future participation in the pre-trial diversion process.

While this process would not include the District Court judge, it should not be regarded as informal or "extra-legal." The diversion procedures we recommended should be sanctioned by the District Court judge and by a diversion committee charged with developing broad policies on the diversion of juveniles. The committee should include

- the judge of the Charlestown District Court;
- a clerk of the Court;
- a juvenile probation officer or the chief probation officer;
- a Boston Police Officer from District 15; and
- a representative from the Department of Youth Services, the Bunker Hill Health Center, the Kennedy Center, and other major Charlestown social service agencies.

This committee should meet periodically to formulate policies on juvenile diversion (in addition to those recommended in this report), and to review their implementation. It should address such issues as

- types of offenses that make a juvenile eligible for diversion;
- community resources available for diversion programs;
- the performance of social service agencies;
- the success of specific policies on pre-trial diversion; and
- the pre-trial diversion process.

Stamford. The Youth Bureau initiated almost all the court referrals made by the Stamford Police Department. Most of the referrals made by patrol officers were inappropriate and dismissed at intake (e.g., a child was out late at night, but there was no reason to believe that the child committed a delinquent act).

The Stamford Police Department Manual (1955) discusses proper procedure for handling alleged delinquents:

Whenever a juvenile case is brought before any Commanding Officer, and in his judgement the offense is of a minor nature, and the case can be consistently kept out of Juvenile Court, such Commanding Officer may release the offender with a reprimand, but shall file with the Youth Bureau a Referral for disposition. (pp. 60-61)

Thefts, assaults, burglary-trespass, and vandalism were the types of offenses that were most often referred to the court by the Stamford Police Department. Discussions with court personnel revealed that Youth Bureau officers generally did not make court referrals when (1) the juvenile was a first-offender and the incident was minor; (2) the case was somewhat serious but the juvenile expressed regret for his or her actions; (3) the charge involved drinking in public or drug use and the parent/guardian

agreed to provide private treatment for the child; or (4) the complainant was satisfied with restitution.<sup>123</sup>

Although technically any police officer could make a referral to the Superior Court:Juvenile Matters, the manner in which the referral was reviewed in court suggested that the referring officer be familiar with court procedures. The Stamford Police Department was organized so that cases involving juveniles went to the Youth Bureau before being referred to court. The screening by Youth Bureau officers, who were in close communication with court personnel, practically guaranteed that any case referred by the Department would not be dismissed.

In many instances, a referral to Superior Court: Juvenile Matters served as a less restrictive alternative to arrest.<sup>124</sup> The intake unit of the probation department initially screened cases that come before the court to determine whether some form of court action was required. If judicial intervention was not justified, intake determined the appropriateness of referring the juvenile to a community resource for participation on a voluntary basis. Essentially the decision to assign a complaint to a probation officer for investigation was twofold: whether the allegations were legally sufficient to bring the juvenile within the court's supervision, and whether the interests of the public or the juvenile warranted such intervention.

<sup>123</sup> Persons under the age of 16 in Connecticut are referred to legally as "children." In this report to be consistent with the terminology of Massachusetts "children" are referred to as juveniles.

<sup>124</sup> Instead of detaining a juvenile, patrol officers could also request in their reports that a Youth Bureau officer refer the juvenile to Superior Court:Juvenile Matters. This option, which was equivalent to a summons, was not available to Massachusetts police officers.

We recommended that the Stamford Police not take responsibility for formally screening juveniles who have committed minor delinquent offenses or for referring such juveniles to social service agencies. (See Section B-7 above.) We also recommended that the police consider the seriousness of the alleged offense in determining whether to refer a juvenile to Superior Court:Juvenile Matters. All delinquent acts that if committed by an adult would be felonies should be referred, except first offenses in which the circumstances may mitigate the offense. Delinquent acts involving weapons, including unlawful possession and unlawful use, or threatened use against another, should be referred to court. Aggravated assaults and batteries, especially against law enforcement personnel or persons older than sixty should be referred to court.

The role of the juvenile in the alleged offense should be considered in deciding whether to refer a case to Superior Court:Juvenile Matters; certain circumstances dictate that an observer be treated differently than a key participant. The number and nature of contacts the juvenile has had with law enforcement personnel should also be considered in making the referral decision. Delinquent acts allegedly committed by a juvenile on probation or parole or by a juvenile who had a case pending should be referred to court. The availability of appropriate persons or services outside the formal juvenile justice system willing and able to provide care, supervision, and assistance to the juvenile should be considered, as should the age and maturity of the alleged offender.

Official guidelines should be developed by the Department to formalize these referral criteria. All officers should be trained in these referral criteria and should use them in making these decisions.

Arlington and Belmont. Arlington, Belmont, and Cambridge are within the jurisdiction of the East Cambridge District Court. In contrast to the Charlestown District Court, this district court had a program to divert arrested juveniles at intake. The court was oriented to treating juveniles. When a police officer requested that a complaint issue (usually through the police prosecutor), the request was sent to the probation office. The probation office then determined, based on written guidelines, whether the juvenile was eligible for the program. If the juvenile was eligible, the juvenile automatically was placed in the program. However, a police officer could recommend that a juvenile not be diverted and it appeared that probation acceded to that recommendation. Forty-five of 183 juveniles arrested in Arlington and ten of the 35 juveniles arrested in Belmont on whom we had information were referred to the court's intake program in 1979 and 1980.

There were several requirements for eligibility for the program.

1. The juvenile must have had no prior arrests. If the juvenile had a record, a complaint issued.
2. The alleged offense must be on an "offense list,"<sup>125</sup> over which the Court authorized probation department discretion.
3. The probation officer determined the juvenile could benefit from diversion. The officer used common sense and based the opinion on the circumstances surrounding the offense and the juvenile's prior behavior.

<sup>125</sup> Some of the 17 offenses listed were: assault, assault and battery, breaking and entering with intent to commit a misdemeanor (except in schools, churches, and residences), defacing or destruction of property (under \$15).

4. The juvenile and parent/guardian signed a form releasing the arresting officers and complainant from any and all claims that each offender and parent/guardian may have had regarding the arrest.
5. The juvenile, parent/guardian, complainant, arresting officer and probation officer approved and signed a memorandum of understanding.

As stated in the memorandum of understanding, participation in the Intake Program was voluntary. If at any time the juvenile did not want to enter the program, the juvenile could not be diverted, regardless of the wishes of the parent/guardian. If all of the eligibility requirements were met, the probation officer informed the juvenile that the officer would recommend to the court a stay of all proceedings. The court routinely concurred with the requests for diversion. However, if the court did not concur with the request, the application was stamped "complaint to issue". The clerk then notified the juvenile that the complaint had been issued.

Full cooperation for a period of 60 to 90 days resulted in the termination of proceedings. (At the end of 60 days, the proceedings were reviewed to determine whether termination or a stay for an additional 30 days was appropriate.) Neither a complaint nor a docket number would be issued. Failure to cooperate (by the juvenile or parent/guardian) resulted in a request to the court for removal of the stay and the issuance of the complaint(s). Cooperation might require counseling and/or restitution, depending on the offense.

Participation in the program was not an admission. However, the fact that the juvenile was processed through intake was recorded; this would be important should the juvenile be arrested again in the future.

It is important to note that the most frequent disposition of juveniles, especially first time offenders, that went before the justices in the East Cambridge court was "continued without a finding." The sentences were not determinate. These cases included the more serious offenses of larceny, breaking and entering, robbery and assault. These juveniles, like those diverted at intake, were placed in treatment programs. Juveniles were rarely committed to the Department of Youth Services (DYS).<sup>126</sup> This was the policy of the judges, prosecutors and probation officers of the East Cambridge District Court.

We made no substantive recommendations on diversion to the Arlington or Belmont police because the East Cambridge District Court had a program to divert juveniles at intake. (As we noted Belmont police arrested very few juveniles.) We did recommend that Arlington and Belmont Police give a juvenile officer the responsibility for prosecuting all juvenile cases to facilitate cases that went forward to the court. (In the past police officers did play a more active role in prosecuting juvenile cases.) This

<sup>126</sup> In contrast, the Charlestown District Court frequently committed juveniles to DYS for a variety of offenses. But a Charlestown juvenile in district court was more likely to be a repeat offender. See Appendix B, Final Report: Boston.

officer would oversee the filing of complaints, the diversion of juveniles, the decision to issue complaints or seek a clerk's hearing, and the attendance of witnesses in court. Having a juvenile police prosecutor would not require much effort on the part of the departments. The time commitment would seem to be minimal. Cases could be (and usually were) arranged so that all Arlington and Belmont cases came before the juvenile session on the same morning each week.<sup>127</sup>

#### Discussion

An interesting finding to emerge from the study was the contrasting approaches to handling juveniles among the Charlestown District Court, the East Cambridge District Court and Superior Court: Juvenile Matters (Conn.). Compared to the East Cambridge Court, which relied on treatment programs, the Charlestown District Court handed out dispositions for similar offenses that were, on paper, more punitive. The Charlestown District Court had no pre-trial diversion program. Cases referred to Stamford's juvenile court were handled judicially (before a judge) or non-judicially (usually by the Court's intake officer).<sup>128</sup> A Stamford juvenile might receive treatment whether his or her case was handled judicially or non-judicially but the sentence of a case handled judicially was not indeterminate as it was in the East Cambridge District Court. Without an exhaustive study of the

<sup>127</sup> The East Cambridge Court, unlike the Charlestown District Court or the Superior Court: Juvenile Matters in Stamford, was not in close proximity to the police departments under its jurisdiction.

<sup>128</sup> See Appendix C, Final Report: Stamford.

fate of juveniles processed by these very different court systems, one cannot claim one system was more beneficial to juveniles than another without empirical evidence, the IJA/ABA rejection of the rehabilitative model remains a value judgment and is premature.

## CHAPTER IV IMPLEMENTATION OF RECOMMENDATIONS

### Introduction

This chapter describes the strategies for implementing standards proposed in the three sets of published national standards and our suggestions for implementation. It also discusses the problems of implementing national standards in local police agencies.

The Task Force Standards emphasize two phases in the process of implementation: 1) planning to adapt the national standards to local circumstances; and 2) creating the administrative apparatus to convert the standards into operating procedures.<sup>1</sup> These processes should originate with state government, although under special circumstances local jurisdiction may be involved. Implementing and ensuring compliance with the standards should be the responsibility of a single state agency.

The planning process should involve a systematic re-examination of the existing processes, responsibilities, and resources of the juvenile justice system. Not only professionals, but also the general public, must come to accept and endorse the standards through a process of sharing information, discussing differences, and resolving conflicts. Public support is particularly important if funding for the levels of public service required by

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<sup>1</sup> See Task Force, pp. 18-21.



the standards are to be attained. Two methods suggested are convening statewide or regional conferences, and making use of the media to generate public discussion and comment.

Once a comprehensive master plan for delinquency control based on the standards has been developed, legislation to formalize this plan and permit implementation will probably be required. The legislation would empower the appropriate executive agency to set mandatory or voluntary standards. The Task Force Standards express the belief that non-mandatory standards, coupled with subsidies for salaries or special programs not usually provided in jurisdictions that meet minimum standards, could be quite effective in achieving compliance. In states with voluntary standards and no subsidy program, the adoption of standards would depend solely on the persuasive powers of state monitors.

A single state agency should have sole authority to adopt standards and to involve the public in adopting the standards. The same agency should monitor compliance and submit annual reports to the legislature detailing progress and suggesting further legislative changes. Finally, there should be an annual review of the standards to ensure that they are up-to-date and responsive to changing conditions and attitudes. The views of the public should be solicited on any changes, no matter how minor.

The IJA/ABA Juvenile Justice Standards Project strongly emphasized the immediate, swift, and wholesale adoption of the IJA/ABA Standards.<sup>2</sup>

<sup>2</sup> IJA/ABA Standards for Juvenile Justice: A Summary and Analysis, op. cit., pp. 247-51.

It rejected patchwork or incremental improvements, minor statutory revisions, or gradual implementation as a retreat from the broad systemic reforms necessary to produce fundamental changes in existing, ineffective mechanisms, which violate basic rights. The goal of the Juvenile Justice Standards Project was the reform of the whole juvenile justice system: "A revolution, not just another phase of the evolution."<sup>3</sup>

These standards also stressed the need for action before implementation to inform, educate, and develop support for the standards among professional groups, such as lawyers, juvenile judges, social workers, district attorneys, probation workers, and correction officers.<sup>4</sup> These groups would be reached through journal and law review articles, juvenile justice newsletters, the popular media, testimony before legislatures, and panel discussions.

Beyond this, the IJA/ABA proposes a four-step state implementation strategy. First, an analysis would be prepared that compares proposed standards with existing statutes, court rules, case law, and legal practice, and outlines the action necessary to bring state laws into conformity with the standards. Second, task forces of key leaders would be created to coordinate implementation within a state. Third, goals and a strategy addressing the lack of communication among the components of the juvenile justice system would be prepared. Lastly, practitioners and the public would be educated about the standards through conferences, training, films, articles, and lobbying and media workshops.

<sup>3</sup> Ibid., p. 257.

<sup>4</sup> The IJA/ABA does not specify what groups or organizations would initiate the process of implementing and executing the strategy it advocates.

In discussing a general implementation plan, the NAC Standards raised several questions.

1. Does the proposed strategy fall within the legal and practical authority of the federal government? While the federal government can provide leadership and necessary assistance, federal mandating of sets of standards is not effective because the juvenile justice system is primarily a state responsibility.
2. Are the resources available sufficient to support the proposed strategy? Implementation strategies should establish priorities among standards and then pool resources and energies.
3. Does the proposed strategy contain adequate procedures for gaining state and local support for and participation in the implementation process? Communities must be encouraged to reassess the delivery of services, identifying the more serious problems, and the more urgently needed procedural and substantive changes.<sup>5</sup>

More specifically, NAC recommended that states, through their juvenile justice advisory groups, identify priority areas that would be the basis for coordinated state plans eligible for JJDP Act funds. The state criminal justice planning agencies would do the planning and coordinating. State plans would be submitted to regional councils and the Federal Inter-departmental Coordinating Committees for coordination and integration with existing programs and agencies.

NAC also proposed encouraging national professional associations to use its Standards in developing their own professional standards and accreditation programs, and recommended the use of litigation to allow courts a role in implementation through the adoption of standards by judicial decree.

<sup>5</sup>NAC, pp. 521-522.

The specific focus of the Police Handling of Juveniles Project made it difficult to follow the implementation schemes outlined by the various standards. Since the project dealt with only one element of the criminal justice system, the police, it was impossible to urge the wholesale adoption of the philosophy embodied in a set of standards, as the IJA/ABA suggested. Indeed, the core of the IJA/ABA philosophy is more applicable to courts and probation than to police departments. Similarly, in dealing with only one agency in one community, it was not realistic to expect state agencies to become involved in the planning and implementation process, to aid in legislative or organizational changes, or to provide subsidies. Nor was it realistic to assume that the resistance of those working in the juvenile justice system could be overcome simply by persuasion based on the value of the standards. Instead, the project suggested (a) which of its recommendations, based on national standards, should be the priorities of the Boston Police Department and the Stamford Police Department and (b) strategies the departments should adopt to facilitate implementing these recommendations. We recommended that the Boston and Stamford police departments adopt the project's recommendations in the order in which they are listed in Table I.<sup>6</sup>

Boston. Clarifying the role of juvenile officers and strengthening their position within the Boston Police Department would have considerable impact on the way the Department handles juveniles. Therefore, we urged that those recommendations be acted on first. In particular, we believed that the Department must insist that cases involving juveniles be transferred to the authority of each district's juvenile officer even if patrol officers contact the juvenile initially.

<sup>6</sup>Recommendations were submitted to the Arlington and Belmont Police Departments in November 1982 and were not listed in order of priority.

Table I		
Recommendations Listed in Order of Priority		
Priority	Community	
	Stamford	Boston
1	Centralized Youth Bureau	Clarify the role of juvenile officers
2	Selection procedures for Youth Bureau officers	Develop policies and guidelines for handling juveniles (to be incorporated in <u>Boston Police Criminal Investigative Procedures manual</u> )
3	Training	Neighborhood Response Team (NRT) model*; Police involvement in court diversion committee
4	Guidelines for handling minor misconduct	Guidelines for Field Interrogations reports and Recordkeeping
5	School guidelines	Establish centralized auto theft unit*
6	FWSN	Criteria for arrest and monitoring of arrest practices
7	Update SPD Manual	
8	Recordkeeping	
9	Processing of cases	
10	Liability of police officers	

\* See Recommendation B-9, Final Report: Boston

Next we recommended that the Department develop a set of policies and procedures for handling juveniles that would be incorporated into the Boston Police Criminal Investigative Procedures manual.<sup>7</sup> The recommendations of this report should be used in this effort. This would emphasize the differences between police work with adults and juveniles as well as convey to officers in the Department the importance of police work with juveniles. Written policies and procedures also provide a mechanism to increase police accountability.

We also recommended that the Department work with court and agency personnel in District 15 to establish a formal procedure to divert juveniles away from the Charlestown District Court. If such a program were to be established in one district, it might serve as a model for other districts. In addition, the Department should consider the Neighborhood Response Team (NRT) a model for other districts in Boston. The NRT is an effective way of bringing police, court and social service agency personnel together to discuss problems of juveniles in their district.<sup>8</sup>

We then recommended that the department change some of its current practices of using and storing FIO reports on juveniles.

Finally, the Department should consider establishing a centralized auto theft bureau responsible for investigating this crime in which juveniles are frequently involved.

Our contact with the Boston Police Department ended October 1980. We do not know whether the Boston Police Department acted on the recommendations of the report we submitted.

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<sup>7</sup>The manual, which is now advisory, was developed by the Center for Criminal Justice with the cooperation of the Boston Police Department.

<sup>8</sup>See Recommendations D-2 and D-3, Final Report: Boston for a discussion of the NRT.

Stanford. We believed that revitalizing the Stamford Department's Youth Bureau would have the greatest impact on the way the Department handles juveniles; we therefore urged that recommendations which pertain to the Youth Bureau be acted on first. In particular, we considered training in juvenile procedures for new recruits and in-service training for current patrol officers to be a high priority. The implementation of other recommendations was contingent on upgrading the status of the Youth Bureau in the Department.

We recommended that the Stamford Police Department next focus its attention on three areas in which written guidelines for officers were desirable:

- the handling of minor misconduct;
- the handling of offenses on school grounds; and
- the handling of status offenders.

After this, the Department should concentrate on re-writing its procedures manual.<sup>9</sup>

Finally, the Department should address the proposed changes in the recordkeeping system and the recommendations pertaining to the processing of cases and civil liability of its officers.

For each policy recommendation in Stamford we suggested a method of implementation and the resources required:

<sup>9</sup> The Stamford Police Department indicated that this was one of its current priorities. Therefore, there was no need to assign this recommendation a higher priority here.

--Administrative order. A written directive is to be issued by the chief executive, detailing the policy and instructions to commanding officers, who are to oversee its implementation.

--Internal involvement. The active participation of Department personnel (e.g., research and training divisions, commanding officers, etc.) is necessary and desirable.

--Expenditure of funds. Additional funds will be necessary to effect the policy change.

--External involvement. Consulting outside agencies (schools, social service agencies, and juvenile justice agencies) and coordinating activities with these agencies is necessary.

In most cases it was recommended that some combination of these four means be utilized, although there are instances in which an administrative order alone could accomplish policy implementation. Conceivably, each policy could be "handed down" in this manner, but involvement of Department members is almost always desirable to effect change and induce compliance with a policy change.

In some instances those recommendations designated as high priority entail more costs and require more effort than others designated as lower priority. In making policy recommendations to the Stamford Police Department, we realized that the Department would be faced with financial constraints and organizational resistance to change. We suggested that an appropriate strategy would be to divide the policies into short-term and long-term goals and to select an appropriate means of implementing each.<sup>10</sup> Policies that could be implemented without large expenditures of funds should be seen as

<sup>10</sup> The more costly recommendations may be precisely the recommendations that are most important in realizing the goals of the standards.

short-term goals. These policies could be implemented immediately or at the first available opportunity without lessening a commitment to the priority recommendations. For example, recommendations that suggest that patrol officers complete all relevant investigative information in their serial reports could be implemented merely by an administrative order, without cost, and would require little or no organizational change for compliance.<sup>11</sup> Also, to simplify recordkeeping or increase accountability, the format of some juvenile records could be changed when the Department next revises such forms.

The major expenditures the Department would incur are the costs of adding Youth Bureau officers and clerical personnel. Other expenditures will be the costs of developing a manual, in-service training for officers, modifying the Youth Bureau's recordkeeping system, and sealing records.

Several policy recommendations would require the Stamford Police Department to work with other public and private agencies. For example, legal counsel to clarify problems of liability must be provided by the City, while procedural questions might be answered by the Court Advocate at the Superior Court: Juvenile Matters. In writing guidelines on searching and interrogating students, the department would need to work with school officials. In these matters the Department would be responsible for requesting the cooperation of the school system and following up on changes it deems important.

<sup>11</sup> About a third of the recommendations (17 of 51) could be implemented by administrative order.

We suggested that the Department announce a time-table for implementing each policy goal. For example, if it adopted the recommendation to increase the number of Youth Bureau officers to eight, it should appoint the additional officers within a specified time. Yearly reports should note the status of each goal.

In the fall of 1980 the study was continued to enable the Center to assist the Stamford Police Department implement the recommendations. We formally submitted our report to the Stamford Police Department in December 1980.<sup>12</sup>

Several events slowed the implementation of the project's recommendations. First, following the death of Chief Cizackas in November 1980, a permanent chief was not appointed until the following July. The Department made few changes in its operations--patrol, detective, juvenile--during this period.

Second, the ruling of an arbitrator required the Department to assign an officer with the title "Youth Supervisor" to command the Youth Bureau. The sergeant who commanded the unit during the first phase of the project was replaced. This administrative change had a significant effect on implementing recommendations because the study did not have the active support of the new commander. Even though the former commander remained with the unit, and actively supported our efforts, his positive attitude did not have the impact it might have had if he had remained the commander. In particular, the new commander viewed the project as the former commander's

<sup>12</sup> Drafts of our recommendations had been submitted to the Department prior to that date.



"agenda" that did not coincide with his ideas for operating the unit. For example, upon assuming command, the new commander made changes in the recordkeeping system that were somewhat at odds with the project's recommendations even though the study's original recommendations had the support of the command staff.

After the Acting Chief received a permanent appointment, a number of recommendations were adopted. These included

- retaining the Youth Bureau;
- assigning additional personnel to the unit;
- hiring full-time secretarial help;
- assigning new recruits to the Youth Bureau for temporary assignments and training; and
- adopting a blotter system to simplify the recordkeeping system.

The Department acted first on the recommendation that more officers be assigned to the Youth Bureau. A request for more officers, supported by excerpts from the Center's final report, was inserted into the Department's annual budget request. The Police Commission, the body that oversees the police department, approved the request but the mayor's office deleted the item from the budget. At that point it appeared that additional officers would not be assigned to the Youth Bureau. However, one of the first significant organizational changes of the new Chief was to eliminate the two zone patrol system, creating a single patrol zone and freeing a considerable number of patrol and supervisory personnel for other assignments. Two sergeants were then assigned to the Youth Bureau.

In addition, the Department did revise its written policies and procedures. It welcomed the written procedures for handling juveniles that

Center staff prepared<sup>13</sup> but several officers expressed regret that they were not more general since the Department had nothing comparable for handling cases involving adults.<sup>14</sup> These officers suggested that the Department incorporate relevant sections of the juvenile procedures manual into the Department's other publication, rather than issue it separately.

<sup>13</sup>See, Police Procedures for Handling Juveniles (Center for Criminal Justice, January 1982).

<sup>14</sup>The Department's policies and procedures were more narrowly focused on the day to day operations of the Department.

## CHAPTER V CONCLUSIONS

The national standards for police handling of juveniles are useful guidelines for developing administrative rules for local jurisdictions. Standards on juvenile officers and centralized juvenile units, training, and procedural matters are helpful starting-points, and a good basis for the more detailed and elaborate policies that police departments need. The standards are also useful to call to the attention of persons outside the criminal justice system those features of police work that are important.<sup>1</sup> However, we found in applying these standards to the Arlington, Belmont, Boston, and Stamford police departments that a number of unanswered questions and issues arose about the standards and the processes for implementing them that those who have invested so much time and effort in standards need to address in the future.

1. Priorities should be assigned to the national juvenile justice standards.

No priorities are assigned to the various standards that pertain to the police. Is recordkeeping more important than a centralized juvenile unit in big city police departments? Is training juvenile officers more

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<sup>1</sup>For example, recordkeeping, while not as visible to residents of a community as response to calls for service, is important to maintain accountability. Similarly, how cases are transferred from patrol to juvenile officers may determine the way a juvenile suspect or victim is treated.

important than the number of juvenile officers? How important are the procedural safeguards compared to administrative reforms that the standards advocate? Even though some policies that implement standards must be set at the local level, the standards fail to set any priorities that might serve as a national strategy for improving police services and police performance.<sup>2</sup>

The absence of priorities makes it difficult to evaluate the performance of a police department according to national standards. A police department may selectively choose to improve its recordkeeping system, ignore standards that address constitutional safeguards, and rightly claim to have adopted or be in compliance with standards. Another department may stress due process. Can one department be said to have acted more commendably according to the standards?

As we have noted, the philosophies of the standards (especially the IJA/ABA and Task Force) differ. The IJA/ABA claims to stress the legal issue of due process for juveniles. That emphasis should determine which of its standards are priorities. More detailed guidance is needed from the drafters of the standards.

2. An effort must be made to educate both criminal justice practitioners and citizens about the nature and purpose of the standards and target the audience of the standards more carefully.

Those who support national standards must realize that the standards, some

<sup>2</sup>Those standards that are more easily discussed with police departments address managerial issues. If a standard (or any recommendation) seeks to change a practice that a police executive or police officers consider central to the department's operation (field interrogation reports, aggressive strategies, etc.) or crucial to the well-being of the officers (overtime, paid details, etc.), then those standards will meet with resistance. This practical problem does not lessen the obligation to identify what should be a priority.

of which have now been in print for quite some time, mean little to the average citizen. Citizens are primarily interested in the effectiveness of services the police provide them; unless they grasp the nature of police work, citizens cannot place the standards in perspective. Even practitioners in the juvenile justice system were not well informed about them and how they relate to their everyday work. The standards must be disseminated more widely and explained more carefully.<sup>3</sup>

3. Standards for the police in the form of administrative rules should be supplemented by model acts and legislation.

Some standards are written as administrative rules for those who work in criminal justice agencies; others are written in the form of model acts or codes. But, the audience of all standards is state legislatures and their goal must be the passage of legislation to change system practices.<sup>4</sup> Administrative rulemaking by individual agencies is not the appropriate method to change agency practices.<sup>5</sup>

Attention should focus on how administrative practices (and rules) can be affected by legislation. The implementation schemes outlined in the standards should be revised to stress the kinds of legislation needed to

<sup>3</sup>In many instances the standards state preferences without providing factual information to support those preferences. Disseminating that information must also be part of the educational process.

<sup>4</sup>The IJA/ABA seems to recognize this: "One serious problem that is expected to be encountered in seeking state by state adoption is resistance to change. But equally serious, is the possibility that legislatures may fail to recognize the inseparability of some of the concepts from those that can be rejected or approved without destroying the standards as a whole." IJA/ABA, Standards for Juvenile Justice: A Survey and Analysis, p.11.

<sup>5</sup>See Sheldon Krantz, et al., Police Policymaking (Lexington Books, 1980) for a discussion of the problems of administrative rulemaking in police agencies.

implement a particular standard. This, in turn, requires a careful organization analysis. For example, the implementation of some standards is contingent on the implementation of others. Centralized recordkeeping, may be dependent on the creation of a centralized juvenile unit in a police department. As we found, some laws (e.g., Connecticut's juvenile exclusionary rule) almost require that police departments maintain such units.<sup>6</sup> The standards must grapple with implicit basic organizational questions if they are to become more meaningful guides to action. More attention must be focused on laws that directly or indirectly affect police conduct.

4. Police departments should be required to develop written procedures that accurately describe their current practices.

The absence of written procedures in police departments is a major stumbling block to implementing national standards. Without documentation of police department policy, it is difficult to: (a) discover current practices of the department; (b) decide what changes are necessary to bring a department in line with national standards; and (c) recommend procedures for implementing the necessary changes. Accountability is also reduced. Written procedures should be a priority; their development should not be left to the discretion of agency executives.

5. To implement standards written as administrative rules the support of agency executives who understand and are committed to the implementation of national standards must be enlisted.

The single most important factor that determines the fate of administrative rules in a police department is the attitude of the chief executive. If that person is concerned with changing police practices and the standards seem to him a useful vehicle, then change is possible. Knowing

<sup>6</sup>See Section A-1 of this report.

the attitude of the chief executive, one can predict the likelihood of significant change within a department. The attitude of subordinates toward implemented changes may be crucial in the long run, but the chief executive's support is vital to initiate change. If subordinates with the passive support of the chief executive take on the task of nudging a police department in one of the standard's direction, then the chance of making significant changes are slight. The rank of the officer, more than enthusiasm or ability, determines the fate of criminal justice standards within a police department.

6. In future efforts to implement national standards in local jurisdictions, federal officials should establish communication with local (city) officials.

In addition to seeking supportive chief executives, city officials must be involved. Our experience in the larger communities (Boston and Stamford) has been that the police operate autonomously with regard to the kinds of research and policy oriented projects the departments decide to undertake. Our only contact with a Boston city official was a representative of "Little City Hall" who served on our citizen task force and whose role was to inform the mayor's office of our purposes (especially as they might have any political consequences in Charlestown). In Stamford, our meetings, with the exception of interviews we initiated, were confined to police department personnel.

In contrast, our only access to the Arlington and Belmont police departments was through the town selectmen. Without their permission and support, the study could not go forward. They were skeptical of applying national standards to their communities and interested in very specific issues, but

their insistence that they be informed of the results of the study afforded us an opportunity to gain access to officials to whom the police are responsive.

There is always the danger that federal involvement will be misinterpreted and resented, but if standards are to be implemented in local jurisdictions and the federal government assumes responsibility for promoting the national standards, then some contact between local and federal officials is desirable.

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Table A-1 Population of Four Communities by Age and Race: 1979-1980

Community	Total Population	Juveniles		Non-White	
		Number	Percent	Number	Percent
Arlington	49,700	5,600 <sup>a</sup>	11.3	500 <sup>d</sup>	1.0
Belmont	26,700	4,500 <sup>b</sup>	16.8	200 <sup>d</sup>	0.7
Charlestown	17,000	4,200 <sup>c</sup>	30.6	80	0.5
Stamford	105,000	28,900 <sup>c</sup>	27.5	13,650	13.0

<sup>a</sup>Approximate number 7-17 (1980)

<sup>b</sup>Approximate number 5-17 (1980)

<sup>c</sup>17 years old or younger (1979)

<sup>d</sup>1970 Census



Table A-2 Income and Occupations of Residents  
of Four Communities: 1970<sup>a</sup>

Community	Median Family Income	Percent Professional/ Technical
Arlington	\$12,246	32.5
Belmont	\$13,557	39.2
Charlestown	\$ 8,828	8.5
Stamford	\$13,565	18.6

<sup>a</sup>1970 Census data.

Table A-3 Number of Reported Crimes and Number of Sworn Officers in Four Communities: 1980

Community	Part I Crimes <sup>a</sup>		Sworn Officers		
	Total	Per 10,000 Population	Number	Per 10,000 Population	Per Square Mile
Arlington	1870	388	82	16.5	14.9
Belmont	865	332	57	21.3	12.4
Charlestown	---	---	60	35.3	60.0
Stamford	7371	725	240	24.8	6.2

<sup>a</sup>Uniform Crime Report, 1980.

Table A-4 Number of Juvenile Arrests in Four Communities

Community	Number of Juveniles	Juvenile Arrests	
		Number	Per 1000 Juveniles
Arlington	5,6000	79 <sup>a</sup>	14.1
Belmont	4,500	26 <sup>b</sup>	5.8
Charlestown	4,200	112 <sup>c</sup>	26.7
Stamford	28,900	283 <sup>d</sup>	9.8

<sup>a</sup>1979

<sup>b</sup>1979

<sup>c</sup>1978

<sup>d</sup>Referrals by police, 1978.

Table A-5 Juvenile Arrests by Community and by Offense: 1978-1981

Offense <sup>a</sup>	Arlington <sup>b</sup>		Belmont <sup>c</sup>		Charlestown <sup>d</sup>		Stamford <sup>e</sup>	
	N	%	N	%	N	%	N	%
Motor Vehicle Offenses	20	12.3	7	18.0	41	36.6	3	1.7
Liquor Laws	35	21.7	5	12.8	0	0.0	0	0.0
Disturbance/Disorderly	42	25.9	3	7.7	1	0.9	5	2.9
By-Laws	11	6.8	1	2.6	0	0.0	0	0.0
Marijuana/Drugs	6	3.7	3	7.7	17	15.2	5	2.9
Vandalism	3	1.9	3	7.7	3	2.7	11	6.3
Larceny/Thefts	23	19.2	10	25.6	5	4.5	93	53.4
Burglary	12	7.4	3	7.7	9	8.0	18	10.4
Robbery & Assault	6	3.7	2	5.1	15	13.4	27	15.5
Homicide	0	0.0	0	0.0	1	0.9	0	0.0
Other	4	2.4	2	5.1	20	17.8	12	6.9
Total	162	100.0	39	100.0	112	100.0	174	100.0

<sup>a</sup>Each offense category includes Part I (felony) and Part II (misdemeanor offenses).

<sup>b</sup>June 1979 - June 1981.

<sup>c</sup>1979 - 1980.

<sup>d</sup>1978

<sup>e</sup>Referrals to Superior Court: Juvenile Matters: January - March 1979.

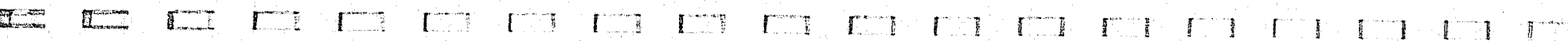


Table A-6 Juvenile Offenses Investigated by the Police in Four Communities:1979-80

Offense/Problem	Arlington		Community Belmont		Stamford	
	N	%	N	%	N	%
Runaway	89	28.0	-	0.0	7	4.1
Alcohol/Drug Related	27	8.5	81	27.7	8	4.7
Disorderly/Disturbances	-	0.0	51	17.4	22	12.9
Vandalism	66	20.8	32	10.9	33	19.4
Trespassing	16	5.0	28	9.6	8	4.7
Motor Vehicles	-	0.0	15	5.1	3	1.8
Larceny/Theft	39	12.3	-	0.0	28	16.5
Burglary	30	9.4	-	0.0	6	3.5
Robbery/Assault	21	6.6	-	0.0	13	7.7
Other	30	9.4	86	29.3	42	24.7
Total	318	100.0	293	100.0	190	100.0

Note: Arlington data are detectives' investigations of offenses committed by juveniles in Arlington between January 1 and June 30, 1981. Belmont data are based on FIO's written by patrol officers and juvenile officers between 1979 and 1981. Stamford data are cases investigated by the Youth Bureau between December 1978 and March 1979. The offense/problem category includes Part I (felony) and Part II (misdemeanors).

Table A-7 Police Officers' Rank Ordering of Juvenile-Related Problems  
by Seriousness and Troublesomeness: Charlestown and Stamford

Rank	Charlestown		Stamford	
	Serious	Troublesome	Serious	Troublesome
1.	Stealing Autos	Street Gangs	Vandalism	Vandalism
2.	Street Gangs	Vandalism	Larcenies	Using Drugs
3.	Stripping Autos	Stripping Autos	Using Drugs	Incorrigible Youths
4.	Vandalism	Stealing Autos	Muggings	Larcenies
5.	Disrespect	Disrespect	Disrespect <sup>a</sup>	Stripping Autos
6.	Public Intoxication	Public Intoxication	Truancy <sup>a</sup>	Selling Drugs

<sup>a</sup>Tie

APPENDIX B

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