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# Law Enforcement and The Youthful Offender

Juvenile delinquency is not a new invention; it is old as time. Socrates is alleged to have observe: ”The children now love luxury. They have bad manners, contempt for authority; they show disrespect for elders love chatter in place of exercise. They no longer rise when their elders enter the room. They contradict their parents. Chatter before company. Gobble up dainties at the table, and tyrannize over their teachers.”

History also suggest that the separation of juvenile and adult offenders dates back almost 2500 years, as early as fifth century B.C. under Roman Law. The Twelve Tables of Roman Law, for example, made the theft of crops, when perpetrated at night a capital crime. An offender under the age of puberty, however, was usually fined and, on some occasions, flogged. Thus, as far back as 451 B.C., juvenile crimes existed. Although juvenile delinquency has a long history, youthful crime is now so alarming in extent and kind that we must modify our approach to juvenile offenders.

Just how serious is the problem.

In the last ten years, crime in the United States has increased four times faster than the national population! The problem is much more chilling when one refers to statistics relating to juvenile crime. More crimes are now committed by children under fifteen – by our more precious asset, the youth of the United States – than by over twenty five! Reports from the National Council on Crime and Delinquency and from the Federal Bureau of Investigation show a staggering upsurge in the number of juveniles arrested foe serious crimes.

So and what is juvenile delinquency? Juvenile delinquency means different things to different people. To some, a juvenile delinquent is a boy or girl arrested for a law violation. To others, a single appearance in juvenile court identifies the delinquent. To many, the term covers a variety of antisocial behaviors that offends them, whether or not the law is violated. Juvenile delinquency is a blanket term that obscures rather than clarifies our understanding of human behavior. It describes a large variety of youths in trouble o*r* *on the verge of trouble.* The delinquent may be anything from a normal mischievous youngster to a youth that is involved in a law violation by accidents. Or he may be a vicious assaultive person who is habitual offender and is recipient of some gratification from his conduct. As a blanket term, delinquency is like the concept of illness. A person maybe ill and have polio or measles. The illness is different, the cause is different, and the treatment is different. The same is true of delinquency. Like illness, delinquency describes many problems that develop from varied causes and require different kinds of treatment. So legally speaking, then, a juvenile delinquent is a child (age defined by statue) who commits any act that would constitute a crime if done by an adult and who is adjudicated as such by an appropriate court.

The police concept classifies the delinquent as the statistical delinquent and personality-disordered delinquent. The statistical delinquent is a youngster who is involved in a delinquent act through impulsiveness or immaturity. As an example, he is involved in an automobile theft without, at that time, realizing the consequence of his actions. Such actions usually occur “on the spur of the moment” while the individual is involved with other youngsters. This youngster is not a recidivist and responds to agency services provided. However he is a “statistic” because this impulsive delinquent act is reported by the arresting agency and, in some cases, in a subsequent referral to the juvenile court.

On the other hand, the personality-disordered delinquent is the youth who is often involved in a series of antisocial acts that necessitates, in most instances, a referral to the juvenile court and, in most cases, custodial care or some type of official help.

So attempting to define a delinquent is extremely difficult. Juvenile delinquency is not a simple term. It is very elusive and means many different things to different individuals, and it means many different things to different groups. When using the term ‘juvenile delinquency’ properly, one realizes that almost everything a youngster does that does not meet with the approval of individuals or groups may be referred to as a delinquent act. For purposes of research, evaluation, or statistical records, such popular usage is not acceptable.

There are ambiguities and variations in definitions of delinquency in the United States. Many of the states do not agree on the description of a juvenile delinquent. Statutory language is extremely broad and covers virtually any form of antisocial conduct by juveniles. In virtually all states, moral judgements of the community are an important ingredient in defining a delinquent. Many children may be tried for not only violations of sate statues or municipal ordinances but also for ‘ noncriminal behavior’ such as incorrigibility, truancy, and the use of obscene language. This are crimes which, if committed by an adult, would result neither in arrest nor court appearance. Age limitations here are a major problem because the states set various and arbitrary upper-age limits on behavior deemed to be delinquent.

Delinquency is often the result of a combination of factors, some of which may be founded in environment of the child and others within the child himself.

So before turning to the various theories of delinquency causation that are discussed before, it is important to point out the correlative factors of delinquency. Correlative factors relative not only to the physical contexts of delinquency, but to the social-psychological climates closely associated with delinquency.

The correlatives of delinquency are: age, sex, poverty, and social class membership, primary group and schools.

And now I’d like to tell about this factors more closely. So the first is age factor. If the causal roots of delinquency are debatable, there can be no argument about the age factor. No matter what the category of time or delinquency statistics – and they are both highly variable and both open to serious question – one striking trend appears again and again: there is an ever higher proportion of offenders among those of young age. The statistics do seem to justify the following sets of conclusions: (1) the crime rate is highest during or shortly before adolescence. (2) The age of maximum criminally varies with the type of the crime (the age group of fifteen to nineteen years has the highest official rate for theft auto; the age group twenty to twenty-four has the highest official rate of robbery, forgery and rape; and the age group thirty-five to thirty-nine has the highest rate for gambling and violation of narcotic drug laws). (3) The age of first delinquency and the type of crime typically committed at various age varies from the area to area in cities, the age of first criminality is low in areas of high rather than low delinquency (boys aged ten to twelve commit robberies in some areas of large cities, while the boys of the same age commit only petty thefts in less delinquent areas). And (4) The age of maximum general criminality for most specific offences is higher for females than for males. This trend is growing in many states and the importance of early rehabilitative procedures before the individual is remanded to adult penal custody is gaining wide support. Individualized treatment can best be accomplished, it is being recognized, when individual is still young.

The second is sex factor. Boys are apprehended for offences approximately 3.5 times more frequently than are girls. The underlying reasons are not difficult to locate. It is because of role-behavior difference and status distinctions accorded to adolescence in the American culture, the society expects girls to act differently tan boys, and surrounds their behavior with restrictions that act as barriers to delinquent activity. Delinquency among boys is induced largely by opportunities presented by the environment, while among girls delinquency is due more often to emotional maladjustments and personal inadequacies.

The third factor is poverty. Now few of the variables associated with crime and delinquency have been more misunderstood than that of poverty. Contrary to early investigations, recent studies indicate almost “null” relationship between poverty and delinquency. This does not mean, however, that conditions of poverty no longer breed crime and delinquency. Low economic status is not a direct cause of delinquency. It is rather one of many variables that more or less automatically “go together,” (including broken families, suicide, certain types of psychosis, and alcoholism). But correlations and cause-and-effect relationships are not necessarily synonymous. We can safely assert, then, that although poverty and low economic standards are concomitant with delinquency, they are not indispensable characteristics. To be “poor but hones” is, in fact, the rule than the exception.

The forth factor is social-class membership: middle-class and lower-class delinquency. Despite the professed democratic idea of a “classless” society, a realistic appraisal of the contemporary social-economic map dictates an irrefutable fact: Americans are stratified into hierarchical system of power, prestige, and value-oriented groupings. Awareness of social stratification groupings is unnecessary so long as people’s life styles, values, ideals, motivations, and social intercourse are limited to sets of clique of like-minded, similarly oriented people. American lower-class and middle-class subcultures differ from one another at highly significant points. But the most crucial differences, in terms of delinquency, relate to the vastly different child–rearing techniques and social values instilled in children by the two classes. At the risk of generalizing, it can be asserted that where the middle class typically stresses parent/children relationship geared to love and dependence through late adolescence, the lower class tend to give their children physical and psychological freedom well before the adolescence years. It is far from surprising, then, that delinquency finds far more fertile ground in the lower class sectors of the typical city – and particularly in those that are situated in slum areas. Bearing in mind what we have already observed about the adolescent rejection of parental values and need for peer-group identification, we can readily see the intense grip that the gang – delinquent or “legitimate” – holds on the lower class adolescent’s loyalties. More frequently - almost typically, in fact – the middle class delinquent is a diametric counterpart of the lower class delinquent. Where the lower class delinquent is smoothly socialized and well-liked by hi peers, the former middle-class delinquent is often seriously maladjusted ant at odds with his fellow adolescents.

So as one can see, the juvenile justice system has many segments. Police, courts, correctional institutes, and aftercare services (the correctional process that deals with the juvenile after institutionalization has taken place is referred to as aftercare services). The interrelationship between various segments of the system is, apparently, the most significant problem in the juvenile justice system. In other words, the system is no more systematic than the relationship between police and court, court and probation, probation and correctional institutes, correctional institutes and aftercare services. In the absence of functional relationship between segments, the juvenile justice system is vulnerable to fragmentation and ineffectiveness.

As previously noted, delinquency is a phenomena as old as history and as complex as nuclear physics. Its causes are multiply, and the emphasis shifts with the changes in society. Nor are all delinquents cast from the same mold – they are individual human beings with all their differences. Because there are so many possible causes of delinquency, a wide variety of factors tend to be held responsible – separately or in combination. The individual himself, his family, his neighbors, his school, his church, his place of residence, his government – an endless list which is, thus, the reason for ambiguities in theories. The result: everyone is responsible for delinquency and, of course, when everyone is responsible for something, no one really is. Traditionally, all efforts in prevention have been aimed toward containing and repressing incipient delinquents through law enforcement agencies. In recent years, there have been strong efforts to improve rehabilitative processes for already identified delinquents so that the amount of recidivism might be reduced. So the way to solve the delinquency problem is to prevent boys and girls from becoming delinquents in the first place. Society is not solving that problem because the emphasis is not placed on that all-important job: prevention. Moreover, it appears that society is blocked by a psychological wall of fallacies which keep everyone busy with impractical plans that are doomed to fail right from the start. The correctional program in the United States seems to be content with treating individual delinquents after they have already committed delinquent acts, while such programs overlook most entirely the factors that contribute to delinquency. Society must find a way to correct the faulty home and environment before child becomes a police case. It is both unfair and impractical to rely upon a few private a agencies to do this large-scale, complex public job.

The primary responsibility of law enforcement is the control and prevention of crime and delinquency through the enforcement of laws that are necessary for the good order of society. Since many criminal are committed by minors under the age of eighteen years, a large proportion of police works involves the detection, investigation, apprehension, and referral of these juveniles. In addition, law enforcement agencies are concerned with minors who come to their attention for noncriminal reasons. The initial handing of neglected children, for example, is often a police matter; and police officers also have the responsibility of dealing with runaway, incorrigible, and wayward youngsters.

In almost every aspect of their work with juveniles, the police must have contact with at least one other agency in the community. It must be recognized that the police services are only a part of the total community effort to promote the welfare of children and young people. For police services to be made more effective, then, they must be planned in relationship to the overall community program as well as to the services offered by individual agencies. Although police officers, and particularly special juvenile officers, should be familiar with the contribution and operation of all agencies in the community (an up-to-date directory of agencies can be of great value), it is clear that the major part of their work with children will involve contact with only a limited number of agencies. This contact should normally be close and continuous and, therefore, the relationship should be based on a clear understanding and amicable acceptance of the role of each of the participants. But in conclusion I want to say that there is often a lack of communication between the police and other young serving agencies in the community resulting in mutual criticism and feelings of hostility. Police sometimes say such agencies fail to advise them of action taken concerning juveniles brought to their attention. Agency personnel, on the other hand, often attribute the hostility and bad behavior of the juveniles turned over to them by the police to the unsympathetic “treatment” given them by the police. Social agencies personnel, including probation officers and even some judges, see only effective treatment. On the other side, some police see such agency personnel as unrealistically soft and permissive even to the extent of being “played for suckers” by cunning, worldly wise “young punks.” Feelings such as these on both sides are certainly not conducive to effective communication to say nothing of real cooperation.