



# FBI

June 1986

## Law Enforcement Bulletin

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**The Cover:**  
Confrontational advice for sexual assault situations should take into account three critical variables. See article page 1.

## **FBI** **Law Enforcement Bulletin**

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Federal Bureau of Investigation  
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**William H. Webster, Director**

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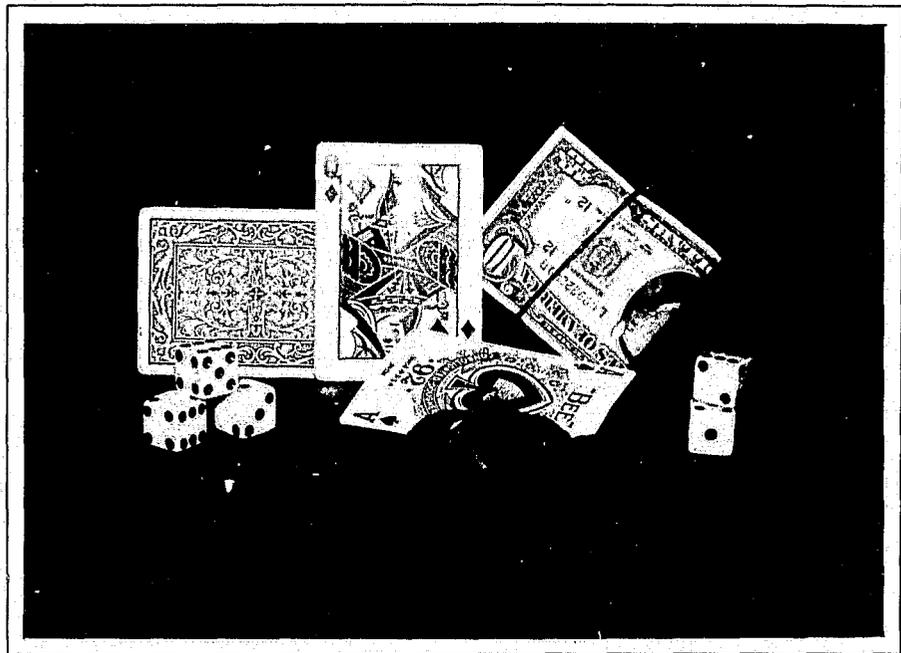
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# Confidence Schemes and Con Games Old Games with New Players

**"Law enforcement officials' initial challenge in combating the con artists is to learn and develop a thorough understanding of their activities."**

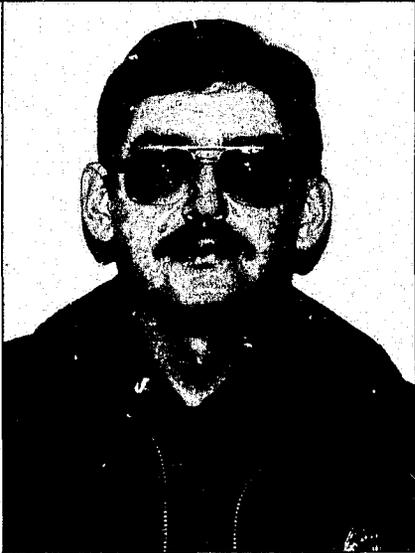
By  
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A stranger stops you on the street and asks, "Please, will you help me?" The stranger appears genuine and sincere, expressing a look of worry and concern. You ask what is wrong, and the stranger, who is holding a bulging envelope, tells you that she just found a large sum of money and doesn't

know what to do. If you continue listening to the stranger's convincing story, you may be well on your way to being "duped" by a professional con artist. The end result ... potential loss of your life savings!

Con artists and tricksters have been around as long as people them-



Officer Helntzman



Charles E. Hill  
Chief of Police

selves. With smooth talk and fast action, the con men use various deceptive means and methods to "throw off" potential victims and spectators who think they know what's going on and are capable of adapting quickly to suit any occasion or situation.

Dice and coin throwers, Three Card Monte and shell game operators, pigeon drop and Jamaican boy artists . . . whatever their con or confidence scheme, you're likely to find them, or at least hear about them or their activities, in almost every part of the country. Whether it be the core area of a large metropolitan city or at a bus or train station in some small rural town, the modern day con man can hit unexpectedly.

Most people have a particular crime that they believe ranks as the "worst." For some it's murder; for others, it may be selling drugs. But for many, it's the con games and confidence schemes. It may seem an odd choice for a "worst crime" list, since con games are usually nonviolent and relatively unknown to the public-at-large. However, it is a crime that ranks in heartlessness. Con artists are considered to be the most devious, the most harmful, and the most disruptive for society because they break down the major values of social order—honesty and trust.

The con games themselves are simplistic, almost infantile. But they work because a con man can win complete confidence, talk fast enough to keep the victim slightly confused, and dangle enough "temptation" to suppress any suspicion or skepticism.

Traditionally, the primary targets of these confidence men are the elderly and women. Their primary target

locations appear to be inner-city core areas, shopping centers, schools, and mass transit systems. Thus, huge masses or gatherings of people appear very attractive to the con artists.

While most of the con games are centuries old, occasionally a new scheme will surface. Law enforcement officials' initial challenge in combating the con artists is to learn and develop a thorough understanding of their activities. Gaining a working knowledge of the confidence scheme and con game mechanisms is essential to police in being able to plan and carry out a viable enforcement program.

#### **The Confidence Schemes And Con Games**

Deception and misrepresentation are the survival skills of the con artist, and like any other craftsman, the con man continually strives to improve his street-smart skills. Though many of the schemes and games would appear "suspect" to a reasonable and prudent person, the con's uncanny skill and ability to deceive and fool must not be overlooked. The scams employed by con artists can be broken down into two types—confidence schemes and con games. Con games are usually the types of games or tricks associated with a carnival or circus. Confidence schemes, on the other hand, are the more-detailed, elaborate, and at times, sophisticated ploys used to defraud another.

#### **Con Games**

THREE CARD MONTE is a widely known trick derived from a game known by different names, i.e., "three sea shells,"<sup>1</sup> "find the lady," or "three-card shuffle." Basically, it is a card game played with three cards, usually a picture card and two number cards. The operator picks up one number card with his left hand, using the

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thumb and second finger. In the right hand, which does the actual work and deception, the second number card is placed between the right thumb and the second finger. The operator then throws down the cards, the right hand dropping the picture card, the left hand drops its card, and the right hand drops the other number card. The three cards are then moved around, face down. The player is told to watch the picture card (bottom card) and choose where it winds up after movement.

Even working the trick honestly, many people have difficulty following the picture card. Performing the game again, the operator throws down a card from the right hand, followed by the left, and then the right. This time, however, instead of throwing the picture card down first (which is the lower of the two right hand cards), the upper card in the hand is thrown down first. The deception lies in the operator making the two movements look exactly and precisely alike. It is slight-of-hand movement of the cards. There are other methods of deception that the operator may also use, such as miscalling the card he picks up. This is done to let the player win, even though he picked the wrong card. The operator sets the player up in this way, with intent to get the player to wage bigger bets on subsequent games.

Still another ruse is worked by the operator's confederate (called a shill). The operator's attention is intentionally distracted, during which time the shill turns up the cards swiftly, showing the picture card and bending a corner on it. The shill then points out to the player and audience the kink on the corner of the picture card, winks knowingly, and then assumes an innocent composure as the operator directs his attention back to the game. But, when

the player chooses the card with the bent corner, he loses, for the one picked turns out to be a number card. The game operator, unknowing to the player, had taken out the picture card with the bent corner and replaced it with a bent-cornered "number" card. By turning over one card with another card, the game operator exchanges the two cards imperceptibly by sleight-of-hand. This move is known to conjurers as the Mexican Turnover.

The SHELL GAME is perceived by a player as a game of chance.<sup>2</sup> However, the operator has total control of the game, with no chance of the player winning. The game is played by the operator showing three shells (or bottle caps) under which an object (pea) can be concealed. The pea is made of flexible, soft, pliable material, frequently a woman's makeup sponge. The game consists of the operator placing the pea under one of the shells and moving the pea from shell to shell by quick movement of the hands. The player then wagers money, which the operator usually matches, to guess which shell conceals the pea. If the shell chosen by the player does hide the pea, the player wins; if not, the operator wins.

The deception is that the operator controls (pinches) the pea between his fingers, unknown to the player. The pinch is made while the operator is moving the shells around, by slightly lifting the shell with the pea under it and rolling and pinching the pea between his fingers. When the quick movement of the operator's hands stops, the player assumes that the pea is located under one of the shells. But, in reality, the pea is pinched between the operator's fingers, concealed from the player's sight. Only when the operator is illustrating how the game works does he leave the pea under one of the shells.

If a shill is used, the operator will leave the pea under one of the shells known to the shill. The shill then wagers money, chooses the right shell, and to onlookers, appears to win big. This is a "con" to attract players, making it appear to be an easy game. The underlying principle of this game is that the operator is always in control of the pea, deceiving the player into thinking there is a chance of winning.

DICE are one of the most ancient gambling instruments known to man and are commonly used by the con artist on the street, since they are small and easily concealed. There is little to skillful play in dice games other than knowing the odds in various bets and not placing bets when the odds are unfavorable. However, unknown to the player, a "slick" con man can gain a decided odds advantage in these games by using certain cheating and control techniques. With practice, these control and cheating techniques appear very natural and are difficult to detect by the unsuspecting and untrained player.

In the game of craps, for example, any number of people from two and up can play.<sup>3</sup> Players bet among themselves, and the player who starts the game (shooter) announces his bet or wager by placing it in the center circle of players. Any other player may wager any portion of the bet as they wish by placing that amount in the center with the "shooter's" bet. A player may not bet more than that wagered by the shooter. If the shooter rolls a 7 or 11 (natural) on his first roll of the dice, he wins. If he rolls a 2, 3, or 12 (craps), he loses. The shooter has a point to make

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## ***“Police and prosecutors need to coordinate plans to deal with and prosecute the culprits effectively.”***

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if the roll is a 4, 5, 6, 8, 9, or 10. When the shooter makes a point, he must pick up the dice and roll them again. He rolls as often as necessary, winning (passes) if his point appears again before a 7. The shooter loses (misses) if he rolls a 7 before his point. All intervening rolls are meaningless.

When the shooter loses, all players take their winnings from the center bets. The player takes double the amount of the bet, since all bets are at even money. When the shooter wins, all the money in the center belongs to him. There are other side bets in a crap game, in addition to the center bets. Players may bet with the shooter or among themselves as to whether a point will be made on a subsequent roll or whether the shooter will win or lose on the next roll. The rules are pretty clear, and the game odds appear fairly even. But, beware of the con artist who can make the odds swing to his advantage by cheating and deception.

One technique often used is the “carpet roll.” This is a dice control technique that begins with a phony dice shake by the shooter, which is done by letting the dice rest on the second and third fingers of the hand. The shooter forces the fingers back slightly, so that a pocket is formed. The fourth finger, first finger, and tip of the thumb lock the dice so that they cannot get out of this “cubelike” formation of the hand. Shaking the dice violently, the shooter gives the false impression that the dice are moving around in his hand naturally. However, the dice are loose enough that they will not shift or turn over in the hand. After the phony shake, the shooter pushes the dice out of his hand with his thumb as he makes the throw. The dice roll smoothly off the fingers together, end over end without turning sideways.

The principle behind this control is that it allows the shooter to roll only certain numbers.

The “slide host,” another simple dice control, requires the shooter to pick up both die, one on top of the other. The bottom die is held tightly by curling the little finger of the hand around it. Shaking the dice, the top one rattles against the gripped bottom one, and the sound produced is quite convincing to those not accustomed to hearing the rattling sound of dice being naturally shaken. As the shooter throws the dice, the little finger gripping the bottom die brushes the surface, and the top die rolls off, tumbling freely.<sup>4</sup> The bottom die simply slides across the surface with its less natural action not noticed easily, because the natural instinct of the eye is to watch the rolling die. The principle behind this control is that the top number of the bottom die is controlled, giving the shooter a big advantage or odds.

Many other dice control techniques may be employed by the con artist. These include the use of loaded or mis-spotted dice, finger palming, and so forth. Though the street con may use the simple control or cheating techniques, one must at least be familiar with the more sophisticated and talented operator.

The COIN GAME is another form of scams employed by con artists. The object is to toss a coin against the wall, betting against your opponent. The one whose coin lands closest to the wall after landing and coming to a stop wins! The game appears to be an even-chance proposition. But, beware of the weighted coin. Weighted coins give the con man the best odds at landing his coin closest to the wall on almost every toss.

Other coin games in which the con man solicits bets include using identical-sided coins and skeleton or

hollow coins consisting of a shell and insert. The underlying principle of these games is that the con artist distracts the victim or spectator's attention by fast talk and action. He makes the switch or employs deception, unnoticeable to onlookers.

CURRENCY CONS are initiated by a victim being approached by a stranger holding a \$10 bill and asking for two \$5 bills. Only after the change is given does the victim realize that he was given a \$1 dollar bill instead of a \$10 bill.

The con artist clipped the corners from four \$10 bills and pasted them to the corners of a single dollar. Holding the bill in his hand, the con man covers the written denomination on the currency with his thumb. The con man easily exchanges the four partially mutilated \$10 bills for new ones at a bank. He now has four “fresh” bills to use in pulling another scam.

Another currency con involves the use of play or phony money. Some financial institutions and loan companies advertise by using fake money notes. The notes are usually the same size as currency and depict a certain dollar denomination on one side and business advertisement on the other side. The paper is clearly fake, simply a “play money” note. The con man, however, takes great pride in making the play money look as real as possible. He will crumble it, get it dirty, press it, and repeat the process over and over again. For the “pass,” he usually chooses a store clerk or teller, for example, who is extremely busy.

The con artist will cut into a line of customers, and with fast talk and action, place a phony bill on the counter, requesting change and telling the clerk that he is in a real big hurry. With his

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hand held firmly over and covering all but a tip of the phony bill, the con talks loud and fast, slightly confusing and embarrassing the clerk. His actions are intended to get the clerk excited, so rushed and confused that she hardly knows what she is doing. If proper procedures for handling money are not adhered to, the clerk will make change just to get "rid" of the bothersome and disruptive intruder. Once the clerk counts out the change money on the counter, the con man quickly picks it up, pushes the phony bill forward and runs. Picking up the bill, the clerk immediately realizes that it is phony. However, the con man is long gone.

#### **Confidence Schemes**

Most of the confidence schemes have been used time and time again, and you would suppose that no one would continue to be victimized. But, adding a new "wrinkle" or "twist" to the scheme makes it successful and extremely profitable in modern times. Though the same scheme may be disguised and employed in a variety of ways, depending on the acting performance and skill of the con artist, the basic plot remains essentially the same.

The PIGEON DROP is one of the oldest confidence schemes in existence, said to have originated in China more than a 1,000 years ago. The victim is approached by a con artist who initiates friendly conversation in an attempt to gain the victim's trust and confidence. A second con artist then enters the scene, claiming to have found a large sum of money. After some discussion and great acting on the part of the con artists, the victim is offered to split the found fortune. The money is to be divided later. The catch, though, is that the victim is re-

quired to put up some "good faith" money during the interim. The victim is given the money to hold for safekeeping, but not before envelopes are switched by a sleight-of-hand act. Later, the victim discovers that the envelope contains nothing more than worthless pieces of paper.

In the JAMAICAN BOY SCAM, a con artist, using a phony foreign accent, approaches a victim asking for help. He tells the victim that he is a stranger in town and doesn't know anyone he can trust. The con man displays a huge roll of money, asking the victim to hold it for him, though not until the victim puts his money together with the con's money as a "show" of real trust. The con artist then offers to demonstrate a safer way for the victim to carry the money. Wrapping the money in a handkerchief and placing it down the front waistband of his pants, the con explains that people in his country carry their valuables in this fashion, so as to thwart a potential pickpocket. The handkerchief is then given back to the victim, but not before a switch has been made. Using a ruse to separate himself from the victim, the con man disappears. Opening the handkerchief, the victim discovers that it contains play money!

The DOUBLE SHOT or PHONY COP SCAM consists of repeated hits on the same victim. After being flimflammed once by a con man, the victim is contacted by associates of the first con man. Posing as police officers, they tell the victim that he or she had been swindled by the first con, who is now attempting to get the rest of the victim's money. The phony cops tell the victim to withdraw all remaining money from the bank and turn it over to them for safekeeping, until the con artist is caught. The con men may even go as far as to drive the victim to

a real police station, while one of them goes inside to supposedly deliver the money to a superior. The victim is fleeced out of every last dime he or she owns.

With the BEGGER or SYMPATHY CON, con artists may approach victims on a busy street, in a restaurant, or wherever, giving a bad luck story and asking for help and money. Though a variety of ruses may be used, the most profitable con appears to be the "help me feed my starving children" scam. Also called the "silent con" because he rarely speaks, the con artist will prepare a cardboard sign which he holds while standing or sitting on a public sidewalk. The sign may indicate that he is not lazy, but that he can't find a job and has three children at home to feed. The con man may even go as far as to include photographs of children (not his own), along with some cleverly thought out hard-luck slogan. Putting on a great acting performance, the con man appears embarrassed and distraught by lowering his head and looking away from passersby. In the right location, this sympathy con can net hundreds of dollars in a matter of hours.

In the BANK EXAMINER PLOY, a con artist posing as a bank examiner, an auditor, or even an FBI agent, contacts the victim to solicit his or her help in apprehending a "dishonest" bank teller. The victim is asked to withdraw money from the bank and turn it over to an official from the bank who will contact him or her later. The victim is often offered a substantial reward when the "dishonest" teller is arrested and convicted and is sworn to secrecy about the "undercover" investigation. The victim turns the money over to the phony bank official and never sees it again.

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***“As important as the concentrated law enforcement effort is in combating the con artists, so is the need to educate the public.”***

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The MERCHANDISE SWINDLE, also known as the “weighted box” scam, entails the con artist contacting a victim on the street or parking lot and offering to sell a particular item, such as a radio or television set. The con man shows boxes of the same article, all wrapped and sealed. He tells the victim that his uncle has just sold his business and is liquidating all remaining inventory at “rock bottom” prices. Too good a deal to pass up, the victim pays the con man, later realizing what he brought at “rock bottom” price. The victim is the proud owner of a box of rocks.

In the HOME REPAIR CON, the con artist poses as a home repairman, offering to perform a free inspection. The con man wears an official-looking work uniform, bearing some fictitious company logo, and often presents some form of false identification. He suggests a list of needed home repairs at a good deal, if the victim is willing to make, in advance, a “small” down payment. The victim pays, an appointment for the work is made, and the con man leaves, never to return.

The STORE CLERK CON is usually committed during the busiest shopping time of the year, when people become more and more frustrated with the long wait to reach the check-out counter. A sharply dressed man or woman wearing a store nameplate will approach customers who are waiting in line, show sympathy for the long wait, and offer to take the purchase to the cashier to speed things up. The store clerk tells the customer to remain in place and that he or she will be right back with the purchase and any change. The store clerk disappears into the crowd, and so does the money.

Because of the con artist’s uncanny ability to adapt quickly to changing times and socio-economic situations, the list of con games and confidence schemes is never ending.

#### **Cracking Down On The Con**

Since con artists may hit an area unexpectedly, law enforcement officials need to react quickly once their activities are uncovered. Police and prosecutors need to coordinate plans to deal with and prosecute the culprits effectively. Prosecutors and courts may need to be educated as to the con games and schemes, since those in smaller or rural cities may have seldom, if ever, been exposed to such activities. Existing and possibly outdated local ordinances may need revision since they might not survive constitutional or legal challenges.<sup>5</sup> There may even be a need to suggest new ordinances, since State or other laws may prove too vague in dealing with some or certain aspects of the con artist’s activities.<sup>6</sup>

Because of the high degree of mobility of con men, the initial task of law enforcement personnel should be to identify the active operators in their area as soon as they begin to surface. Some con men work circuits, moving from city to city and State to State. Local records may be queried to identify the pattern and frequency of the con man’s movements.

To begin, police should compile a photograph and modus operandi profile on all active con artists working their area. Since police, even working in undercover roles, will seldom catch the con men in the act of committing one of his cons or scams, such profiles will greatly aid in victim identification of the “rip-off” artists. Courts have generally agreed that if conducted properly, photographic lineups are a legally accepted method for suspected identifi-

cation. A department’s legal adviser or local prosecutor should be consulted regarding the proper guidelines or rules for photographic lineups in each jurisdiction.

Each profile should contain a mugshot (if available) and all pertinent physical descriptive information. In addition, and most important, the profile should contain specific information about the con artist which will assist police with their investigative efforts, i.e., games/schemes, targets, equipment/instruments, dress, jewelry, mannerisms, known associates, associated vehicles, and prior records.

Each con artist is distinctly different from his or her counterpart, in perhaps very minor, but identifiable, ways. Clothing, jewelry, or certain types of equipment, for example, represent a status symbol for the con man. It may be a particular hat, a particular style of footwear, a large flashy ring, a special brand or color of cards, or dice used. These “stand-out” articles will usually be worn or carried by the con man at all times, for they help create a persona which represents what the con artist would like to have been.

A complete profile of each active con artist in an area will prove to be an invaluable tool to police in identification, arrest, and subsequent prosecution. Becoming familiar with the individual characteristics and modus operandi of each active con man in his area, the police officer may often be able to identify the suspects from the victim’s verbal or written description. Narrowing the field of suspects, articulation of the identification process in written reports, and followup with presentation of photographic lineups will greatly enhance in the arrest and successful prosecution of the con artist.

Exchanging information about con artist activities with other law enforcement agencies is also a good investigative aid. Through the use of crime bulletins, police are able to disseminate information regarding the con artist's activities, alert other agencies of possible movement of the con men to their jurisdictions, and prove a valuable source in identifying and obtaining information about "newcomer" operators.

Coinciding with good innovative police methods is the necessity for specialized training of police personnel to combat the con man successfully. Departmental training units and other agency resources should be used to provide officers and investigators with the technical knowledge and expertise necessary to beat the con artists effectively at their own games. There are also trained law enforcement personnel around the country with expertise in the con and confidence schemes. These professionals should be consulted, and their knowledge and assistance sought.

### Educating The Public

As important as the concentrated law enforcement effort is in combating the con artists, so is the need to educate the public. Law enforcement officials should solicit cooperation from local television and newspaper media in alerting the public of the con men activities in their area. Police department crime prevention units might publish brochures and pamphlets containing information on fraud prevention, as well as providing film and lecture series in schools, to citizen and neighborhood groups, and to retirement communities. Cooperation and assistance should also be sought from local and national business groups and associations.

Citizens should be warned to be on guard against con artist activities. Fraud alert information bulletins and pamphlets may include the following "do's" and "don'ts":

#### THE DON'TS

- 1) Don't trust anyone who proposes a deal "too good to pass up." It probably is too good to be true.
- 2) Don't stop and talk with anyone who flashes a wad or roll of money. This is bait that con artists use to draw victims.
- 3) Don't be too good a listener with strangers, and don't fall for any extravagant hard-luck story, no matter how convincing it may sound. Some con men work hard at gaining sympathy and confidence.
- 4) Don't ever put up any "good faith" money for anything and never pay cash for any promised service or product.
- 5) Don't invest money into any business scheme or adventure without first investigating the credentials and legitimacy of the person or company representing it.

#### THE DO'S

- 1) Do take con games and confidence schemes seriously. Con men are career criminals who prey on other people's willingness to help and on their inherent nature to trust.
- 2) Do be aware of the ploys con artists use. It can be something as simple as, "You look like you can be trusted" or "Do you want to make some money?" It may be anything that could draw a person into a conversation with them.
- 3) Do trust instincts and insights. If your "inner" voice tells you that

something is "fishy," listen to it, it probably is!

- 4) Do read and watch news media reports on suspected confidence schemes being operated in your area. Familiarizing yourself with con artist activities is the best way to avoid being victimized.
- 5) Do report a scam, or an attempted scam, to the police. Your report of the incident may lead to the subsequent arrest and conviction of the con men and thus prevent others from getting "stung."

Strong public sentiment and support of law enforcement efforts against the con men tend to generate more pressure on prosecutors and courts to pursue vigorously prosecution and levy stiff penalties against the con artists for their activities. Tougher actions and sanctions will prove to force many of the con men out of an area, at least temporarily, and continued coordination with other agencies or jurisdictions concerning movement of the con artists will greatly aid police in maintaining some control over their activities.

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#### Footnotes

<sup>1</sup>Ronald J. Heintzman and Stephen J. Mirau, "Games of Deceit and Deception: Cracking down on the Con," *The Police Chief*, vol. LII, No. 6, June 1985, p. 40.

<sup>2</sup>Ibid, p. 41.

<sup>3</sup>Albert H. Morehead and Geoffrey Mott-Smith, *Hoyle's Rules of Games* (New York: New American Library, Inc., 1982), p. 224.

<sup>4</sup>Nick Trost, *Gambling Tricks with Dice* (Columbus, OH: Trik Kard Specialties, 1975), p. 6.

<sup>5</sup>Title 14, Municipal Code of the City of Portland (Ord. No. 14.66.020).

<sup>6</sup>Ordinance No. 70, Code of Ordinance of the Tri-County Metropolitan Transportation District of Oregon (proposed).

# Youth Court of the Tarrytowns

*"Youth court is a serious attempt to deal with, and reverse, the alarming rate of juvenile involvement in criminal activity."*

By  
SGT. RICHARD A. PELLICCIO  
*Community Services Division*  
and  
SGT. LAWRENCE W.  
KENNEDY (RETIRED)  
*Police Department*  
Tarrytown, NY



There is a low murmur in the courtroom, a shuffling of feet. The defense attorney is talking to his client; the prosecutor is conferring with witnesses. As the judge enters the courtroom, the bailiff calls the court to order.

This courtroom scene describes any one of the thousands of courtrooms in this country. However, it is unique in that all officers of the court—the judge, the attorneys, the court clerk, and the bailiff—are under the age of 19, and the defendant is under 16 years of age. Sentencing here does not run into years, nor does the punishment include incarceration in a juvenile detention facility. Those found guilty serve for a period of hours, generally 1 to 50 hours, and the punish-

ment is performing a community service, such as cleaning debris from park areas, cleaning police vehicles, or being assigned to assist local senior citizen groups.

The youth court concept was first introduced in California in the 1930's, but didn't gain popularity until the mid-1970's. The City of Oneida, NY, instituted a program designed along these lines in 1975, and other municipalities soon followed suit. The model for Tarrytown's youth court was taken from the Clarkstown, NY, program, which was formulated in 1981.

Youth court is a serious attempt to deal with, and reverse, the alarming rate of juvenile involvement in criminal activity. The objectives of the youth court are to reduce the incidence of



Sergeant Pelliccio



Sergeant Kennedy

juvenile-related offenses, to divert youths from the juvenile justice system, and to provide an alternative to the family court process, as well as to reduce further contact with the police. In youth court, transgressions of juveniles are dealt with by their peers. It is also a means by which respect for authority, as well as for the property of others, could be reinforced.

Financing for this project was received from the Federal Juvenile Justice and Delinquency Prevention Fund (JJDP) through the Westchester County Office of Criminal Justice Planning and the New York State Division of Criminal Justice Services. In addition to the \$15,000 of Federal funding, monetary assistance was solicited from the community's public sector.

The participants in youth court—judges, attorneys, court clerks, and bailiffs—are between the ages of 12 and 19. Each receives 10 weeks of basic training in the law and the functions of the judicial system. The training, which is conducted by one of the authors and volunteer attorneys who reside in the community, takes place in the municipal courtroom and consists of demonstrations, lectures, and mock trials. Training manuals on basic courtroom procedure, the New York State Penal Law, vehicle and traffic law, the Alcohol Beverage Control Law, and village ordinances are issued to participants, since these laws are most often addressed by the court. Prospective candidates are trained in all facets of the judicial system so they may be conversant with any situation with which they may be confronted.

Even after new members complete their initial training, and after a court session has adjourned for the evening, all participants in the court

are critiqued by youth court observers, who are other members of the program not participating in that evening's proceedings. Both positive and negative comments are solicited and addressed.

The youth court training is recognized by the local high school, which allows a social studies elective credit to those students who successfully complete the training and participate in the program.

The "defendants" in this voluntary program are youths between the ages of 7 and 15 who are accused of violations and nonviolent misdemeanors. They are given the choice of appearing before this peer court or having their cases heard in family court. The parents must also agree to this forum and sign a consent form that outlines procedures and rights. The types of offenses committed generally involve village ordinance violations, possession of small quantities of marijuana, petit larceny (shoplifting), trespassing, criminal mischief, and alcohol-related violations. Those juveniles accused of felonies or violent misdemeanors are excluded from participation in youth court.

One of the advantages for youthful offenders is that there is no permanent record of the offense. All court records are released to the offender on his or her 16th birthday. Family court does seal the records of an offender, but they can be opened by court order.

Juvenile offenders are being judged by their peers, other juveniles with whom they attend school and socialize. They are not being judged by a "common enemy"—the adult world. They no longer appear as "heroes" to their friends who may have looked up to them in the past as someone to emulate. Now, these same friends are the judge, defense attorney, and prosecutor dealing with their offense. In effect,

**"Since 1983, the youth court has handled 145 offenders, only 3 of which are recidivists."**



James W. Weaver  
Chief of Police

the offender is being introduced into a social order where deviant behavior is not tolerated. It is no longer fashionable to get into trouble.

A typical case in that of a 14-year-old boy who was apprehended for shoplifting cassette tapes worth \$8 from a local drugstore. He was given the option of having this case heard before his peers in youth court or having it heard in family court. The youth chose to have his case adjudicated in youth court and was issued an appearance ticket and a consent form for his parents' signatures. The youth was told that if he had no further conflict with the law, he would get his juvenile arrest records back at age 16.

The youth was assigned a defense team consisting of a 15-year-old defense attorney and his 14-year-old assistant. Accompanied by his parents, he appeared in court on the following Wednesday evening. (Cases in youth court normally are heard within 10 days of arrest.)

The youth pleaded guilty of charges of petit larceny and criminal possession of stolen property. The defense asked the court of leniency as this was the youth's first arrest. The prosecutor asked for the maximum penalty because the youth had participated in a juvenile shoplifting lecture given by the Tarrytown Police Department at his school the previous week.

The judge sentenced the youth to 37 hours of community service work and a 500-word essay on "honesty." The youth has completed his sentence and is now a youth court trainee.

Does the program work? In 1983, 20 juveniles were diverted from the already-overburdened family court, and another 25 juveniles who had committed an offense not normally heard by family court were also brought before the youth court. These

latter 25 juveniles would normally have been overlooked and would give the appearance of "beating the system" and "getting away with it." They would have gotten lost in the cracks of the juvenile justice system, and possibly, would have committed other offenses, thinking that they were "untouchable."

Since 1983, the youth court has handled 145 offenders, only 3 of which were recidivists. Normally, family court has a 50-percent recidivism rate. Also, juvenile-related offenses in the Village of Tarrytown has declined 40-percent from 1983 to 1985, which can be attributed to peer group pressure. Recognizing the success of Tarrytown's youth court, the sister village of North Tarrytown, which continued to experience an annual increase in juvenile incidents, joined in the program.

The Tarrytown Youth Court Program has been featured in local and national media. Numerous requests for information have been received from areas throughout the country (Hilo, HI, Fort Myers, FL, and the U.S. Army base at Fort Ord, CA) and abroad. Recently, a video tape of the program was aired nationally in Japan. Independence, MO, and Cornwall, NY, have formally approved the concept and will soon have youths presiding in a youth court.

The Tarrytown Youth Court has been able to chart an enviable record of success. Those communities who are considering such a juvenile legal process or would like additional information, should contact Sergeant Pelliccio at the following address:

Tarrytown Police Department  
150 W. Franklin Street  
Tarrytown, NY 10591

FBI