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SHO/DI

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Juvenile Offender Profiles

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### AN ASSAULTIVE JUVENILE OFFENDER

Just as she did each day, on the morning of April 17 Mrs. Mott followed her bus route picking up children who were headed for Centerville Elementary School. As she approached her pickup point Colonial Avenue, Mrs. Mott saw Terry Hager chasing several students with a stick.

Mrs. Mott pulled up and the children rushed to get on the bus. Terry followed them, and once on board he pulled out a knife, screaming at the bus driver, "I'll cut your m\_\_\_\_-f\_\_\_\_ throat right here in front of these kids, you m\_\_\_\_-f\_\_\_\_ b\_\_\_\_!"

The situation had to be terrifying, not only for the children, but also for Mrs. Mott. Terry was obviously hysterical, not at all in control of his emotions. Although he was only fifteen years, this was simply the latest in a long series of offenses for Terry Hager. He is a chronic, serious juvenile offender. His history provides clear indication of this.

Terry is the product of a broken home. Although strongly attached to his mother, Terry cannot live with her. Mrs. Hager has remarried and Terry does not get along with his stepfather. Terry's mother believes her marriage would be jeopardized if Terry were to live with her. As a result,

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Terry lives with his father and his father's third wife in a mobile home in the city. He has no brothers or sisters.

To some extent, Terry's problems were identified early on. The school district placed him in a self-contained classroom for emotionally disturbed children. However, as is often the case, Terry continued to act up in school just as he did at home and on the street.

When Terry was twelve, his father moved the family from Georgia to Florida. His disturbing behavior accelerated rapidly. In February of that year, he lost control in school and attempted to choke a teacher. Two weeks later he was charged with aggravated assault/battery. Neither case ever went to court.

In late May, two months later, Terry ran away from home. He was returned, but on May 25, he was again picked up for behavior beyond control. Once again he was released to his family.

Three weeks later, on June 18, Terry's family reported him missing. He was found and returned. Four days later, he was again reported missing. Still there was no formal action taken by any agency. The following day, June 25, Terry was cited by social services as being beyond control. On June 26 he was again cited for the same reason. On June 27, Terry was reported to be missing, and later was found and returned. Two days later Terry was charged with aggravated assault. He was never adjudicated; instead he was diverted out of the justice system.

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On August 31, Terry was again charged with assault. He was removed from his home and placed in a foster home--he didn't last long. The next day he ran away from the home, to be found the following day at his grandmother's house. He was returned home but left again on September 15.

The incidents continued. On the morning of September 16, Terry walked into his (special) classroom on the second floor of the school building. Near the end of the first period, he began to lose control. He was placed in the "time-out" room where he became increasingly agitated. Looking around, he noticed a window which opened onto a ledge approximately twenty feet above the ground. Terry climbed through the window, out onto the ledge. He crawled along the ledge, shouting into other classrooms as he passed by. Several persons tried to convince Terry to come inside off the ledge, but he remained until school security personnel coaxed him down. Terry was placed in the Juvenile Detention Center; however, he was not rehabilitated.

Terry, still thirteen years old, continued to get into trouble. On February 2, he was suspended from school for three days for using obscene language in class. On March 6, he was suspended again for the same offense; on March 14, he was once more suspended for using profanity. On April 13, Terry brought alcohol onto the school campus. Although he became intoxicated and disruptive in class, he was not adjudicated for disorderly intoxication. Just four days later, Terry threatened Mrs. Mott and her students with the knife.

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Terry's history is typical of many chronic juvenile offenders. Just seven months prior to the incident on the bus, a complete psychiatric evaluation of Terry was done. He was shown to be undersocialized and aggressive, with conduct disorders. Yet he was never placed in the recommended intensive therapeutic setting. Instead, he was repeatedly returned to his home and school where he continued to offend.

Actually, the incident on the bus did lead to an adjudication. The outcome? He was simply placed on community control.

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### SIBLING DELINQUENCY: A PROFILE

Every agency in the city's justice system knows them well, and they know the system. They are the Masseys--two parents, over a dozen kids--and they are in every sense of the word a criminal family. Nine of the siblings are either currently in jail or have been in the justice system at some point. One is now in an institution for the criminally insane; the crime that put him there was murder. The youngest has already been arrested twelve times--for burglary and theft. She committed her first burglary at the age of six. Her two "associates" in that offense were eight and ten years old.

Perhaps the best way to illustrate this kind of criminal family is to focus on the two youngest children. Because they are so young (one is eleven, the other fourteen), they would appear to hold the greatest hope for rehabilitation. And yet a close examination of their records indicates that, for them, crime may already be a way of life.

#### Patrick

Patrick, now fourteen, was just two years old when social services charged his parents with neglect and removed all of the children from the



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home. According to officers who responded to the neglect complaint, the home was unsanitary and there were inadequate living and sleeping areas for the children.

The Masseys fought to have their children returned and eventually were successful. However, Mr. Massey claims that the children were put on drugs while in the state's custody. This, he claims, accounts for their uncontrollable behavior.

Once Patrick and his siblings were returned to their home, Patrick had no other referrals for five years. Then, at age seven, he was picked up for petit larceny. The matter was settled out of court. Two months later Patrick was found alone and lost in the business district of the city. Nine days later, his parents were again charged with child neglect. The report indicated that Patrick's mother had instructed him to shoplift several items from a store. Eight months later, Patrick was again picked up downtown, alone and lost. He had just turned eight years old. The matter was settled out of court, and Patrick was then placed in a juvenile shelter. However, he continued to be a behavior problem both at the shelter and in school. In addition, he was a chronic runaway and regularly fought with other children.

His criminal activity also increased. In July of that year, Patrick was picked up as he and two other juveniles attempted to break into a pawn shop. That same month he was also picked up for an attempted break-in at a bicycle shop. He and another juvenile had broken the plate glass window in an attempt to get at the bicycles. The broken window set off a silent

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alarm, thus alerting officers to the situation. Both offenses were settled at intake.

In August, Patrick and his sister were charged with burglary after stealing tools from a parked truck. The matter was settled at intake. Nine days later, Patrick and another juvenile burglarized yet another vehicle. They were apprehended by a witness who held the boys until police arrived. The incident was dropped at intake. The next day, Patrick was charged with criminal mischief after he deliberately broke a window of a business. Again the matter never went past intake.

Just four days later, Patrick and his sister were charged with arson after he set fire to a car. The matter was closed at intake. The same day, he again burglarized a vehicle; two days later, on September 1, he was charged with two counts of petit larceny and one count of burglary. All offenses were handled at intake. The next day, Patrick was charged with yet another count of burglary of a vehicle. The case was closed after intake.

Less than one week later, Patrick was charged with auto theft and damage to property. According to the police report, his sister informed officers that he took the family's car and drove it into another car, damaging that vehicle and injuring himself. He was transported to a nearby hospital. Then he was diverted into counseling, and the case was closed.

In October, Patrick was charged with criminal mischief. He also was referred to social services for being beyond control. The case was closed after counseling. After this, there were no contacts with the system for

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over two months, but then in early January, Patrick was picked up as a run-away; his parents were again charged with neglect. Both incidents were closed after counseling. Three weeks later, he was charged with retail theft. Charges were eventually dismissed.

Just after his ninth birthday, Patrick was charged with burglary of a business. It was his twenty-third formal contact with the justice system. Obviously he had never been rehabilitated nor, in fact, had he ever even been adjudicated!

One month later, Patrick was again charged with burglary, his first case ever to reach juvenile court. For that incident, he was committed to a juvenile facility.

However, even given his prior history and his unstable home life, Patrick's commitment was brief. Less than three months later he was back out on the streets and being picked up for petit larceny and possession of stolen property. He was placed back in detention, but he didn't stay long. During a ten-day period in May, he escaped four times.

In June he was twice charged with grand larceny. Neither case ever made it through court. In August he was picked up three times, twice on retail theft charges and once for committing arson while in detention. He was never adjudicated on any of the charges. In September, Patrick was charged with aggravated assault/battery; The case was handled non-judicially. Patrick's criminal activity continued.

In March, just before his eleventh birthday, Patrick was charged with petit theft and criminal mischief. Neither case went to court. The thefts

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continued--two in April, four in May. Still there was no prosecution, no restitution, and no rehabilitation.

In June, Patrick was charged with two additional petit thefts and aggravated assault. Although not adjudicated, he was committed to a juvenile facility. He immediately ran away, was picked up, and transferred to another facility. In September, he ran away from that facility. He was picked up and transferred yet again. He remained at the new center for eight months before being transferred again in June.

The day after that transfer, Patrick ran away. In August, he once again left and this time remained on the streets. Ten days later he was charged with grand theft and was returned. Two days later he again ran away and was picked up in a neighboring state.

In October, just two months later, Patrick was charged with burglary of a residence. In December he was twice picked up on shoplifting charges. None of those cases was adjudicated. From January to May, Patrick was charged four more times with petit theft. No court action was taken.

In August, Patrick was charged with grand theft in a nearby city. He was held in secure detention for two weeks, then transferred to a non-secure facility. He ran away the next day and was arrested for petit theft. A week later he was caught shoplifting. He was taken to the juvenile detention facility to be held until his court date. Nine days later, he assaulted another juvenile in the facility. Patrick was never adjudicated on any of these offenses; however, he was placed in a juvenile facility. On Novem-

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ber 20, he escaped, was later returned, and transferred to another center. In addition to several disciplinary incidents, during the next three months he ran away three times. Between March 27 and April 8, Patrick assaulted three other youngsters and a staff member. He was transferred on April 9.

He remained at the next facility for a month. During that period, he ran away four times, and while on escape status he committed grand theft, burglary, and aggravated battery. He is currently being detained pending recommendations on placement.

In reviewing Patrick's history, two immediate observations come to mind. The first is that Patrick has had over fifty formal contacts with the system, yet he has only been adjudicated twice. Thus, anyone looking at his adjudication record would not be aware of the numerous times his cases were diverted or dropped, or closed after counseling.

The second observation is that, just as Patrick has followed in the footsteps of his older siblings, he is providing an active role model for his younger sister.

### Eileen

Although she is just eleven years old, Eileen already has a substantial criminal history. Her first formal police contact occurred when she was just six--she was picked up with two other juveniles after she stole soft drinks from a store. Two months later, in May, she was picked up as a runaway. The case was closed after counseling. In June, Eileen was twice charged with petit larceny and placed on community control.

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In October, Eileen was again involved in the system, this time as a victim. Her parents were charged with neglect and physical abuse. Both cases were closed after counseling. That same month, she was picked up on a charge of burglary of a residence. In November, her parents were charged with excessive punishment--the case was diverted out of the justice system.

In January, Eileen was reported missing. She was located in March. Once more her parents were cited for excessive punishment. She was again reported missing in June, and was later located in November.

The following April she was picked up for shoplifting. The charges were eventually dropped. That July she was once again reported missing. In August, social services had four reports filed noting that she was malnourished, unsupervised, deprived of clothing, and living in conditions hazardous to her health. All reports were "unfounded."

In October, Eileen was charged with residential burglary. She was also suspended from school for three days for truancy. She was truant again in November and received another three-day suspension.

In December, Eileen was twice charged with petit theft. Both charges were dismissed. In January, February, April, and May she was charged with four additional counts of petit theft and (although not adjudicated) was placed on community control. In August, September, and October she was back in the system, twice for petit theft and once for grand theft. Although she has participated in a number of diversionary programs, she has yet to be adjudicated.

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### JUVENILE CHRONIC OFFENDER: A PROFILE

Doug Clements is a habitual offender who commits crime in association with other juveniles, is involved with drugs, and combines arson with violence and property crime. He was first arrested and charged with harassment when he was eleven years old. Doug had kicked a six year old boy in the chest and then used abusive and obscene language toward the victim's mother.

He was thirteen years old when he got involved in arson by setting a fire in a storage/carport facility. Doug told the investigator that he and his friends "started the fire to keep warm." Doug appeared to be quite fascinated by the fire; he kept bringing papers from the outside to keep it going. Two days later, Doug built a fire on the concrete floor of a wood garage where he and other juveniles also burglarized a car.

Two months after these incidents, Doug tried to buy some car stereo equipment with a stolen credit card. About a week thereafter Doug stole liquor during a burglary while skipping school. Doug and friends took the stolen liquor back to school.

About eight weeks later Doug decided to pick a fight on his way to school. He chose another child at random, pushed him, and hit him and

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kicked him in the face. The victim was a complete stranger and had done nothing to provoke the incident.

Less than a month after that fight, Doug stole some soft drinks from a convenience store and was involved in a high speed chase. On the same day he and some friends broke into a juvenile detention facility where they had been held previously. They physically restrained an employee, ran upstairs, went through offices, ransacked them, and took papers and case files. The juveniles were looking for their own files, since they were suspects in the chase.

A couple of months later, Doug threw rocks through the picture window of his girlfriend's house because she refused to go steady with him. Two days after this incident he broke into a house, took car keys, and stole a car, and was later caught trying to climb into a girl's bedroom.

Doug was arrested on a misdemeanor escape warrant and upon being searched, was found to have marijuana and a pipe in his possession. Also, while on escape from a juvenile facility, Doug broke into a house, took a set of car keys and stole another car.

Doug's most recent incident, which occurred while he was an escapee, involved the felony charge of menacing. The victim stated that Doug threatened her and that he was going to get a knife. He grabbed a wooden walking cane and raised it toward her, attempting to hit her. He then shoved the victim to the ground, ran outside, kicked the victim's car, put holes in her apartment wall, removed screens from the front door hinges, and plugged



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up the toilet. It is interesting to note that Doug had been taken in by the victim of this crime because she felt sorry for him.

Doug comes from a family which has been involved in various types of illegal activity. Police records show that he ran away nine times. His father had been arrested several times for evading taxes. His sister had a record of shoplifting, theft, and prostitution; she ran away from home about 30 times. Although there is no evidence of child abuse, Doug has a family history where "something is not right." Social Service officials believe that "family members are closet alcoholics."

Doug enjoys drinking and drugs. He has been involved in stealing liquor from houses. He was caught carrying a two-liter bottle of Pepsi with liquor in it. During one of his burglaries he had "two hits" of "Black Beauty" drugs and alcohol in his possession. After being arrested for another burglary and while on escape from a youth facility, Doug was placed in a hospital substance abuse clinic. While in the clinic he tried to commit suicide.

About one year later, Doug was picked up for possession of marijuana. Less than a month later Doug was arrested for a residential burglary. He told the arresting officers that he was having problems with drugs and that he was going to plead guilty in the hope of being sent to a drug rehabilitation program.

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### PROFILE OF A SEXUAL ASSAULT OFFENDER

Victor Stuart is typical of the SHO/DI who is involved in sexual assaults. In a period of less than one year he committed sexual assaults on three children--the second assault committed while he was on probation. He is also an occasional user of drugs and has been involved in thefts, harassment, and burglary.

The first sexual assault investigation began when a hospital physician reported that a five-year-old child he was treating for a rectal infection was possibly a victim in a sexual assault. A police officer went to the hospital to investigate the complaint.

During the course of the interview, which was assisted by the utilization of dolls, it was determined that fourteen-year-old Victor had assaulted his five-year-old cousin.

The victim reported that Victor told him to pull his pants down and then pulled his own pants down. Victor then ordered his cousin to lay on his belly; Victor laid on top of him and placed his penis inside his cousin's anal area, injuring the child. He then instructed the victim to lie on top of him.

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Victor's cousin told police that "Victor put his wee wee inside me, and it hurt." He also told Victor, "I don't want to do this." Victor told his cousin not to tell anyone about the assault or else he would tell his cousin's mother that the child was smoking a cigarette.

When Victor was first questioned by police about the incident, he denied any involvement. Victor later admitted being involved but said that he did not penetrate his cousin's anal area after lying on top of him. Victor also denied having an erection during the course of the incident and said "I don't know why I did it! I wasn't sexually excited!"

Prior to the sexual assault charge, Victor's sole offense involved a bicycle theft. For the assault, Victor received just six months of supervision without adjudication. He was also ordered to attend counseling.

Subsequent to this assault Victor was accused of harassment and burglary. He was not confined for these incidents.

Less than one year after his first sexual assault charge, Victor was again arrested on two counts of sexual assault. The children assaulted were a seven-year-old boy and his five-year-old sister. The suspect, Victor, was not yet fifteen years old.

The call regarding the assault was received from the victims' mother. The victims were interviewed by a police officer and a representative of social services. The boy said that Victor knocked him down and then got on top of him. The victim then said that Victor touched him in the penis area and kissed him.

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The second victim, the boy's sister, said that she was sitting on the steps of the apartment building when Victor came up from behind her, reached both arms around her and touched her in the breast and vaginal area. The victims' mother told the investigating officer that "there is no doubt in my mind that Victor did what the children said." She added, "I've had trouble with the boy (Victor) and he has grabbed me."

The victims' mother said that Victor snuck up behind her, reached under her arms and around her and grabbed her by the breasts, one hand on each breast. The next day, Victor snuck up behind her again and grabbed her around the waist and asked if he could put hickies around her neck. Victor also told the victims' mother, that "I am going to put a small hole in your closet door so I can watch you."

The victims' mother said that she confronted Victor's parents regarding what had happened to her children. Victor's parents said they did not believe any of this. At this point Victor's mother challenged the victims' mother to a fight and the father said, "If the pigs come to the door, I'll slam the door in their face."

Victor lives with his mother and stepfather. His mother has a record of one driving-under-the-influence charge, one assault, and one shoplifting charge. His stepfather has been charged with attempted robbery, drinking in public, unlawful concealment of a weapon, possession of marijuana and numerous assaults. Although there is no record of parental abuse, he has been beaten up by his uncle.

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### HABITUAL JUVENILE PROPERTY CRIME: A PROFILE

Tom Anderson is a serious habitual offender who built his career around property crimes -- primarily residential burglaries. He often commits his crimes with a number of other juveniles. In addition to committing residential burglaries he has been involved in various types of theft and was an escapee from a juvenile facility four times during one year.

Tom was first arrested, when he was ten years old, for shoplifting. Between the ages of 10 and 15, he was charged with 36 crimes, mostly felony burglaries. After escaping at age 14 from a juvenile facility, Tom joined with other escapees and runaways to form a burglary ring.

Tom has developed an MO of breaking windows with rocks or prying doors with a tire iron or screwdriver to gain entry. He usually takes cash, stereo equipment, VCRs, TVs, and food. He eats and drinks on the premises and usually ransacks the residences, causing severe damage. In at least three cases he drank liquor during the burglary.

Tom began his career in 1981 when he shoplifted a toy from a store. The next three years he was not charged with any offenses. Then, in February 1984, he began an amazing string of burglaries. He started by taking

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a key to steal money, coins and cigarettes from a hamburger stand. One day later he stole game tokens from a video arcade.

About three months later, Tom climbed through a window, stole stereo equipment, jewelry, and other items. He also ransacked the house with two fugitive juveniles who were partners in the burglary that Tom said "was my idea." The next burglary was three months later; although nothing was taken, over \$4,000 dollars in damage was incurred.

On the same day Tom and some friends committed another burglary--this time to a residence. They broke a window, reached inside and unlocked the sliding glass window, ransacked the residence and stuck knives in the wall. Also on the same day, police received a call from Tom's mother stating that he had taken keys from her bedroom and stolen her car. Tom planned to drive out of state with two friends who were escapees from a juvenile facility.

Even though Tom was placed in juvenile detention, he continued to get into trouble. He got involved in a fight over a cigarette. Within two months after stealing his mother's car he stole cigarettes. Less than a month later, he pried off the window screen of an apartment and stole clothing, cameras, liquor, and other assorted items.

In 1985 alone, Tom, still only 13 years old, committed 19 burglaries. The first incident occurred when he pried open a door and stole a gun, a motorcycle and jewelry. He was apprehended while riding the motorcycle.

After a gap of a few months, Tom forced open a door to a business to steal stereo equipment. When he was found hiding in a trash dumpster, Tom

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told officers that "it's hard living on the streets." At the time of this offense, Tom was an escapee from a juvenile facility. On the same day Tom used a hatchet to break into another business to steal money.

One week later, officers were dispatched to a burglary in progress. Upon arrival, officers observed the rear door open with noticeable pry marks on the door around the lock and latch. Again, Tom was charged with burglary. During the next three months, Tom burglarized a school, stole two cars and burglarized ten residences. During one of the incidents he told the arresting officer that he and some friends had been living in a car for about a week.

One of Tom's burglaries involved a police officer's house. The officer diligently pressed the case through court. Because of this, Tom was "sentenced" to eight years in a non-secure facility. The judge told Tom that if he "walked," he would get another 5 years. Tom did leave the facility, was caught, and yet was given no additional time by the judge. In fact, he was out in 18 months.

Tom's background included running away from placement at least seven times. He usually ran away for a few days and then returned home. Most of the time, he ran away to meet with other juveniles who were often also runaways from juvenile agencies. Already at age fourteen, Tom was a street-wise kid. For example, while at a detention facility Christmas party, Tom walked up to the district attorney and said that he really wanted to talk to her about plea bargaining his case because he wanted to make a deal.

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Tom lives with his stepfather, mother and seven year old brother. The other family members have never been involved in criminal activity and there is no record of abuse or neglect involving the children.

What can be said about Tom? He appears normal in every respect--except for his very extensive involvement in felony property crimes, particularly residential burglary. He is already a con artist. He associates with some other juveniles who help him in his property crimes. Tom represents the type of SHO/DI who is a menace to the community because of his failure to respect the right of people to live in a secure home free from crime.



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### PROFILE OF A PEDOPHILE

Bob is a pedophile with an MO of sexual assault. He is a young man just over five feet tall and weighing approximately one hundred pounds. His first contact with the police involved possession of drugs and carrying a concealed weapon--a large hunting knife with an eight-inch blade. This was only the first of several instances where Bob was caught with drugs and weapons.

When Bob was fifteen, he kidnapped and sexually assaulted an eleven-year-old boy. This first incident of pedophilia began when Bob saw the boy walking near some railroad tracks. Bob yelled "come here," but the child started to run away. Bob chased him, grabbed him by the shoulder, put handcuffs on him, and told the boy he was going to take him to the police station.

Bob knocked the victim down and took off the young boy's shoes, socks, shorts, and underpants. According to the victim, Bob then sucked on his penis, rolled him over on his stomach, and "put his penis in [the victim's] butt." The eleven-year-old boy said, "He kept kissing me on the shoulder and on the face and he put his tongue in my mouth."

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Bob was charged with kidnapping and first-degree sexual assault for the crimes. As part of a plea bargain agreement, the sexual assault charge was reduced to second degree. The judge handling the case put Bob on two years' probation and ordered him to attend school regularly, to make every effort to find a job, and to observe a 9:00 p.m. curfew. No additional penalty was imposed.

Just one month after concluding this probationary period, Bob committed another first-degree sexual assault. Bob was then seventeen; the victim was a thirteen-year-old boy.

The incident began when Bob walked up to the victim and asked for a cigarette. When the victim said he had no cigarettes, Bob then asked him for money. The boy also had no money, and Bob left him.

A short time later, Bob again approached the victim and asked him if he wanted to make five dollars by helping to steal a bicycle. The youth agreed to help steal the bike. Suddenly Bob jumped at the victim, grabbed his arm, and held on to him. He took the victim's jacket off and offered him five dollars to remove his own jacket. The victim did not respond, and Bob unbuttoned the boy's pants and pulled them off. The victim said that he "tried to hang on" to his pants, but that Bob "was too strong." Bob tore the victim's underpants off and also undressed himself, and then sodomized the boy. Even though this was Bob's second violent sexual assault, he was given only two years of incarceration for the offense.

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The two sexual assaults described above are not Bob's only contacts with the law. He is heavily involved with drugs and has been arrested several times for drug violations. He has also been arrested for carrying a concealed weapon and for trespassing.

Bob's family has a substantial criminal background. His mother has been arrested for drunkenness, interfering with a police officer, and shoplifting. His father is often drunk and is involved in drug dealing. Bob's two brothers have extensive criminal histories which include theft, carrying dangerous weapons, fighting, damage to vehicles, possession of drugs, and aggravated robbery.

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#### A FEMALE CHRONIC OFFENDER

Although most chronic juvenile offenders are males, there have been a few identified female SHO/DIs. Sharon Wyatt is one such juvenile. Sharon, currently sixteen years of age, has been arrested nine times, most often for assault or battery.

Sharon is the oldest of four children and currently resides with her mother, father, and three siblings. She was not involved in any criminal activity until approximately three years ago, when she was first arrested at age twelve on battery charges. According to the intake report, during a neighborhood fight, Sharon pulled a knife on another juvenile and threatened her. The case was diverted to counseling.

Nine months later, Sharon attacked two female juveniles with a baseball bat. One of the girls had to be hospitalized as a result of the incident. Two months later, before the case went to court, she again attacked a juvenile. In this case, Sharon and her sister became involved in an altercation with two young girls. As Sharon became increasingly agitated she picked up bottles and sticks and began throwing them at the girls. Just three weeks later, she and a companion again became involved in a fight. In this case, Sharon picked up a ten-inch pipe and struck the

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victim in the head. She and her associate continued to beat the victim until police were called.

One month later, she was again picked up for aggravated battery. The incident began when Sharon became involved in a disagreement with a woman who had an eighteen-month old child. Sharon was carrying a stick which she used to strike the mother in the back and the child in the head. The infant had to be treated at the hospital for head injuries.

All four cases were filed in court together. Sharon was adjudicated on three of the charges and placed on community control. The fourth case was nolle prossed.

The community control conditions included regular school attendance, restitution to two of the victims (totaling \$234.75), non-association with the victims, and mental health counseling. Sharon's counselor was assigned in February 1984 and immediately attempted to make contact, but was unable to locate her. The counselor continued attempts to contact her from March to August of that year. Sharon was never found, and during this time attended neither the counseling sessions nor her school classes.

On September 12, Sharon was once again picked up by police for fighting with another juvenile. This time, she was transported to a detention center and held until her court appearance. According to the evaluation conducted at the time Sharon was detained, it was found that she had "deep-rooted strong emotional problems." The counselor noted that "the child's aggressive behavior is one that definitely needs to be addressed and cor-

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rected if at all possible." The violation of community control was adjudicated and Sharon was committed to a youth facility.

Four months after her release, in March 1986, Sharon was again arrested for battery. No detailed information is available on that charge.

Sharon's case is especially interesting. She shows no progression in seriousness, nor does she show much variety in type of offense. She began by committing aggravated assaults and has continued to do so. There appears to be no indication of rehabilitation; rather, this particular criminal behavior appears to be a way of life for Sharon.

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### NO INSTITUTION WILL TAKE HIM

Don is only eleven years old but has the criminal history of an adult. At this young age, overy thirty institutions have refused to house him. He does as he pleases, acting physically aggressive and avoiding discipline. School records reveal that he has been considered a "seriously emotionally disturbed" child and has been placed in special classes as a result. One school evaluation referred to him as "the worst case" that had ever been seen at the school.

In spite of his age, Don has committed five felonies and innumerable misdemeanors. His criminal history began at age ten when he was cited for possession of marijuana at school. He was counseled, warned, and released. A few months later, Don was picked up as a runaway. He had run away from home before; his grandmother reported to the police that his mother was unfit to take care of him. No action, however, was taken on this report.

One month after being returned home, Don was apprehended by a neighbor while trying to drive away in a stolen car. Just three days later, police officers arrested Don for tampering with a car. He was also found to have in his possession several items stolen from a department store. Five days after that he was cited for the first of two school incidents in which he

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grabbed a female classmate in the genital area and placed her hand on his genitals. Within that same week Don stole some equipment from a store and also stole a car. Two days later he shoplifted additional items from a department store.

The various incidents described above led to an adjudication. The petition against Don was not sustained because "he did not know the wrongfulness of his acts," since at that time he was only ten years old.

Don's mother was charged with child abuse shortly after the latest department store theft. Don stated that his mother forced him to "steal and smoke marijuana by hitting and scratching" him and by "threatening to slice [him] up with a razor."

Approximately one month before his eleventh birthday, Don stole a van from a car dealership. He was placed in a juvenile home where he only stayed two days because of his failure to adjust to the home's environment. The caseworker commented that "finding placement for him has been difficult."

At age eleven, after a brief period in another facility, Don was arrested for failure to adjust to placement in this juvenile home. He admitted to putting holes in the walls, breaking a lamp, damaging his bedroom door, and stopping up the toilet plumbing with a can of Spam and several eggshells. He also had a record of causing numerous problems and being generally disruptive. He stated that while living with his mother, his babysitter had forced him to have intercourse with her on a



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regular basis; in addition, Don tried to coerce other juveniles in the facility into committing sexual acts with him and confronted staff members with "inappropriate questions" about their sexual preferences.

Probation authorities finally found a "suitable placement" for Don. He is in a facility never used by the city before, a group home in another region in the state with approximately fifty other juveniles. During the day he attends public school.

Don comes from a background riddled with family problems. He was born when his mother was still an adolescent. His mother had been put into placement by the court several times in an attempt to deal with behavior that was considered "beyond parental control"--drug and alcohol abuse and chronic thievery. She has had difficulty in accepting treatment for an alcohol problem and still takes anti-depressants. She alleges that she was sexually molested between the ages of five and ten, but her mother did not believe her allegations. Since Don's birth, his mother and grandmother have constantly waged a "turf battle" over him. According to the grandmother, Don considers his mother "a sister, not a mother."

Don's grandmother feels that "nobody can control Don--he takes off and does as he pleases." She has tried to teach him right from wrong, and says that he is still at her house because "he wants to be there, not because I can control him." Don, according to his grandmother, "does what he wants to do."

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Don has been described as an attractive young man. His verbal skills are highly developed, which gives him a self-presentation of a significantly older young man. During a counseling interview, Don appeared to be quite taken with his own skill in stealing. He was described as being well-aware that stealing is against the law while at the same time minimizing the seriousness of his offenses.

Don has nothing good to say about his mother. "I hate her, but I still love her. She could blow her brains out and I wouldn't care. I'd just spread some water over the blood."

A psychiatric study reports that Don's judgment is "severely impaired, and his insight is nil. He appears to be quite sociopathic, even at this tender age. His chances of leading a non-criminal life are very slim."

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### PROFILE OF A REBELLIOUS JUVENILE OFFENDER

It was, by anyone's imagination, a strange way to celebrate New Year's Eve. For Gary and several of his friends, the evening activities began soon after dark. They loitered around a convenience store looking for someone who would purchase liquor for them. Eventually an individual agreed to buy them "several cases of beer." The boys' original plan was to end up at the local bowling alley to "pick up some girls." First, however, the juveniles began drinking by playing a game of "tops" on a tower near the freeway. This involved throwing down a pack of cigarettes; if it landed on edge, the player was rewarded with a can of beer which he immediately had to gulp down. Most of the alcohol was consumed in this way, and the boys also smoked marijuana and took large doses of PCP and LSD.

The juveniles then wandered along the freeway until they came to a local cemetery. According to Gary, he was so "fried" that he couldn't remember how they actually got into the cemetery or how they ended up near the mausoleums. For one reason or another, the youngsters began to kick at the marble cover of one of the mausoleums until it broke off. Then they used the pieces of marble to break open another crypt. Once the cover was broken, the boys pulled the coffin out and opened it. According to reports,

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Gary reached in, pulled out the skull, and started to talk about Satan and Satanic messages. Then he took the skull and threw it to the concrete, shattering it. For Gary, this was just the latest in a series of juvenile offenses.

In 1978, when Gary was eleven years old, he shoplifted items from a local department store. Because the store management did not press charges, the case was dropped. A year later, Gary was again arrested for petty theft. At the time he was picked up, he had run away from home. He was lodged in a detention facility where he immediately caused problems. After being held for five days, Gary was released to his mother on the promise that he would appear in court two days later. Instead, he immediately ran away again. He was picked up within forty-eight hours and transported to a detention facility. Again there were disciplinary infractions which led to his transfer to another facility.

Almost immediately, Gary ran away from his placement and was apprehended as he fled from a home he had burglarized. He was adjudicated on the burglary charge, made a ward of the court, and placed in a juvenile rehabilitation facility. During the next two months at the facility, Gary ran away twice, struck one of the counselors during an argument, and was involved in the theft of a motorcycle. Based on these offenses, he was placed in the children's unit of the state hospital. He was still only twelve years of age.

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Two weeks after he arrived at the hospital, Gary was once again arrested for petty theft. The charge was adjudicated and Gary was placed in yet another facility for ninety days. Two weeks after placement, Gary escaped from detention after he and other juveniles broke a toilet in the facility. He was picked up and in yet another attempt at rehabilitation, he was placed in the home of a police officer.

As in past placements, Gary immediately ran away from that foster home and refused to return. When found, he was in possession of a stolen bicycle. Again he was taken to court, and again he was placed in a foster home. Gary took \$225 worth of meat from the freezer in the home and ran away. He went to court for this charge also, and was granted placement in another foster home. However, while in a detention facility awaiting the placement, Gary grabbed one of the staff members around the neck and attempted several times to slam her head against the wall. According to the arrest report, Gary's behavior in detention was "poor"; he was assaultive with other juveniles and generally disruptive. Still he was placed in the new foster home.

Yet again, this placement failed to rehabilitate Gary. During his stay in this home he was cited several times for negligent driving, racing a motorcycle, speeding, theft, malicious mischief, and possession of marijuana. He was also cited for curfew violations, possession of alcohol, truancy, harboring two female juveniles, and theft of money and other items

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from his foster parents. He also had a record of formal reprimands and suspensions from school. Finally he ran away from the foster home.

Two months later, Gary was picked up in another state. He was carrying a switchblade and was in possession of marijuana. He was returned to his home jurisdiction on a custody warrant and was placed in a detention facility. While there he assaulted a staff member and another juvenile, and for these offenses was adjudicated and placed in a secure facility. Gary was still just fifteen years old. Soon after his release from the secure facility, he was picked up for the graveyard incident.

It is readily apparent that, for the past five years, Gary's life has been a series of offenses, placements, and runaways. According to his mother, Gary became severely troubled when, as a child, his mother and stepfather were divorced. The situation worsened when she began living with another man. Gary was eventually sent to live with his aunt and uncle; however, his aunt resented the arrangement and Gary was forced to return home. Thus began his series of rebellious criminal activities.

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### A TROUBLED CHILDHOOD

For some juvenile offenders, it seems as though they are defeated long before they get a real start in life. Jerry is one such juvenile. He is the second of three children; his mother has a history of mental instability and, in fact, is currently committed to the state hospital. From all indications, Jerry's entire childhood has been unstable, abusive, and quite chaotic. In this environment, harsh physical punishment was frequent but inconsistent. According to Jerry, his mother would often "pick up a belt and start swinging," and he stated that he was often beaten by both parents. When Jerry was eight years old, his parents were divorced and Jerry and his siblings resided with their mother. However, her mental instability increased due to the financial and emotional strain she experienced after the separation.

Consequently, when Jerry was fourteen, he went to live with his father. At the time, his father was living with another woman with whom Jerry did not get along; the situation was rocky from the start. Jerry's father continued the extensive physical punishment, and matters were compounded when Jerry got into trouble in school. His father also accused him of sexually molesting his younger sister, and Jerry finally ran away. As a

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result of the alleged molestation, Jerry's father still refuses to let him return home, and Jerry has never been back.

Jerry's mental and emotional underdevelopment do nothing to help his situation. Formal reports indicate that he is of below-average intelligence and has below-average verbal skills. He has been identified as a slow learner with a low self-concept. Jerry is also emotionally immature and lacks socialization skills necessary for the development of healthy attitudes.

Additionally, Jerry has a record of substance abuse, especially alcohol and marijuana. An evaluation of his behavior indicated that substance use may be his way of escaping from the stress of his environment and his identity. Jerry has also cut his wrists several times in suicide attempts. The evaluation report noted that Jerry is a "potentially dangerous young man." Thus, his criminal behavior is just one part of a very chaotic lifestyle.

Jerry was first arrested in 1981 at age eleven for an attempted burglary. He was adjudicated and placed on probation. One year later, he was involved in a shoplifting incident. This offense was handled informally; Jerry was counseled, warned, and released.

For a two-year period, Jerry was a chronic runaway and hence was away from home a good deal of time. In early 1984, he and a companion were arrested for battery. The case went to court and Jerry was made a ward of the court and fined. The following month, Jerry was charged with robbery.



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Again the case went to court and Jerry was placed in a rehabilitation facility. His record at the facility included additional disciplinary infractions, escapes, and use of illegal substances. He needed constant supervision and the staff literally had to keep him in sight at all times.

Immediately after his release from this facility, Jerry was arrested on his most serious charge. He accosted a man at a shopping mall, pulled a knife on him, and forced the victim into the his own vehicle. He then forced the man to drive across town. When they reached the local college, Jerry ordered the man out of the car, hit him in the head, and stole the car. He was charged with kidnapping, robbery, and assault with a deadly weapon. He was sentenced to nineteen years in a secure facility and is currently serving this term.

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### WHEN REHABILITATION FAILS

One of the contradictions in juvenile justice is that while a juvenile may be "placed" or committed time after time, very little of that time may actually be served. Quite often juveniles receive weekend furloughs, early releases, or suspended sentences. Larry is a juvenile who has accumulated substantial "custody" time with little or no apparent effect. He has been arrested fourteen times since 1979 and has eight sustained charges in court.

Larry's first arrest was for petty theft; he and a fifteen-year-old companion shoplifted a pair of skates worth \$40.00. The property was recovered and Larry was diverted to social services. Three weeks later, Larry was again picked up for shoplifting. This case was also diverted.

Six months after that incident, Larry and two companions started a fire in a trash can at school. Once again the case was diverted to social services. Less than a year later, Larry and three companions broke into another school, using a crowbar to force open the door. When police arrived, they found that the juveniles had gathered \$1,600 worth of equipment and were attempting to remove it. The case was adjudicated and

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Larry spent a total of thirteen days in a juvenile hall. Additionally, he was on home supervision for fifty-five days.

Three months later, Larry and four other juveniles broke into yet another school. The youngsters vandalized the building and removed property, including a television. These charges were added to the previous school burglary; however, eventually they were dismissed in a plea agreement.

In May 1981, Larry beat up another juvenile with no apparent provocation. The matter was adjudicated and a disposition date was set. Even before that date, an additional charge was filed against him for carrying a deadly weapon, but it was dismissed. On the battery charge, Larry was sentenced to ninety days in a secure facility and served eighty-six of those days prior to being released.

Larry was released in October but was picked up two weeks later for violation of probation. He served eleven days of a fifteen-day sentence in a detention facility, and then returned home on probation. Just a few days after his release, Larry was again arrested--this time for inhaling toluene. He was petitioned to court, but prior to trial was again arrested for burglary. Larry and a companion broke into a home and stole a television, a stereo, and a gun. Those charges were added to the petition. The substance abuse charge was dismissed when he agreed to plead nolo contendere to the burglary charge. Prior to final disposition, however, two additional charges were filed. First, Larry and several other boys ap-

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proached a juvenile on a bike, beat him up, and took the bike, and Larry was charged for assault and theft. A few days later, he was caught shoplifting at a local store.

Eventually Larry was held in juvenile hall for fifty-two days. He was then transferred to a group home where he stayed for six months. Just four months after he left the group home, he was arrested for possession of an illegal substance--cocaine. At that point, Larry's aunt (and legal guardian) stated that she could no longer control him and did not want him back in her home. He received fifteen days in a detention facility.

Like other chronic offenders, Larry's academic performance was also very weak. Even when he was required by court order to attend school, Larry was frequently truant. In fact, most of the time he did not attend. When he was in school, he did not do well.

The professional evaluation of Larry's case noted that he had served a good deal of custody time. Yet every time he was released from custody, he again became involved in criminal activity. Although several types of rehabilitation/custody have been tried, nothing, as yet, has worked. How, then, should the juvenile justice system respond to chronic offenders when attempted rehabilitation fails?

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### DISPLAYING CRIMINAL PATTERNS OVER THE YEARS

There are various schools of thought concerning chronic juvenile criminal activity. One theory is that there is a progression in seriousness of offenses. Thus, the argument is that juveniles begin by committing status offenses, move on to misdemeanors, and finally commit more serious felony crimes. Another theory holds that violent juveniles start out violent and remain so throughout their criminal careers. Finally, it may be argued that chronic juvenile offenders commit offenses as opportunities arise, and thus the offenses do not progress in seriousness but rather vary according to the circumstances surrounding the offenses.

Fred is a chronic juvenile offender with a lengthy arrest record which includes several felony arrests scattered among status offenses and misdemeanors. No specific pattern of offenses is apparent. He is a member of a recognized local gang and he readily admits that he and other gang members are heavy users of drugs and regularly commit crimes. For them, it appears to be an acceptable lifestyle.

Fred's home life is equally confused. He is the fourth of seven children born to the biological mother and five different fathers. The mother's first marriage produced one child; she and her second husband had three more

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children. She then had four additional children, including Fred, through three common-law relationships, but one of the children died in infancy. Fred's father was an illegal alien in the country and was reportedly deported prior to Fred's birth; there has been no contact with him since that time. Currently Fred's mother lives with yet another common-law husband.

According to police reports, several members of the family have criminal histories, including at least two of the "fathers." Fred's mother has been arrested for the sale of heroin and one of his sisters was arrested for possession of heroin. A brother has been convicted and incarcerated for theft and battery. The household subsists on public assistance. Fred's neighborhood is recognized as a high-crime area and a drug-trafficking spot. The parade of significant figures throughout Fred's life have exhibited antisocial values and behaviors. Additionally he has had very little parental supervision, either from his mother or from the variety of father figures with whom he has come into contact.

Fred was first picked up at the age of eight for an act of vandalism. The matter was handled informally. Since that first citation, he has been charged or cited twenty-six times for illegal or delinquent behavior, and he is currently just sixteen years old.

Following the vandalism charge, Fred was next involved in an unsuccessful burglary attempt. The case was diverted to social services. A few months later he was picked up on another vandalism charge, and again he was

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counseled by social services. There followed a series of status offenses for which he was also diverted.

In early 1982, Fred and three adult companions attacked two men with boards and a garden hoe. The case against Fred was dropped. Two months later he was picked up for inhalation of toluene. He was adjudicated and placed on probation.

That same month Fred was cited for public intoxication and battery. A petition was filed, but before the case went to court he was again picked up for inhalation of toluene. In court the first two counts were dismissed while the third count was sustained. Approximately one month later, Fred was charged with petty theft--charges were dismissed. Four weeks later he was picked up yet again for inhalation of toluene, but the case was dismissed.

Four months after that incident, Fred was charged with petty theft. The matter was adjudicated and he was placed in a rehabilitation facility. In December 1982 he was once again arrested for being under the influence of toluene; the matter was referred to probation. Later that month he was charged with possession of stolen property, and the case was settled at intake.

Over the next year, Fred was cited repeatedly for such offenses as escape from placement, possession of alcohol, possession of stolen property, and curfew and traffic violations. All charges were dropped or diverted. Then in January 1984, Fred and two companions threatened and

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robbed another minor. The case went to court, and he was sentenced to 120 days in a secure facility. Two months later he escaped, and there followed yet another series of citations and offenses. In October of that year, Fred was arrested for a residential burglary. He was sentenced to a maximum of six years, two months in a correctional facility where he is currently serving time.

A clinical evaluation of Fred sounded this ominous note: "At the age of 16, [he] is already displaying many traits of the Criminal Personality (sociopathic), as follows: Lying, stealing, manipulating, behaving irresponsibly, displaying criminal patterns over years, behaving exploitively without considering injury to others, and operating from a hedonistic orientation. Yet Fred sees himself as a 'nice person.' Unless [he] learns to see himself realistically and develops accompanying self-disgust, his prognosis for change is poor."



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### CHRONIC JUVENILE OFFENDERS: NO REHABILITATION?

The argument is often raised that chronic juvenile offenders "fall through the cracks" of the juvenile justice system. Because the philosophy of juvenile justice focuses on rehabilitation rather than punishment, juveniles are often diverted into a variety of programs designed to rehabilitate wayward youth. Habitual juvenile offenders may be diverted time and time again with little or no evidence of rehabilitation. The following profiles illustrate this difficulty:

#### Zeb

Zeb's first contact with the system occurred when he was just nine years of age. He was caught shoplifting at a local store. The case was closed after counseling (no adjudication). When he was twelve, Zeb committed two residential burglaries. One charge was dropped and the other was adjudicated. For that, Zeb was sent to a youth home for a short period of time. Just four months later, he was again picked up on criminal mischief and trespassing charges, and was placed on community control. One month later, Zeb and another juvenile were involved in a purse-snatching. He was placed again on community control.

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Apparently Zeb was not yet rehabilitated. Four months after that incident, he and two juvenile associates were involved in two vehicular burglaries. They took several items including a handgun, cash, a wallet, and a radio. For these offenses, Zeb was adjudicated and sent again to a youth home. Just one month later, he committed another burglary, but the case was dropped. Two months later, he was picked up for grand theft; a month after that, he was picked up for violation of community control. His two most recent offenses were both commercial burglaries. There is no adjudication information available on either offense. Neither is there evidence of rehabilitation.

Mark

Mark's criminal activity began at age eleven when he and two other juveniles vandalized and burglarized a school. The case was arbitrated--no adjudication.

The following year, Mark and his brother were picked up as dependent, homeless children. When the officer took the boys to their house, there was no one home. Neither child had any idea where his parents were or when they would be back. According to the reporting officer, Mark's mother and stepfather "have no real concern for the two boys." About the residence, police noted that it was uncared for and looked like a "miniature dump." The boys were taken to a juvenile shelter.

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Two months later, Mark was picked up by officers again for being unsupervised and deprived of shelter. One week later he was picked up again for being unsupervised. The reports were both "unfounded" and Mark was placed back in the home.

For almost two years, Mark had no further contact with the system, as either a perpetrator or a victim. Then in early 1985, he began committing a string of offenses. First he was arrested for burglary and criminal mischief; he and another juvenile entered a residence and did \$4,000 worth of damage. The burglary charge was dropped. For the criminal mischief charge, Mark was sent to a youth home.

Mark's next offense, another felony, was closed without sanction. One month later he committed another residential burglary, and again burglarized a residence two weeks after that. The two charges were adjudicated concurrently and Mark was committed to a detention facility. Neither of his next two offenses--burglary and possession of a controlled substance--was adjudicated.

Five months later, while on furlough from the detention center, Mark committed two grand thefts. In the first offense, he stole a dirt bike from a residence. Four days after that, he took jewelery, knives, and a radio during a burglary. He was placed in a juvenile facility but escaped three times during the next three months.

Mark's most recent offense was a theft, for which no disposition information is yet available. In any event, this is just one more in a series of crimes involving Mark--and he is apparently not yet rehabilitated.

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James

Like Mark, Jimmy's initial contact with the system was as a victim, not a perpetrator. At age seven, Jimmy was referred to social services on a neglect charge. The report was "unfounded." Three months later, he was charged with burglary, but the case was closed after counseling. That same month, Jimmy was involved in another neglect charge. This case, also, was closed after counseling. A year later, when Jimmy was eight years old, he was picked up for trespassing; the case was arbitrated. The following month he was picked up for burglary. Again, there was no adjudication--the case was arbitrated. Less than two weeks later, Jimmy was charged with criminal mischief. Once more, the case was arbitrated without adjudication.

Four months later, Jimmy, then nine, was picked up for assault/battery. The case was merely arbitrated, not adjudicated. Ten months after this incident, Jimmy was involved in a sexual battery case. Adjudication was withheld and he was assigned to a rehabilitation program. Three months later, Jimmy was charged with battery involving a teacher at his school, but the charge was dropped. Less than three months later, he was charged with burglary but this charge also was dropped.

In the following two months, Jimmy was arrested for petit larceny (never adjudicated) and burglary of a school (case closed without sanction). Three months after the school burglary, Jimmy was arrested for

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battery, also committed at school. This time he was adjudicated and sent to a youth home for a short period. Still the incidents continued.

One month later, Jimmy was charged with making threats to school staff and students. It is interesting to note that, at this time, he had already been identified as an emotionally handicapped child and was, in fact, in a school for exceptional children. During this incident, Jimmy tried to strike school staff and had to be physically restrained. The report noted that Jimmy has a "Jekyll and Hyde behavior change, from extremely violent to calm and polite." The case, however, was closed without sanction.

Two weeks later, he was charged with criminal mischief after causing substantial damage to a classroom. Charges were eventually dropped. Less than three weeks later, Jimmy was arrested for aggravated battery, again on school property. The case was adjudicated and he was committed to a juvenile facility.

One year later, after release from the facility, Jimmy was arrested for grand larceny and resisting arrest. Again he was adjudicated and sent to a detention center from which he has since escaped twice. Although he has a substantial arrest history, Jimmy is now only thirteen years old.

#### Charles

Charles, a fifteen-year-old juvenile, has only six arrests to his credit. On the other hand, he has an extensive history of school viola-

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tions ranging from defiance of authority to possession of weapons to several assault charges. During the 1984-85 school year alone, Charles was cited for eleven violations of the student conduct code. His case illustrates the need for cooperation and information-sharing, among not only components in the juvenile justice system, but also all juvenile-related agencies.

At age fourteen, Charles was picked up for burglary. The case was diverted. Five months later, he was charged with retail theft of a radio. Adjudication was withheld and he was placed on community control. The following month he was charged with aggravated assault with a deadly weapon; the case was nolle prossed.

Three months later, Charles started a fire in a locker at school and was charged with arson. He was adjudicated and placed again on community control. Another year later, he was charged with retail theft again, and recently the case was adjudicated. As yet, Charles shows no signs of rehabilitation.

#### Matthew

Matt was first picked up for retail theft when he was just eight years old. The case was closed after initial counseling. Three years later he was picked up for petit larceny. Again there was no adjudication; instead the case was mediated. For the next fourteen months he had no other contacts with the system.

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Just prior to his thirteenth birthday, he was picked up for criminal mischief, but charges were dropped. Less than a year later, Matt's offense frequency increased dramatically. In November, he was charged with retail theft. The case was mediated; consequently he was never adjudicated. In December, Matt was arrested for petit larceny. Although he was adjudicated for that offense, his only punishment was a judicial warning. In January he was charged with burglary of a railroad depot station. Again he was adjudicated, but this time he was found delinquent and sent to a detention center.

In February, however, he committed three additional burglaries, but none of these cases was prosecuted. In late March, Matt burglarized a concession stand. The charge was dropped. Also in March he was charged with receiving stolen property; this charge, too, was dropped. The same month, Matt was picked up for grand larceny. He was again adjudicated and committed to a youth facility from which he escaped a short time later. He was picked up again and the case was closed after counseling.

Five months later Matt was charged with grand theft. No disposition information is available on that charge. His most recent charge (at age fifteen) was again for theft. He was adjudicated and sent to a detention facility for a short time. Whether Matt has been rehabilitated or not still remains to be seen, but the question seems to have an obvious answer.

These cases provide some insight into the workings of the justice system. Even for chronic offenders, the system appears hesitant to bring

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the cases to court. Very often juvenile judges have been criticized for their leniency in handling habitual youthful offenders. In fact, judges quite often never have a chance to deal with these offenders. According to noted author Paul Strasburg, "between eighty and ninety percent of arrested children are diverted or dropped from the judicial process with little or no mandatory control or supervision" (Violent Delinquents, 1978).



PORTRAIT OF A TEENAGE MURDERER

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## PREFACE

Both practitioners and researchers have realized that the juvenile offender is more difficult to deal with than the adult offender. About half of the persons arrested in the United States today are juveniles. Arrests of juveniles over the last decade have increased at a much faster rate than arrests of adults. As a result, much of the public's increasing concern with crime can be attributed to the actions of juveniles.

The juvenile justice system which operates today has its roots in the first U. S. juvenile court created in Illinois in 1899. Established under the doctrine of parens patriae, juvenile courts were designed to protect the juvenile (inter alia) and to provide whatever treatment would be necessary to rehabilitate him. The courts espoused the philosophy that juveniles, as children, cannot ultimately be held responsible for their actions. For these reasons, juvenile courts are civil rather than criminal in nature. Juveniles are not found "guilty" of offenses, they are found "not innocent" or "delinquent."

For the vast majority of juvenile offenders the system works and works well. However, there exists a very small percentage of juveniles who could be classified as serious, chronic offenders. These juveniles commit crime after crime and often continue their criminal careers into adulthood. It is with regard to this category of juvenile offenders (noting again it is a very small percentage of the juvenile population) that the juvenile justice system "breaks down."

One major problem with the "protective" philosophy of juvenile justice is that chronic, serious offenders can (and often do) "fall through the cracks" of the system. Juvenile courts are not the only pitfall in the justice system. In fact, most juvenile offenders never make it into juvenile court. Many juvenile cases are diverted to other informal channels of resolution. Information on

juveniles diverted at this intake level is often unavailable to justice system functionaries involved with this juvenile in the future.

Discretion and diversion are two mainstays of the juvenile justice system, and both can, and do, impact adversely on establishing an accurate perspective of the juvenile serious habitual offender. As an example, police officers can exercise discretion when "stopping" juveniles on the street and may decide to make no report of the incident. This may occur repeatedly and yet no report exists to document the deviant behavior patterns exhibited by these juveniles.

Just as police officers practice discretion, so do other actors in the juvenile justice system. Prosecutors and court intake workers use discretion as to whether or not to file charges, reduce charges, divert the juvenile to another agency, etc.; judges have the discretion to accept pleas, dismiss charges, revoke probation, etc.; and corrections personnel have the discretion to designate the type of containment facility, home visits, furloughs, etc. Such exercise of discretion, however well-intended or professionally practiced, often allows the juvenile serious habitual offender to "fall through the cracks" of the system. An example follows:

Bill (fictitious name) is a juvenile who was arrested in connection with the stabbing death of an 18-year old male during a fight. At the time of his arrest, Bill had already been involved with the juvenile justice system a number of times, yet he had never been adjudicated on any offense. Instead, all of his prior offenses had been resolved at the intake level.

When Bill was just eleven years old, he was charged with petty theft; the next day the offense was settled at intake. Three years later Bill was arrested and charged with burglary and conspiracy and also with possession of a switchblade. Less than a week later the case was settled at intake. Two days after being charged with burglary and conspiracy, Bill was picked up and charged with being drunk in public. The case was handled informally. A month later he was charged with disturbing the peace; again the case was handled informally.

At the age of fifteen, Bill was charged with possession of alcohol, possession of marijuana and possession of a dangerous weapon. Two weeks later, Bill was again charged with those offenses (repeated). He was placed on informal supervision, which was then dismissed three months later. However, during this period Bill was once charged with violation of the informal supervision. The incident was handled at intake.

Six months after his informal supervision was dismissed, when Bill was sixteen, he was charged with school trespass, possession of a knife and possession of alcohol. Again the matter was handled at intake. Five months later, Bill was again charged with school trespass. After one week, the matter was settled at intake. Less than three months later, Bill stabbed two young men. One of them died a few hours later.

This case illustrates how the juvenile judicial system fails in handling serious, chronic offenders. Because there is so much emphasis given to protecting juveniles and juvenile records, juvenile-related agencies often refrain from sharing information with one another. Thus, a juvenile who is a chronic offender may have a number of contacts with police, schools, probation and social service agencies, yet no one complete comprehensive history exists anywhere. This lack of coordination and cooperation creates an environment whereby juvenile chronic offenders are often and repeatedly diverted from the system with no accountability for their offenses and with no apparent opportunity for rehabilitation.

Traditionally, law enforcement strategies aimed at chronic serious offenders focus on the adult criminal. Programs such as the Career Criminal Program target repetitive offenders only after they have entered the criminal (i.e., adult) justice system. This may be a classic case of closing the barn door after the horse has run away. Research has shown that by the time an offender is "eligible" for such a program, his criminal activity has peaked and begun to decline. For example, according to the Bureau of Justice Statistics, arrests for property crimes peak at age 16 and drop in half by age 20. Arrests for violent crimes peak at age 18. This suggests that strategies such as the Career

Criminal Program, no matter how effective they may be at identifying serious criminals, are actually addressing these offenders at the waning end of their criminal activity.

In fact, logic suggests that a concentrated, coordinated effort at earlier intervention might be more effective, not only in responding to the juvenile offender but also in protecting the community.

One such effort, currently under way in a number of cities across the country, is the juvenile Serious Habitual Offender/Drug Involved Program (SHO/DI). SHO/DI is a law enforcement information and case management initiative for police, schools, probation, prosecutors, social services, and corrections authorities. The program enables the juvenile justice system to give additional, focused attention to juveniles who repeatedly commit serious crimes, with particular attention given to providing relevant case information for more informed sentencing dispositions.

When the Office of Juvenile Justice and Delinquency Prevention (OJJDP) first funded SHO/DI in May, 1983, it provided one of the first major systematic responses to the growing problem of chronic, serious juvenile crime. In brief, the SHO/DI program builds upon the organizational development process first created under the Law Enforcement Assistance Administration's "Integrated Criminal Apprehension Program" (ICAP). The ICAP program sought to provide a more systemic approach to data gathering, analysis, planning, and integration of police activities. Based on the ICAP process, SHO/DI is designed to increase the effectiveness of the police, school, prosecutor, corrections, and juvenile authorities to deal with and reduce serious, habitual, juvenile criminal activity.

## INTRODUCTION

On April 3, when Keith\* was just fourteen years old, he became upset with his mother and proceeded to break six windows in her car and run off. When he was found and returned home by physical force, he grabbed a butcher knife which had to be taken from him. He then proceeded to set fire to his bedroom. Yet his mother refused to press charges.

In a subsequent memorandum to the judge presiding over the case, Keith's probation officer wrote:

Keith's prior record reads like a horror story, the most recent incident being no exception. To date, the minor has been placed in the boys' home and committed to the youth center and to the detention center. I think it is time we stop administering aspirin to take away the pain, and that we get down to the root cause of this boy's problems before he causes serious or possibly fatal injuries to himself or other persons.

This incident was preceded by 13 arrests beginning at age six. It was followed by several additional arrests by the time he was 16. Keith's final arrest was for attempted robbery and murder. He is now (age 17) serving time in an adult prison.

Prior to his murder charge, Keith was identified as a Serious Habitual Offender/Drug Involved (SHO/DI) by a local law enforcement agency. His history is unique in that it illustrates how the traditional juvenile justice system fails to deal effectively with the SHO/DI. It also demonstrates how the effectiveness of the entire system can be aided by a SHO/DI process. Thus begins the story of a serious juvenile offender . . .

\* Although all names have been changed, this profile is based on an actual juvenile case file.

CHAPTER ONE

## The Doughnut Shop Murder

The morning of May 29 began routinely for Jin Mae and her husband. As owners of a local doughnut shop, they arose early and began to make doughnuts at 2:30 a.m. It was a routine that the couple had gotten used to since they had purchased the shop a year earlier. At 9:30 Jin Mae's husband left the shop to return home where he could rest and take care of the couple's young son. The course of events that morning was normal. But as the hours passed all this would change.

The day was not extraordinary for the owners of other businesses in the same shopping center. At 10:30 a.m. several people in the shopping center heard what sounded like a gunshot. A quick check of the area caused the men to conclude that the noise was a firecracker or the backfire of a passing auto. In a short time, the error in this conclusion would become clear.

It was nearly 10:45 when two teenagers entered the doughnut shop to purchase cigarettes. They saw no one at the counter and called out for service. When there was no response the boys became curious. They noticed a bagged doughnut on the counter and change on the cash register. At this one of the youths climbed on to the counter to get a better view of the rear portion of the store. The teenager saw Jin Mae lying on her back at the rear of the shop. She was bleeding from the nose and mouth. The youths ran to a nearby convenience store to phone the police.

The clerk at the convenience store doubted the story the youths related to her. So the three of them returned to the doughnut shop to confirm the teenagers' account. Upon seeing Jin Mae on the floor the clerk returned to convenience store where she called the police department. The time was 10:50 a.m.

A police patrol and a paramedic squad were dispatched to the doughnut shop. There was some blood on the floor in front of the refrigerator at the front of



the shop. Jin Mae was found at the rear of the shop. She was lying on her back, bleeding from her nose and mouth. Dangling above her outstretched right arm was the telephone receiver. At 11:05 a.m. the investigation was released to homicide detectives: it appeared that Jin Mae was shot in a robbery attempt, staggered to the back of the shop to call for help, but collapsed and died before completing the call.

The city was outraged by the senseless murder. Some felt that Jin Mae might have been even more vulnerable because the American culture and language were somewhat foreign to her. Perhaps she was unaware of the danger posed by a gun-wielding delinquent demanding money. She and her husband worked hard for every penny they earned. It must have been difficult for her to think of turning that money over to someone else.

So incensed was the community by the murder that a group of citizens immediately established a trust fund for Jin's husband and son. Meanwhile, as police searched frantically for clues, the murderer remained at large. That fact alone frightened many in the neighborhood.

CHAPTER TWO

## The Investigation

The initial investigation turned up few leads. The detectives questioned three persons in the business adjacent to the doughnut shop. The owner of the business and an acquaintance were sitting drinking coffee when they heard a backfire or a single gunshot (the time was approximately 10:30 a.m.). They commented to each other about the sound and went to "investigate." Upon looking around outside in the front part of the parking lot, they saw nothing out of the ordinary and thus returned to the building.

At the same time, a telephone repairman was also in the adjacent business where he had arrived at approximately 10:20 a.m. to repair the telephone there. He also heard a shot at about 10:30 a.m. Curious, the repairman looked out the window but saw nothing unusual. The three people who heard the gunshot did not see anyone flee from the front door of the doughnut shop.

Although there were no witnesses and few leads, the detectives initially suspected that the homicide was committed by a juvenile for several reasons. First, the fact that the robbery target was a doughnut shop pointed to an amateur. Such businesses usually do not keep large sums of cash on hand. Additionally, the scene of the crime pointed to an amateur or a juvenile. Investigators surmised that a juvenile entered the shop, asked for a doughnut, then demanded money. Perhaps the victim refused and was shot by the assailant. Police noted that a bagged doughnut was still on the counter, the cash register was closed (with change lying on top), and no money had been taken. Police initially hypothesized that the assailant shot the woman, got scared and ran.

According to the lieutenant in charge of the investigation, the murder was a classic "whodunit" with a body but no suspects and few clues. Investigators continued putting in long hours following up leads and searching for additional

information. Detectives decided to further canvass neighboring businesses in hopes of gleaning information on the case.

One contact provided information on three black males who were reported to have been in the vicinity of the crime site at the time of the murder.

On May 31, at approximately 11:25 a.m., one of the detectives was contacted by a local citizen who stated that on May 29, at approximately 10:15 a.m., she was stopped for a stop sign near the scene and observed two black males fleeing from the convenience store (referred to previously). She stated that she saw them actually exit the front doors of the convenience store and run around to the rear of the building along the south side of the building. She stated that she drove slowly past the store as they fled and noted they were running toward another black male who was standing near a car parked at the rear of the alley near the doughnut shop. She stated also that the third black male was standing near a vehicle which she described as being an older, large American made car. She could only describe its color as being ugly and somewhat brownish. She could provide no further information.

### The Breakthrough

The investigative breakthrough on the case actually involved two separate phone calls. The first was an anonymous phone call received by one of the detectives on June 1. The caller related that a juvenile, Keith Tuttle, had bragged to another kid, Glenn Matthews, that he had killed a lady at a doughnut shop.

At this time detectives obtained Glenn Matthews' resident address from Mr. Garret, the assistant principal at Glenn's high school, after which they drove to the address and contacted Glenn and his mother. There they identified themselves and informed Glenn in the presence of his mother that they were

investigating a homicide that had occurred on May 29, involving the shooting of Jin Mae in her doughnut shop. The detectives further explained that an informant had reported that Glenn had told him (the informant) that a Keith Tuttle had bragged to him (Glenn) about the shooting.

The detectives asked Glenn if he would share his information with them. At this confrontation Glenn looked somewhat surprised and stated, "I don't know what you're talking about;" "Keith Tuttle hasn't told me anything." The only thing that I know about the shooting is what I've read in the newspapers."

One of the detectives then asked Glenn if he would submit to a polygraph examination if his mother would give him permission. He and his mother agreed, and the polygraph examination was conducted. It revealed that Glenn was, in fact, an acquaintance of Keith Tuttle, and that Glenn was telling the truth when he said he knew nothing about the murder.

The other telephone call which helped break the case was from a deputy district attorney who had received information about an inmate in the local detention center who might be linked to the murder. Interestingly, the inmate's name was Keith Tuttle.

On June 4, detectives contacted Mr. Renault, the facility manager at the detention center. Renault stated that one of his part-time employees, Randy Winters, had received information from Keith Tuttle linking him to the homicide. When interviewed, the part-time employee disclaimed any conversation between Keith and himself concerning the murder. He stated, rather, that he had only heard rumors about the homicide. The two investigators then decided to interview Keith.

#### The Suspect

During the interview Keith stated that he had some information that he wished to provide concerning the homicide but that he was very reluctant to

testify in court. He stated that a subject known to him as "Ralph" who attended his high school had told Keith that he had committed the murder.

Tuttle also explained that Ralph said that he had attempted to rob the doughnut shop but was unsuccessful, and because he felt that the "proprietress" could identify him, he shot her. Tuttle denied any participation in the crime. He stated that he was at his aunt's house with his aunt and his uncle's girlfriend at the time of the shooting. Keith continued that since the shooting, Ralph had given the .38 caliber gun to a mutual acquaintance named George. Tuttle went on to describe in great detail the duplex where George lived. According to Tuttle, George had since given the gun away to a neighbor known to Tuttle as "Conehead."

The investigators then told Tuttle that the police had received phone calls mentioning his name as a possible suspect in the shooting. At this Keith vehemently denied any participation in the crime and demanded that he be allowed to take a polygraph test to prove his innocence.

As the questioning of Tuttle continued, an inconsistency was revealed. Tuttle had stated that Ralph had told him (Tuttle) about the shooting the day after the incident, and later in the interview Tuttle stated that Ralph told him about the shooting the same afternoon it occurred. When this inconsistency was pointed out to Tuttle, he became quite upset and again demanded to be allowed to take a "lie detector" test.

Based on the interviews with Keith Tuttle, police began looking for the person Ralph, whom Keith claimed had committed the murder. Later that day the police located Ralph Furman, who matched the description provided by Keith Tuttle. In a taped statement Furman said that the only knowledge he had of the doughnut shop murder was what he read in the newspaper and from what he heard in the streets. Furman consented to a polygraph test, which he passed. The police then released him.

The detectives then began searching for the George and "Conehead" also mentioned by Tuttle. Many contradictions in Keith's description of their home were soon made clear. When following the directions to George's home given by Tuttle, police found the clues led to not one, but two duplexes in the city. Upon questioning the residents in both duplexes, the police discovered that in neither place was there a George or a "Conehead."

The next day at approximately 9:30 a.m., the detectives again interviewed Keith Tuttle in the conference room of Courtroom #43 in the County Hall of Justice. At that time Tuttle, who was still in custody, stated that he had been advised by his lawyer not to talk to the police. He stated that he had received the same advice from his mother.

Keith Tuttle did, however, attempt to explain why everyone "blames him for everything that happens in the city." He stated that he had a reputation for being a dangerous person, that the reputation stemmed from his commitment to a juvenile facility, and for that reason people tend to fear him and feel that he is capable of committing any crime. He stated that if he reads the paper and is seen doing so, that people assume he is reading about his own crimes. Tuttle continued to deny any participation in the murder of Jin Mae.

On June 6, at approximately 8:20 a.m., detectives received a phone call from Mr. Renault at the juvenile detention center. He informed police that he had had another conversation with his employee, Mr. Winters, who now had changed his story from that which he had related the day before regarding statements that Keith Tuttle had made to him on June 2 about the murder. The detectives suggested to Renault that Mr. Winters write his story in the form of a report. They went immediately to the juvenile facility and obtained the report. It read as follows:

On Saturday, June 2, while working floater, Keith Tuttle was let out of his room to empty his food tray. Tuttle was in the restroom in unit 3. He saw me in the hallway and signalled for me to come into the unit. Upon entering the restroom Tuttle said, I know something about the lady that got killed that you guys were talking about. Staff were saying that the police were supposed to be bringing a suspect in that morning. I told Tuttle that I would come back after I finished my work.

When I returned downstairs, Jim Johnson and Vince Holmes were in the office and I pulled Vince aside and told him that Tuttle said he knew something about the murder. He said go see what he knows.

Going into Tuttle's room I asked him what he wanted. He said, I know who shot the lady at the doughnut stand. I then asked Tuttle to tell me what happened. He stated he had been in the stand before and had gotten to know the lady pretty well, but that on that day he and Ron Garvey went in and he was getting something to eat and Garvey pulled out a gun. I didn't know anything about him having a gun and he surprised me. Ron asked the lady for the money and then I heard a shot and I took off running when I heard the shot. When I got to my car Ron tried to get in, but I told him that after what he just did he'd have to find another way home. I got in my car and jammed.

I then asked Tuttle what he wanted me to do, but that I'd have to tell the police and he said, I know that I may have done something wrong before, but I'm not a murderer. I'm not taking nobody's murder rap. He then said, I can even tell you where the gun is. I asked where and he said that Andy Graham has it and he doesn't even know what it was used for. Garvey dropped the gun off and has been out of town since it happened.

I again told Tuttle that I'd have to go to the police, but I'd try to wait until he got out of the trouble he was in now and was out of the hall just in case the police caught the guy and wouldn't tie him into his arrest. He stated that was all right because he knows the guy will be caught. That was cold-blooded the way he did the lady. He said the reason he didn't tell anyone before was the fear that Garvey has some uncles that were pretty crazy and was fearful of retaliation.

The above statement written is to my best recollection of the conversation with Keith Tuttle on June 2. Signed by Randy Winters.

After reviewing Mr. Winter's report, the investigators focused on locating Ron Garvey, who Keith Tuttle said he had seen murder the woman in the doughnut shop,



and an Andy Graham, also mentioned by Tuttle as being knowledgeable about the murder. The investigators located Garvey through Mr. Garret, the assistant principal at the same high school attended by Tuttle.

The police found Ron Garvey's residence in the neighborhood that Tuttle had earlier placed George and "Conehead." Garvey told the detectives that on the afternoon of May 29 he was at a "ditching party" held by a group of truant students. It was at this party that Keith Tuttle told Garvey that he had killed somebody that morning. Garvey dismissed Tuttle's comment until Tuttle repeated the claim two days later. At this time Tuttle specified that he killed a woman in a doughnut shop. Tuttle stated he had held the gun up to her and asked for cash and when she stated that she could not give him any cash and went for the phone, he shot her. Garvey indicated that Keith Tuttle and Andy Graham were in possession of a small black gun on the evening prior to the murder.

This was the second time Graham's name had come up in connection with the murder; it had also been mentioned by Mr. Winters, the part-time employee at the detention center. Consequently, the detectives began searching for Graham. First they checked the high school and although he was enrolled, he was not in attendance. The police then proceeded to his home and found him there.

During a lengthy interview, Andy stated that on Memorial Day--just one day prior to the murder--he had found a loaded gun in an alley near his home. The same day he showed the gun to Keith Tuttle and Ron Garvey and finally left the gun with Keith at Keith's house for safekeeping. Andy described the weapon as being a small, blue steel revolver in a holster.

At this point the investigators turned their attention to other associates of Keith Tuttle. The first of Tuttle's friends contacted was a juvenile named Brad Dent. On June 6 the police questioned Brad. During the interview, he stated that on May 29, at approximately 9:00 a.m., after second period at school, he and his friends, Earl Grimes and Keith Tuttle, entered Tuttle's car

at the high school and drove around the city. Keith finally parked the car in the alley at the rear of the convenience store near the doughnut shop and got out of the car, telling Brad and Earl to wait. Brad stated that Keith walked through the alleyway between a restaurant and the shop. A short time later he and Earl heard what sounded like a gunshot followed by the scream of a woman. He then saw Keith running back toward the car. Keith jumped into the car, saying that he had shot a woman. Keith then drove quickly from the area. Grimes and Dent were then dropped off.

After Brad Dent's interview, the police went back to Andy Graham. While questioning Graham this second time, the police began to suspect that he was lying about finding the gun in an alley. The detectives confronted Graham with their suspicions, requested that he tell the truth, and read him his rights under the Miranda rule. At this point, Graham waived his rights and admitted that the .38 revolver was taken when he burglarized a neighbor.

Graham indicated that on May 29, at about 3:30 p.m., he went to Keith Tuttle's house to retrieve the gun. Keith told him that he had shot a lady with it, during which time the weapon and bullets were wiped clear of any fingerprints by Tuttle. Graham then took the weapon and contacted a friend by the name of Sam Dennis and told Sam that he wanted to sell the weapon. Sam indicated that he would attempt to find a buyer for it. A few days later Sam returned to Graham's residence in the company of an unknown person described by Graham as a "wetback-type." This individual paid Graham forty dollars for the weapon. Graham told the detectives that he still had the money in his possession. The detectives retrieved the money from Graham and placed it into evidence pending further investigation.

The police then went to the residence identified by Graham as the place from which the revolver was stolen. Detectives questioned Teresa Fuller, confirmed that she owned a revolver and checked her dresser to find it missing.

Fuller's description of the stolen revolver matched that given by Andy Graham. Based on the interview with Ms. Fuller, police arrested Andy Graham in connection with the stolen weapon. Andy was then released pending further investigation and his cooperation and assistance in recovering the stolen revolver.

On June 7, Andy Graham, along with a police detective, attempted to locate Sam Dennis. Although the weapon had been sold to a third individual, the only way Graham could retrieve it would be through contact with Sam. Graham met with Dennis that afternoon and gave him forty dollars to locate the revolver.

Also on June 7, the police interviewed Earl Grimes, a youth mentioned by Brad Dent as being in the automobile at the time of the murder. Grimes stated that on May 29, at the end of second period (approximately 9:00 a.m.) he and a friend named Brad Dent had accepted an invitation by Keith Tuttle to go riding. Grimes explained that they had all entered Keith's car and drove around the city for a while, finally ending up near the doughnut shop. Grimes stated that Keith parked the vehicle in the alley at the rear of the convenience store at that location and told Brad and him to wait in the car and that he would be right back. Grimes stated that Tuttle walked east through the alley between the restaurant and the doughnut shop, and that a short time later they heard what sounded like a gunshot and a woman scream. Shortly thereafter Tuttle came running back to the car while placing a handgun into the waistband of his pants. Grimes explained that Tuttle said he had shot a woman, then he entered the car and drove quickly from the scene. Earl and Brad then asked Tuttle to drop them off. Grimes said he had not had contact with Keith Tuttle again since the incident.

### Keith's Alibi

In the light of the accounts given by Garvey, Graham, Dent, and Grimes, the police investigated the account given by Keith Tuttle. When detectives had first discussed the homicide with him, Keith had claimed that he had been at his aunt's house that morning with his aunt and another woman named Ashley. Detectives decided to check out Keith's alibi for the morning of the murder.

On June 7, a police detective contacted Mary Olin, Keith Tuttle's aunt, and Ashley, who also lived at the Olin residence. The detective asked Miss Olin if Keith Tuttle was with her at her residence on May 29, at approximately 10:30 a.m. She stated that on that date she was busy at her church distributing food stuffs to the needy from approximately 10:00 o'clock to 11:00 o'clock so that she was not home at 10:30 on that date and was unaware of whether or not Keith Tuttle was at her home at that time.

The detective also spoke with Ashley, Keith Tuttle's uncle's girlfriend. She stated that she could not recall her activities on that date and was unable to state whether or not Keith Tuttle was with her at that time.

### Additional Evidence

Police were now certain that Keith was the prime suspect in the homicide. And, in fact, other juveniles began to provide additional information, in bits and pieces, which substantiated the case against Keith.

On the morning of June 8, Earl Grimes called the police, stating that he had held back some information. Grimes continued that when Tuttle returned to the car after the murder, Tuttle demanded that Grimes drive from the scene of the crime. Earl stated that the reason he had not told police that during the first interview was that he was afraid. He also stated that the reason he drove the vehicle from the scene as directed by Tuttle was that he was afraid of

Tuttle. Earl agreed to submit to a polygraph examination. Late that same afternoon the polygraph examination was conducted, at the conclusion of which Earl indicated that he was again changing his story because he had some additional information to give the detectives. He stated that prior to Keith Tuttle entering the doughnut shop, Earl did, in fact, have knowledge that Keith was going to obtain some money from persons unknown. Earl stated that other than this statement, everything else had been truthful.

Carl Graham, Andy's brother, also provided information implicating Tuttle in the murder. On the afternoon of May 29, Carl had had a conversation with Tuttle. Carl was aware that Keith had been looking for another juvenile for several days, saying that he was going to "kick that guy's ass." Carl ran into Keith and asked him if he was still looking to fight the other juvenile. According to Carl, Keith replied, "No, I'm not. I'm in too much trouble now, I just killed somebody." Keith Tuttle went on to tell Carl about a lady at a doughnut shop that he had killed because the lady would not give up her money. Carl also described a revolver-type handgun that he had seen in the possession of his brother, Andy, after the lady was killed.

Tim Forrest, who attended the May 29 "ditching party," substantiated the claim that Tuttle had committed the doughnut shop murder. Forrest stated that Keith Tuttle said in a shaky voice, "Man, I just killed somebody." Tim asked, "Who, man?" and Keith said, "Some lady in a doughnut shop." Tim said, "Well, how do you know she's dead?" And Keith said that he passed by and saw the coroner's wagon there.

The fear of Keith Tuttle that prompted Earl Grimes to withhold information was also evidenced by the behavior of Brad Dent. On June 10 he, too, changed his story. Now he told police that he did, in fact, have prior knowledge of a handgun that Keith Tuttle possessed prior to parking and exiting his vehicle at the rear of the convenience store on May 29.

The police were able to recover the murder weapon with the assistance of Andy Graham by mid-June. Graham had told Sam Dennis that the revolver had been used in a homicide and had to be retrieved for the police. Dennis was able to make contact with the buyer and recover the gun for forty dollars.

#### Keith's Denials Continue

While the investigation continued, Keith was released from the detention center and placed on home supervision. This restricted Keith to his house and yard unless he was supervised by an adult. On June 6 Keith was arrested for violating this probation. He was petitioned back to the detention center.

When the detectives investigating the doughnut shop murder learned of Tuttle's arrest, they immediately visited him. They informed Keith that the information he had given them during his prior incarceration had been checked out and found to be false. After questioning Tuttle in great detail and making no progress, they told him that based on statements they had from people they had interviewed, they were of the opinion that he (Tuttle) had, in fact, been responsible for the shooting of the lady at the doughnut shop on May 29.

Detectives read Keith his constitutional rights (under the Miranda rule) informing him at the same time that he was not under arrest, but merely under investigation. Keith refused to acknowledge his rights as a detective recited them to him, but at times would nod his head, indicating that he did understand what the detective had told him. Keith had been known previously to throw temper tantrums during the reciting of his "rights." At the conclusion of the rights advisement, Keith refused to waive them, stating that his mother and attorney had instructed him not to talk to detectives. However, the detectives continued to talk to him.

During the conversation Keith told police that a friend of his by the name of Earl Grimes was responsible for killing the lady at the doughnut shop. Keith went on to say that Grimes had borrowed his vehicle, returning it after the shooting took place. Keith continued to make statements to the effect that after he retrieved his vehicle from Grimes, he (Keith) drove the vehicle to an unknown street number and parked it, leaving it parked on the street to avoid being stopped by the police. He said he was afraid the police would "slam" him for something he did not do because his vehicle was possibly seen at the site of the crime. Keith then demanded to take a polygraph test to prove to detectives that he was being truthful.

The polygraph was conducted by the police examiner while the two detectives waited outside. During the examination, detectives heard an unusual commotion inside the room where the examination was taking place. They rushed in to find Keith trying to destroy the polygraph machine. During the examination, Keith suddenly realized he was failing the polygraph. He then became enraged and, in turn, tried to destroy "the evidence." Keith was booked for violation of probation and taken to the detention facility. He remained in custody on probation violation charges.

On June 28, less than one month after the murder, Keith Tuttle was petitioned to Juvenile Court, charged with murder and the use of a firearm.

#### A Typical Juvenile Offender?

By all accounts, this was a senseless murder. An innocent woman was killed by a stranger--a juvenile just 16 years old.

But Keith was no typical juvenile. Instead, he was part of that small group of chronic serious juvenile offenders who represent a real and serious threat to the community. A glance at Keith's background will offer additional

insight into this special group of offenders. It will illustrate, as well, how the traditional form of juvenile justice is ineffective in rehabilitating this type of juvenile.



CHAPTER THREE

## Abused and Uncontrollable

In order to fully understand the true extent of Keith's deviant behavior and how it was handled by the system, it is necessary to examine not only police records but also probation reports, school records, psychological evaluations, and family history.

Keith was raised as an only child whose parents never lived together. Except for a few brief periods, he lived with his mother. He remembers that at age 5 he resided with his father and stepmother for a few weeks. Again at age 7, he stayed with his father for a month. The first time was on his own initiative--he wished to stay with his father for awhile. However, the second time was his mother's idea. At age 7 he was already uncontrollable. He came and went as he pleased, sometimes staying with friends and not coming home for as long as two days.

During his entire childhood his mother worked. While she was working, Keith was kept by his grandmother or godmother. Although his mother had several boyfriends, she and Keith lived alone until he was approximately 11 years old. During this time, Keith said he felt like the "man of the house." When Keith was 11, his mother began a common-law relationship with a boyfriend. By all accounts, this was a trying situation. The boyfriend had a son who was a year older than Keith and who also resided with them. He had difficulties with the son of his mother's boyfriend; also he and his mother's boyfriend were jealous of each other. He rejected his mother's boyfriend; feeling that this man was not his father and that he had no right to discipline him. Later, his mother's relationship with her boyfriend deteriorated. They argued over Keith; eventually his mother and her boyfriend separated.

Keith's uncontrollable anger and his difficulties at home were not his only problems. In surveying Keith's life it became apparent that Keith had been

physically abused by almost all of the adult males that played any meaningful role in his life, including his father.

When Keith was 15, he was questioned regarding his father. Tuttle said, "he was ungoodful father. He done lots of time. When I was little, four years old, he left and did two years at San Quentin. When I was six to seven I saw him fo a long period of time. He never came to see me. Mother dropped me off at auntie's house. If he'd ever show up he'd see me. I didn't expect him to show up, we're not really close ever but he was my father. I wouldn't look up to him or expect him to do anything fo me." When asked if he ever played ball with his father, Keith looked at the interviewer and smiled as if it was a ridiculous question and said "no, no sports, only thing we do is have a talk or maybe he get a beer and we drink." At this point he made this very sardonic expression, stating "I live wif him two times; when I messed up so bad mother got fed up wif me, thinkin it would apparently do good. I got whuppin and beat up by him for not following little stuff. I got whupped for nothin."

Keith's difficulties at home were not the only manifestation of his problems. Early in his life Keith began running away. This pattern continued into adolescence. When he was approximately eight years of age, Keith received counseling for a period of time; however, he did not like it and soon stopped going.

Keith's first contact with the juvenile justice system involved reported child abuse and a subsequent suicide attempt. According to the report Keith had skipped classes at school. When his mother found out, she spanked him; at this Keith became quite angry and decided to get back at his mother. He knew of a friend who had taken an overdose of aspirin so Keith decided he would try it. He took 25 capsules of acetaminophen, not because he wanted to die, but only, he claimed, to get even.

The doctor who treated Keith reported the case as child abuse because, in his opinion, Keith's mother had caused him such mental anguish that he was willing to attempt suicide.

His (formal) contacts (other than status offenses) with the juvenile justice system began when he was just 12 years of age and their pace accelerated rapidly. Not long after the suicide attempt, Keith was arrested for auto theft and a subsequent car accident. Keith was 12 years old when he and a 13 year old companion, Charles, took a vehicle which had been parked in the driveway of a residence. Between 8 and 9 p.m. the two boys drove the car to a neighboring town where they lost control of the vehicle. It ran off the road, into some bushes. The police discovered the boys as they were leaving the scene of the accident.

Keith denied that he had ever taken the automobile. Rather, he insisted that he had hitchhiked to the neighboring city, and there had been picked up by Charles. He further claimed that he did not know the car was stolen and that he had assumed it belonged to Charles' parents. Charles, on the other hand, acknowledged that both he and Keith had stolen the car. Police cited both juveniles.

Just five days later, Keith was involved in another incident which began in school and ended with Keith being arrested and placed in the detention facility. The difficulty began when Keith asked a fellow student if he could borrow a pencil. When the student refused Keith struck him in the face. The incident was observed by the assistant principal of the school, who immediately suspended Keith.

### Keith Turns on His Mother

Keith's mother was called to the school. When she arrived to pick up Keith, he became violent and began striking her. She finally was able to calm him down enough to get him into the car. However, he then became enraged again, striking out at his mother and finally biting her on the left side of her rib cage.

When she finally got Keith home, he immediately ran away. He was found later that day by a family friend. Keith's mother took him to the police department.

The situation did not improve at the station. Keith continued to display violent, aggressive behavior. He could not be calmed down and finally was transported to detention.

Keith's stay at the detention center was quite brief and his next brush with the law occurred only three days later. Again, it involved Keith and his 13-year old companion Charles.

Late in the afternoon, Keith and Charles were trespassing on a local junior high school campus. They entered the agricultural field at the school and here their versions of what happened begin to differ. Keith claimed that Charles went immediately to the animal pen and picked up a lamb. He began throwing the animal against the fence time and again. After a period of time, he started kicking the animal. This continued for several moments after which he picked up the animal, forced its head between two fenceposts and left it to hang by the neck.

Charles' accounting of Keith's involvement differed substantially. According to Charles, both he and Keith were actively involved in the incident and that, in fact, it was Keith who actually hung the lamb, causing it to choke to death.

The detention hearing report was filed just two days after the incident involving the death of the lamb. In that report the probation officer summarized Keith's current family and school status. She noted that Keith's home life was extremely poor and that there were extensive problems between Keith and his mother--that, in fact, he was totally beyond her control.

Keith's school situation was not much better. According to the assistant principal, Keith did attend school, however his behavior was "so disruptive" that the school had no appropriate means to control or discipline him. School administrators were very concerned about the situation because they believed it to be just a matter of time before Keith "seriously hurt" another individual.

Following the pretrial hearing, the probation officer requested a continuance in order that a psychological evaluation be performed.

In early February, before Keith went to court, he again became involved in an altercation at school. This time, Keith was standing looking at pictures located in a wallet belonging to another student. Before he returned the wallet, Keith took thirty dollars out of it and refused to return it. Instead he gave away twenty dollars of the money, keeping ten for himself. When the incident was reported, an officer was able to recover and return the money.

Again the school's concern over Keith was noted. He was found to be disruptive in class, often threatening other students as well as teachers. When angered, he would pound on his desk or break into a temper tantrum. School officials clearly felt that the public school was not an appropriate placement for Keith.

In mid-February Keith appeared in juvenile court on the vehicle theft. There he was declared a ward of the court and placed in a boys' home. Keith had just turned 13 years of age.

Keith's adjustment to the boys' home was poor. He accumulated a number of incident reports for such things as smoking marijuana and not following instruc-

tions. In addition, he left the home twice without permission. On April 24, he again left. On May 18 he was found to be in violation of probation and was returned to the boys' home. On May 30, he again left without permission. The home staff indicated that they did not want him returned.

Once back on the street, it didn't take Keith long to get into trouble again. On June 25, police attempted to arrest Keith on battery charges involving two female juveniles (ages 11 and 12) who were looking for a stolen bicycle. At the time of the incident Keith was "hanging out" on a street corner with a group of boys. The group watched the two girls for several minutes, then, according to a witness, Keith suddenly said "Let's go, everyone," and took off toward the two girls. The rest of the group followed and as they reached the girls, Keith began taunting them and telling them he knew where the bicycle was. The girls became frightened and started to move away. Alan, one of the boys in the group, said that suddenly, without provocation, Keith began hitting the girls. He continued to strike them several times until they finally broke away. As they ran, Keith continued to taunt them until they were out of sight. Following the incident, police were unable to locate Keith. Finally, on July 16, Keith was "booked" into the detention center on a return on a warrant.

#### Keith Goes Home

In the probation report filed for the court hearing, the probation officer expressed concern about Keith's violent reaction to situations, "especially toward his mother." The report recommended that Keith be committed to the youth center, a secure juvenile facility. This recommendation was in agreement with Keith's wishes. He had requested such a placement. According to the probation officer, Keith had "an obvious need to be punished."

On August 4, the court did, in fact, order placement in a secure facility. Just two weeks later, Keith was scheduled for a counseling session at a mental health facility. While at that facility, he "walked." His mother brought him back the following day and thirty days were added to his commitment time. Things did not go well for Keith following his return. During the next two weeks he accumulated several incident reports for misconduct and fighting. Not only was Keith not being rehabilitated, his behavior continued to deteriorate. On September 5, Keith scaled a back fence and escaped once again from the facility. A chase through residential communities ensued and staff finally caught up with Keith in the parking lot of a local department store. When they attempted to talk to Keith, he held them at bay with a "tire mallet" he had taken from the store's auto center. The staff retreated and called the police. Officers found Keith hiding in a storage room in the department store. He was still carrying the tire iron. He was taken into custody without incident. Personnel did not wish to have Keith returned to the facility. Keith was then detained once again in the county detention hall until his hearing.

A probation report was prepared for the hearing scheduled for September 25. In that report it was noted that Keith was "capable of assault for little or no reason." However, even in light of that comment, the formal recommendation was that while Keith should be placed on probation, he should also be returned to his home. In retrospect, this may have been a major error.

#### "He's Going to Hurt Someone!"

The warning signs continued. Within ten days of his release, Keith argued with and pushed around a school bus driver. His bus privileges were immediately revoked. The school authorities notified Keith's probation officer of the revocation at once.



The next week, on November 24, Keith was suspended from school because he could not control his behavior in his art class. Again, probation was notified. Keith's probation officer told him that any further behavior problems at home, school or on the streets would most likely result in "custody time." This cautionary note did nothing to stabilize the situation.

On December 3, he had a verbal altercation that became so heated, Keith needed assistance in regaining control of himself. Less than one week later, without provocation, Keith struck a student in the mouth and was suspended for five days. The assistant principal once again contacted the probation department concerning Keith's behavior and lack of control in the school setting. Later in the day Keith again confronted that same student and threatened to use a knife on him. Once again the assistant principal contacted probation and stressed that, in his opinion, without immediate intervention Keith was likely to hurt someone. Based on these behaviors, Keith's probation officer recommended that Keith be committed to a detention facility for fifteen days. In the end, the disposition was ten weekends in the detention center.

Once again, time proved that Keith was not rehabilitative.

#### From Assault to Arson

In early April, Keith's violent nature seemed to reach a new high--again his rage was directed against his mother. According to accounts, Keith's mother had told him she would buy him a go-cart. When she changed her mind, Keith became so angry he lost all control. Taking a baseball bat, he smashed the windows in his mother's car and fled.

Jeff and David, two family friends, were visiting Keith's mother at the time. Jeff immediately went after Keith and had to use physical force to return him home. As soon as he got into the house Keith grabbed a butcher knife and

locked himself in the bathroom. At that point, Keith's mother was truly afraid he might attempt suicide. The three adults broke down the door and took the knife from Keith by force.

Apparently Keith was still too enraged to be reasoned with. As soon as the knife was taken from him, Keith ran upstairs and set his bedroom on fire. He left the fire to burn, came downstairs and encountered David. Keith told him "Arson burns everybody, doesn't it?" Then Keith took off running out the back door and across the fence. David began to follow Keith, then stopped, realizing that Keith may well have set a fire somewhere in the house.

As David went to check the house and call the fire department, Keith kept on running. Eventually he was stopped by State Police on the highway. He told police he had been beat up by two men at his home and that now the place was on fire. Keith was returned home and eventually admitted to the string of events which had taken place. However, his mother still refused to press charges. Once again Keith was released.

Although there is no record of what happened during the next few days, apparently his mother had a change of heart concerning Keith. Ten days after the incident, on April 13, she contacted police asking for their assistance with him.

When police arrived at the junior high school to question Keith, he again lost control. He became so enraged that officers had to use chemical mace in order to subdue him. Meanwhile the principal informed police that on his way to the office Keith had tried to "pass off" a joint and a 2-inch pocket knife.

The probation report following these incidents was very enlightening. It included a quote from a school official who stated that Keith was "extremely streetwise with a potential toward violence." Moreover, the probation officer noted that "it is apparent by [Keith's] recidivism that all efforts at rehabili-

tation have thus far been ineffective." This in spite of the fact that Keith had been lodged several times in the county juvenile facility, in the local boys' home and in the more secure youth center. Additionally, he had been diverted more than once into counseling programs, all at untold cost to the taxpayers of the state. Yet, "all efforts at rehabilitation" apparently were for naught.

Additionally, a psychological evaluation of Keith noted that he was not psychotic. Rather, his "abominable" behavior was intended to intimidate and manipulate those around him. According to the evaluation, these behaviors have resulted from the long-term physical and emotional abuse Keith suffered as a child.

On May 11, Keith was placed in a group home for disturbed children. During the next three weeks, Keith took off four times. On June 3, Keith was taken out of the group home. On June 16, Keith was placed in yet another boys' home in a nearby city. On July 25, Keith left the placement. On August 10, a warrant was issued for his arrest.

Keith then dropped out of sight for a good period of time. However, his next offense was even more severe than any previous to that point.

On November 10, Keith was arrested once again in a city about 100 miles away. This time he was booked on battery charges stemming from an attack on his cousin. Apparently, since his unauthorized absence from the boys' home, Keith had been living with the cousin, Kent, in another town. According to Kent's report, on the day of the incident, Keith came into the house enraged. He was screaming and cursing and began fighting with his cousin. Keith then picked up a hammer, broke out a side door window, then took the hammer to Kent's head and neck. At the time of the attack, there were three other boys in the house. They were unable to control Keith and became so frightened, they called the police.

When officers arrived, they had to physically restrain Keith. When it was all over, Kent was rushed to the hospital. The attack left him partially paralyzed. The ironic part of the whole incident is that the whole reason for the attack stemmed from Kent's attempt to help his cousin.

Apparently, Kent was concerned about Keith's selling drugs. At some point on the day of the fight, Kent had tried to talk to Keith about his dealing. The more Keith reflected on this, the more he was convinced that Kent was trying to interfere in his business. This conviction enraged Keith to the point that he once again lost control of his behavior. Kent's concern nearly cost him his life. Keith, on the other hand, expressed absolutely no remorse for his actions. It is interesting to note that, at the time of the attack, the victim, Kent, was 21 years of age. Keith was not yet 15 years old. Keith was returned to his home county on the outstanding warrant and sentenced to one year and 8 months in a secure youth facility.

#### Off the Streets

Keith spent the fifteenth year of his life locked up. For one year the community was safe from Keith due to his placement in a secure facility. However, Keith was by no means on good behavior during this period. His detentions would be too numerous to mention but they included the following.

On April 19, Keith was cited for poor behavior and interfering with staff duties. Two months of additional time was added to his sentence. On June 15, his behavior became so violent that physical force was required to restrain him. A ten day lock-up was imposed on Keith. He had just been released from the ten-day lock-up when he assaulted another juvenile on July 1. Again Keith was given the restricted lock-up. Almost as soon as he was released Keith attempted to injure another ward. Yet once more Keith was given a ten-day lock-up. On

September 7, Keith physically attacked another juvenile. The result? Ten-day lock-up. In between the various restrictive lock-ups, Keith was involved in numerous fights and was an active affiliate of one of the "in-house" gangs.

Keith was well known--both by staff and other wards. Nobody messed with him. Not only was Keith large and well-built, he was just plain scary. One counselor referred to Keith as "bad news," noting that he would "hit you if he got the chance."

With these kinds of behaviors continuing, the logical outcome would be to keep focus on the protection of the community. Keith's constant assaults and fighting while committed were strong indicators that no rehabilitation had taken place.

However, the fact is that time was running out on Keith's commitment. The state could no longer hold him. In the report filed prior to Keith's parole hearing, he was described as a "hard-core criminal type who is likely to commit murder in the future." Yet even such a description could not keep Keith locked up. He was released on December 22.

#### Back Again

Once back in the community, Keith stayed out of the way of the police but the warning signs continued in school. Early in the next year Keith enrolled in high school (he had just turned 16). By mid-February, Keith's mother was contacted concerning his truancy problem. Keith was not only skipping school, but also was continuing to manipulate and intimidate others.

On March 26, Keith and another juvenile, Ron Garvey, left school and then jumped another student. A teacher happened to be driving by and was able to break up the fight. Keith was suspended from school.

Coincidentally, during the same week in March, a group of law enforcement experts were meeting to discuss chronic, serious juvenile offenders. A law enforcement expert took one look at Keith's history and said "That kid's going to kill somebody."

Keith's chronic truancy continued. Meanwhile, on April 27, Keith was once again suspended from school. As before, it was Keith's loss of control that got him in trouble. At the beginning of the third class period, Keith was asked by a staff member to get to his class. He refused and then again refused to go to the office, becoming quite belligerent. The assistant principal suspended Keith for insubordinate behavior, and informed Keith that if he were found on campus during the next five days, the police would be called to arrest him.

#### A Murderer in the Classroom

Just two weeks later, school personnel felt it necessary to call a conference with Keith's mother. Keith had been back in school just four months yet he already had an "extreme" number of absences. Additionally, he was failing all of his classes. His mother was told that when Keith did attend school, he was a constant source of trouble. In order to return to school, Keith was required to sign a student contract agreeing that he would follow all school rules and regulations and that he would also try to pass as many classes as possible. Failure to fulfill the contract could result in Keith's removal from the school for the remainder of the academic year. The date was May 15. Fourteen days later, at age 16, Keith committed cold-blooded murder. Yet, even with the homicide behind him, Keith continued to attend school. He sat in classes with other juveniles, continued to manipulate and intimidate a growing number of students who were aware of Keith's involvement in the murder. Obviously, the shooting had no great impact on Keith. He expressed no remorse

over the death nor did his behavior patterns change. He made no attempt to leave the area and, in fact, he continued to get into trouble--apparently not caring about future contact with the police.

School officials had learned that on June 1, when school let out at noon, there was going to be a fight between two groups of minority students. They informed police who then dispatched three black and white units to the vicinity of the school campus. As the crowd of students began to gather at the rear of the school, the police drove up. Their arrival caused the crowd to disperse even though some tempers were hot. As the students began to break up, Keith picked up a chunk of asphalt and, seemingly without provocation, threw it at the assistant principal. Keith remained standing there screaming obscenities until he was arrested for assault by police. Once again, Keith was taken to a detention center. Four days later, on June 5, Keith was released on twenty-four-hour home supervision. The very next day Keith violated home supervision and was taken into custody for the violation.

By this time, however, Keith was the primary suspect in the murder. Based on the seriousness of the situation and Keith's propensity for violence, he was placed in the county hall. Meanwhile, even though Keith was aware that he was the main suspect in the doughnut shop murder, his violent outbreaks continued.

On June 22, Keith was involved in an altercation with another juvenile during breakfast. As they were leaving the dining area, Keith attempted to confront the other juvenile. Staff intervened and Keith had to be escorted to his room. For the incident he was given twenty-four-hour disciplinary restriction.

Staff members were well aware of how dangerous Keith was. They knew all too well that restricting his behavior made Keith even more violent and abusive. But then nothing seemed to work with Keith. Keith was different from most

juveniles. He had no friends--only others who were truly frightened by him. Keith's sole regular visitor was his mother. Even she appeared to be intimidated by him.

Part of the danger of Keith is that he is crafty. He could display behaviors as different as night and day. Keith could be quite cooperative--almost friendly. But he could turn off such behavior instantly when it no longer suited his needs.

On June 24, upon learning that he could not get permission for a visit from his girlfriend and infant daughter, Keith became enraged. He jumped up, picked up the seat in which he'd been sitting, and threw it against the wall. Then he picked it up again and threw it through a plate glass window. By then an alarm had been sounded. Keith was placed on indefinite disciplinary restriction.

Such incidents became almost a daily occurrence. On five occasions between June 25 and July 1, Keith refused to shower. When he was confronted by staff, he became belligerent. His defiance of the staff increased during this period.

On July 5, during a room search, staff found cigarettes and marijuana stashed in Keith's room. He was placed on 96-hour disciplinary restriction.

The staff at the facility was aware of Keith's history of attempted suicide. Thus, on July 7, when they found a strip of torn sheet in Keith's room during a routine search, they initiated a daily room search.

The almost daily defiance of staff did not cease. Keith also continued to intimidate others. On July 14, Keith was disciplined for threatening another student. On the same day, marijuana was found on Keith following a visit from Keith's mother and a family friend. The next day Keith again lost his temper and threw a meal tray. In further defiance he again refused to take a shower.

On July 16, during a unit search, Randy Winters and Jack Donohue attempted to search Keith's room and his person. As staff began the room search, Keith



walked out of the room. Randy Winters told Keith to get back in the room but instead Keith ran out into the hall and started punching out ceiling panels, then ran down the hall. Three staff members chased him into another room and kept him there until the search was finished.

Following the search, the three men returned to Keith and tried to take him back to his room. Keith was so violent that all available on-duty staff had to be called to assist. Keith was finally placed in his room; however, he continued spitting and screaming obscenities at staff and at other juveniles. During the tirade, Keith also threatened to kill himself. Following the incident a staff member noted "it is just a matter of time before [Keith] attacks staff."

The next day another search of Keith's room was ordered. The supervisor went to Keith's room to conduct the search but Keith's language and stance were so combative, he had to call four additional staff members as back-up. The search yielded a letter Keith had written in which he detailed an escape plan.

As the search was being conducted, Keith was becoming increasingly agitated, screaming a stream of obscenities at staff members. When he was returned to his room following the search, Keith lost all control. He began tearing apart his bed linens and stuffing the pieces down his toilet--all the while threatening to hang himself. For his own protection, Keith was taken to a padded cell. As he was being led to the lock-up, Keith threatened bodily injury to another juvenile.

#### Juvenile Rehabilitation or Community Protection?

Two and one half months after the murder, a hearing was held to determine whether Keith would be tried as a juvenile or as an adult. The decision was to be based on five criteria:

1. The degree of criminal sophistication in the commission of the crime.
2. Whether the juvenile can be rehabilitated prior to expiration of Juvenile Court jurisdiction.
3. The juvenile's previous delinquency history.
4. The success of previous rehabilitation efforts by Juvenile Court.
5. The circumstances surrounding and the gravity of the offense.

In reviewing the case, the judge noted he could find no support for a Juvenile Court trial in even one of the criteria, let alone all five. Instead he found Keith unfit for prosecution as a juvenile and ordered that he stand trial as an adult. Under normal circumstances in adult court, a murder committed during the commission of a robbery could carry a sentence of death or life in prison without parole. However, because Keith was a juvenile, a criminal trial meant that Keith could be sentenced to 25 years to life in prison, if convicted.

At the same hearing, the prosecuting attorney requested that Keith be transferred to a secure facility while awaiting trial. The staff at the detention center were increasingly concerned about their and the other wards' safety. The judge agreed and Keith was transferred and held without bail in a maximum security facility.

On September 4, three months after the murder, a preliminary hearing on a charge of murder was held in the Municipal Court. Even during the hearing, Keith's manipulation of his cohorts was obvious. Six very reluctant teenagers were called to testify about the murder. Upon seeing Keith in the courtroom, one boy became so frightened, he refused to answer any questions and had to be taken into custody.

Both Earl Grimes and Brad Dent testified that on the day of the murder they had left school with Keith, driven to the shopping center and parked the car. Obviously intimidated by Keith, both boys reluctantly testified that Keith had left the car, saying he was "going to get some money." They then testified to

hearing a shot and a woman's scream just before Keith came running back to the car yelling that he'd shot a woman.

Grimes also described events later in the day which led back to the doughnut store. According to Earl, he, Keith and three teenage girls returned to the alley behind the shop later in the day. Keith actually got out of the car and walked around the shop, peering into the windows. At that time the coroner's wagon was still parked at the scene. Keith allegedly walked up to the vehicle, attempting to peer inside. He then returned to the car saying to his friends, "There's a body in that car."

Andy Graham also testified that he had stolen a gun which he loaned to Keith and which Keith used in the murder. Additionally, three other teenagers testified how, following the murder, Keith had bragged to them about the shooting. Based on the evidence, the judge ordered Keith to stand trial for murder and scheduled arraignment for September 18. At the arraignment hearing, Keith pleaded innocent to the murder charge. The court set a November 5 trial date for Keith.

### Three-Day Trial

Unlike most murder trials which often drag on for weeks, Keith Tuttle's proceedings lasted only three days. Throughout the trial, as in the preliminary hearing, Keith maintained his innocence--saying he was being set up. The only reference he ever made as to his own guilt was during a conversation with Mindy Keller, his probation officer. When she asked Keith why he did it, Keith responded, "The bitch should have given me the money, it was her fault." Jim Thomas prosecuted the case, working closely with the police and with the investigator from the district attorney's office. The case against Keith was not without problems. Jim's major problem was that successful prosecution of the

case rested on the testimony of several teenagers, all of whom greatly feared Keith.

Once again, Earl and Brad testified that they left school early with Keith and drove to the area of the doughnut store, parking in the alley behind it. They reiterated that after Keith went into the shop, they heard a shot and a scream after which Keith came running out and jumped in the car. Although this testimony was damning, Jim Thomas is convinced that neither boy ever told the complete truth. Whether through fear of Keith or through anxiety about their own potential prosecution, both juveniles were extremely reluctant witnesses. The other juveniles who testified were also quite timid, volunteering as little information as possible, all the while seemingly afraid of Keith.

The defense's argument was not that Keith was innocent, but rather that police learned of Keith's knowledge of the crime through the conversation he'd had with Randy Winters, the counselor at the detention center. According to the defense attorney that conversation was illegal because Keith had not been advised of his rights. Thus, the defense argued, the collection of evidence which followed the conversation was inadmissible in court.

However, the judge ruled instead that the evidence was admitted because, in fact, Keith had initiated the conversation on his own and had not been interrogated. In fact, when the conversation took place, Keith was not even under suspicion.

It was interesting that the defense opted for trial by judge rather than by jury. At the close of the trial, the judge noted that the evidence against Keith was overwhelming. He found Keith guilty of first-degree murder, ordering that Keith be evaluated for placement in an appropriate facility.

### No Hope of Rehabilitation

The evaluation of Keith was completed. A sentencing date was set, and on March 23, ten months after the murder, Keith was sentenced to 27 years to life. Keith's lawyer argued that Keith should be sent to a juvenile facility with rehabilitative programs. The judge, obviously becoming increasingly angry, noted that Keith had had ample opportunity for rehabilitation--which had failed miserably. Instead, he found that the protection of others was more important and that Keith would be sentenced to a state prison. As in past court appearances, Keith showed little reaction to the sentencing. He is currently serving his time and will be eligible for parole in 12 years. Keith Tuttle is now 17 years old.

CHAPTER FOUR

## Juvenile Justice and Chronic, Serious Offenders

The case of Keith Tuttle represents the "classic" case of serious, chronic offenders. All of the important elements are there. Most of them were recognized at one point or another by professionals in various agencies who were convinced that Keith was extremely dangerous and, in fact, would hurt someone someday. Yet, even with all the warning signs, he continued to be treated as a "typical" juvenile offender with emphasis on rehabilitation and protection of the child and family.

Keith's case raises many questions about the philosophy of juvenile justice as it applies to serious offenders, especially those who are as sophisticated and dangerous as Keith. It is important to note that, for the vast majority of juvenile offenders, the current system works and works well. These are the one-time offenders or those who either grow out of or are rehabilitated away from further crime.

On the other hand, for chronic, serious offenders who may comprise less than two percent of the juvenile delinquent population, the juvenile justice system appears to be ineffective. Not only is the juvenile not rehabilitated, but the community's safety is threatened time after time, even though various "actors" in the system are well aware of the potential danger. Somehow the parts of the system fail to work together in an effective manner. Again, back to the example of Keith.

Keith's abuse began early in his life and continued through the time he began abusing others. Both probation reports and psychological evaluations noted that he had been abused by most of the principal male figures in his life. The effect of such abuse was both immediate and long-lasting. Reported child abuse was quickly followed by such reactions as running away and "uncontrollable" behavior. These were classic responses, even for a child who was only

seven years old. It is difficult to imagine a seven year old child leaving home for two or three days at a time, but for Keith, this was typical behavior. Counseling was "tried" with Keith but after a while he just decided "not to go anymore." This was a young child! This deviant behavior increased, evolving along classic patterns.

As Keith's physical and psychological abuse persisted, instead of becoming beaten and submissive, Keith began to identify with the role of the aggressor. Rather than being intimidated, Keith began to intimidate and manipulate others. He possessed several characteristics which facilitated this behavior. First, he was always big for his age, very well developed, with strong athletic abilities. His size and posture alone were intimidating to other juveniles. He also quickly became "street" smart. He learned the system and how to work it. He had, or at least showed, no fear of any authority figure. His mother could not control him, nor could any of her boyfriends. Even his own father couldn't keep him under control. School authorities, mental health professionals and probation officers also were ineffective in "supervising" Keith.

Also alarming was Keith's apparent inability to sympathize or empathize with the feelings of others. Thus, he showed no remorse for the pain he inflicted on others. First evident when Keith and Charles tortured the lamb to death, this trait manifested itself again and again when Keith would attack other juveniles, then show no concern for them but only fear that he would be punished for his actions. This was the case when he attacked his cousin, Kent. Never did Keith exhibit any sorrow for his actions or the permanent damage he caused; instead, Keith placed the blame for the entire incident on his cousin. With each of these incidents, the agency involved, whether the school, police or probation, documented the danger Keith posed--but the total picture was seemingly never addressed. Thus, like a jigsaw puzzle, the pieces were all there,



but they were never pieced together as a comprehensive whole to be acted upon until it was too late and an innocent life was lost.

### The Pieces of the Puzzle

Juvenile justice is realized when the juvenile offender is properly processed through the judicial and correctional systems and as an adult remains at liberty without further criminal violations. This implies that the various components of the justice system, i.e., police, prosecutor, judge, probation, correctional counselor, and parole, must function as a unit which will enable the consistent application of the judicial/correctional process. The major failure of the juvenile justice system is the breakdown in communications inherent in each of the components, as well as the tradition of these segments not communicating with one another or collectively working to assure swift, fair and sure correction of the serious, habitual juvenile offender. In fact, it is the lack of communication among and between the components that has made the juvenile justice system a "non-system."

It is interesting to note that most of those involved in the Keith Tuttle case felt that, because of the sentencing limits on juveniles, Keith got off too lightly. According to all the professional evaluations of Keith, he is beyond rehabilitation, yet for Keith the price of a life may only be twelve and a half years.

Keith's story is told. Yet what of other juveniles who are currently headed down the same road? Although their numbers are very, very small, the price society must pay for such serious, chronic juvenile offenders cannot be measured. Greater efforts and resources must be focused on responding to these offenders, both for the future of the juvenile and for the safety of the community.

One way to do this is through a cooperative, coordinated effort among all juvenile-related agencies. The Keith Tuttles of the world tend to fall through the cracks of the system time and again. The primary problem in the juvenile justice system is the existence of both excessive diversion and discretion. An estimated 80 to 90 percent of the juveniles who are arrested are "dropped" from the judicial process before they ever get to court. Even for those juveniles who do make it through to adjudication, the result is most often either release without supervision, or probation. It is difficult to understand how such juvenile justice responses could be viewed as rehabilitative, especially in the case of serious juvenile offenders.

The other problem with the current juvenile justice system is that as these kids keep falling through the cracks, they learn rather quickly that there is little to fear from the system. Repeated vandalism, theft, robbery, even assault may result in little more than probation. What are these kids being told? The juvenile justice system seems to be saying, "You may re-offend time after time. We will continue attempts to rehabilitate you while you continue to exhibit your true power over the community. Don't be afraid of us. There's nothing to be afraid of. And, in all honesty, you don't need to respect the system--it's letting you get away with almost everything. As far as the safety of the community goes, well that's really secondary to our need to prove that every juvenile, no matter how dangerous, can and will be rehabilitated."

One of the difficulties in dealing with juveniles who are serious, habitual offenders is that the juvenile justice system was never designed to address such offenders. This system, built on the premise that all juveniles can be successfully rehabilitated, must then address juveniles who repeatedly commit crimes and are not rehabilitated.

With protection of the juvenile as one of the highest priorities, most agencies extend this philosophy to protection of records. Consequently, agen-

cies often do not fully share information with one another. Bizarre behavior patterns in school are not related to police agencies or social services. For a serious juvenile offender, pieces of his behavioral history may be spread out among several agencies with no one comprehensive, accurate picture of his entire range of behavior.

Cases such as Keith's dramatically demonstrate that the individuality of information, if shared and analyzed, can provide the whole system with the collective information that will allow for better decisions to be made with regard to the juvenile who is showing all the warning signs of requiring very serious concern and attention.

In most states, the components of the juvenile justice system are the police, the prosecutor, probation/parole/social services, and the judge. Add then, the schools--the other major juvenile-related agency which deals with (almost) every juvenile in the city. It is these agencies which must work together in responding to juvenile offenders. Additionally, when dealing with serious offenders, juvenile-related agencies must hold the juvenile accountable for his actions.

Teachers often have more contact with juveniles than any person other than family members. Because teachers have this daily contact with juveniles, they are in a prime position to act as "early warning signals" if they believe the child is a victim of abuse, neglect or drug involvement, or if they become concerned that a juvenile is beginning to victimize others. Criminal activities of serious juvenile offenders are very often paralleled by poor behavior and code of conduct violations in the schools. Thus the schools and the police agencies can begin work together to develop coordinated policies and procedures to address these issues.

Prosecutors can also more effectively handle serious offenders in juvenile court. One way to do this would be to have all such cases vertically handled by

the same prosecutor from beginning to end. That prosecutor reviews, makes the filing decision, and makes all appearances in court on the case. Each time the juvenile comes back to court on other cases, that same prosecutor will have the case. In this way, the prosecutor gets to know the minor, his family, his associates, and his patterns, and develops expertise about that particular minor to better handle the case.

In addition to vertical prosecution, the minor can be required to plead to every provable charge. In this way the court has the maximum ability to sentence the minor. The minor too, will soon learn that if he commits four crimes, he will be charged with and plead to four crimes or go to trial on them--"if he does the crime, he does the time." At each stage of the proceeding, the prosecutor can attempt to keep the juvenile detained (because of his danger to the community) and do everything possible to expedite the case through the system.

Police can also work more closely with social services/probation/aftercare agencies to share information on serious offenders. Police departments, for example, can provide to probation officers copies of FI cards on juveniles. Such information can aid probation personnel in determining if and when probation violations occur. Similarly, crime prevention officers can work with social service professionals to address the needs of neighborhoods where serious juvenile crimes are occurring.

Aftercare agencies, on the other hand, can provide to the police information concerning pending releases of juveniles from secure care facilities. Such constant contact between the agencies ensures that juveniles will not so easily fall through the cracks of the system.

Corrections agencies can also benefit from increased cooperation. The role of corrections to "treat" and return the juvenile to his/her community with the ability and attitude to remain at liberty is no more or less important than the investigation and apprehension by law enforcement that brought the juvenile into

the judicial/correctional process. The attitude of law enforcement and the tone of prosecution establishes the foundation for rehabilitation and has as much to do with the "turn-around" of the juvenile delinquent as does the "therapy" of the sentence and the work of the correctional agent. Each juvenile justice professional must realize his responsibility to "serve and protect."

A valuable by-product of the exchange of information among the agencies is the growth of a mutual respect and a discovery that all are working toward the same goal and can help each other get there. If all the players in the system become each other's eyes and ears and share collective experience and information on these offenders, all of the juveniles' crimes and violations can be dealt with appropriately. The "nothing ever happens to juveniles anyway" syndrome will be a thing of the past, because something significant will be happening to every juvenile and each agency will have had a part in it.