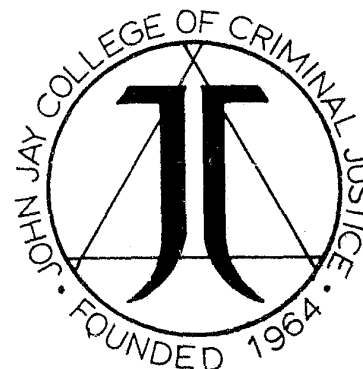


● JUVENILE JUSTICE AND THE POLICE



TRAINING MANUAL

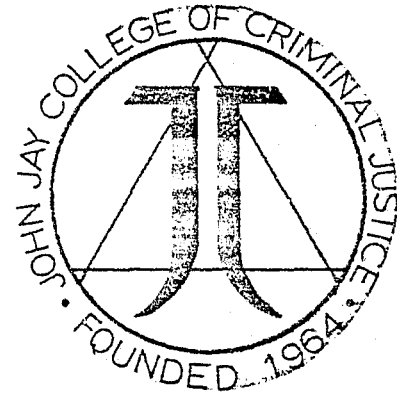
PREPARED FOR THE NEW YORK CITY TRANSIT POLICE DEPARTMENT BY THE TRAINING STAFF, THE JUVENILE OFFENDER DIVERSION PROJECT WITH THE ASSISTANCE OF THE NEW YORK CITY TRANSIT POLICE ACADEMY AND COOPERATION OF THE PERSONS SECTION, ROCHESTER, NEW YORK POLICE DEPARTMENT.

46453

Juvenile Offender Diversion Project
N.Y.C. Transit Police/Criminal Justice Center
John Jay College of Criminal Justice

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Chief, N.Y.C. Transit Police Dept.
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JUVENILE JUSTICE AND THE POLICE



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NCJRS

APR 19 1978

ACQUISITIONS

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A C K N O W L E D G E M E N T S

This training manual was developed for use by the NYC Transit Police Department's Police Academy for a department-wide training program dealing with juvenile offenders and the police. It was prepared by the Training Staff of the Juvenile Offender Diversion Project, Criminal Justice Center-John Jay College of Criminal Justice, with the assistance of the Transit Police Academy's training staff.

The greatest part of the material used in this manual appeared originally in the published material for the Rochester Police Department's training program entitled, "Juvenile Justice and the Police."

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SECTION I

INTRODUCTION TO THE PROGRAM

Police officers, especially those on patrol, deal with a great variety of services and tasks. One of the most important is that of juvenile contacts. This training manual will focus on the area of patrol contacts, crime and non-crime, with those youths under sixteen years of age. Relative to this area, we have selected several important topics to cover:

- a) An Historical Perspective of the Juvenile Justice System
- b) Juvenile Law
- c) Some Theoretical Causes of Delinquency
- d) Diversion From Family Court
- e) The Special Problems of Alcohol Abuse
- f) Child Abuse and Neglect
- g) Youth and Drugs

GOALS

Our goals for this training session are:

- a) to develop/review officer skills in dealing with a youth,
- b) to improve officer's ability in disposing of complaints involving juveniles,
- c) to clarify department policies and procedures relative to youths,
- d) to add to officer's overall effectiveness in dealing with youths in the various types of contacts.

INSTRUCTION METHOD

Each member of the force is given this manual for his personal use. Much of the material presented in this first class is explained in depth in this manual. There may be additional coverage in subsequent classes which will be conducted either on a voluntary basis or at Department In-Service Training. In addition, this manual may be presented in an extended academic format for which college credits will be given by John Jay College. However, at the present time, this format is still in the exploratory stage.

We suggest that the student officer keep this manual and add it to his personal professional library, where it may be used as a ready source of reference in the understanding of current trends and underlying philosophy in the field of juvenile justice.

JUVENILE WORK AS PART OF PATROL

One additional comment at this point is needed. It is probably safe to say that there is not, nor has there been, much recognition or status attached to the patrol officer doing a "good job" when it comes to complaints against juveniles. There are exceptions, of course, but they are usually for sensational cases--homicides, robbery 1st degree, etc. It is our contention that patrol work involving youth is a critical part of the total job of an officer in terms of both prevention and proper disposition of the daily complaints, and these efforts are deserving of the same status and recognition as that given to adult cases.

Toward this end, the Department is now working on providing recorded credit in the computers for the making of diversions just as dispositions are recorded for petitioning and arresting.

NATURE AND SCOPE OF THE PROBLEM

Juvenile delinquency is a local as well as a national problem. As police officers, we have the primary responsibility of controlling delinquency. But, what is delinquency? Let's first speak about some definitions and then about the extent of the delinquency problem, both locally, and nationally.

DEFINITIONS - WHAT IS JUVENILE DELINQUENCY?

Juvenile delinquency means different things to different people. It is a blanket term which describes a wide range of youths in trouble.

In its broad meaning, delinquency includes:

officially-adjudicated offenders,
unofficial delinquents; those handled informally by
courts or other agencies.
cases handled by police,
children displaying anti-social behavior, whether or
not taken to official or private agencies.

Examples of delinquency in the NYC Transit System run the gamut from a one-time, spur-of-the-moment mischievous act to a homicide. These are acts which are in direct violation of criminal codes. In New York State, if classified as a

felony or misdemeanor fall under the strict legal definition of juvenile delinquency which is:

a person over 7 and less than 16
years of age who does any act which
if done by an adult, would consti-
tute a crime. (FCA Sect. 712)

Delinquency also includes a second group of acts which are not crimes, such as, violations, running away or habitual disobedience to parents. However, the latter type of behavior can be classified under the legal definition of a "person in need of supervision," (PINS), which is:

A person less than 16 years of age
who does not attend school in accord
with the...education law or who is in-
corrigible, ungovernable or habitually
disobedient and beyond the control of
a parent or other lawful authority.

Two additional comments about the definition of juvenile delinquency: First, in a strict legal sense the term should be applied to only those who are "adjudged" as delinquent by the court and that normally we are dealing with someone "alleged"

to be a delinquent in our arrest process. This seems to be a fine point, but it does relate to two areas:

1. To the problems created by labeling a youth. It is a problem both for us in dealing with the youth and for the rest of the community as related to future misbehaviors of the youth. This issue is related to theories of delinquency causation and will be discussed more in that segment of the training.
2. It helps to promote clarity of definition.

Secondly, within the legal definition there are basically two categories of juvenile delinquents. Many people, inside or outside the criminal justice system, who are involved with delinquency distinguish between what could be "hardcore" unredeemable, chronic offenders and those who do not commit serious crimes against the person or property, and are not heavy repeat offenders. The former group is much smaller than the latter under the legal definition. This is probably more obvious in police work than in other fields. But, there are

other institutions which acknowledge the distinction.

The New York State Legislature appears to have recognized this in recent passing of the Designated Felony Act which aims at 14-and-15 year olds who commit serious felonies. This act will be treated later under the juvenile law section. Other references were made to this distinction between delinquents in TIME magazine, 7/11/77, "The Youth Crime Plague" wherein a Black Homicide Detective in Harlem, Jim Wilson, said (referring to juvenile court philosophy) "The idea was to protect kids who had minor skirmishes with the law from getting a record. This kind of treatment was not made for 14 and 15 year old kids who are killers." And, in the same article, this statement appeared:

"With hard-core juveniles located,
it will be easier to deal with the
more manageable majority of delin-
quents,..vandals, petty thieves.
Most do not have to be confined.."

NOTE:

Consider some of the key words here: Hard-core, more

manageable, majority. In the same article, Judge Gelber, Juvenile Court Judge in Dade County, Florida, says "The Juvenile courts weren't conceived for the brutal act. They were created with the image of middle America."

EXTENT OF JUVENILE DELINQUENCY

NATIONALLY

F.B.I. arrest figures show that young people are responsible for a substantial part of the national crime problem. (F.B.I. uses 18 years as difference between adult and juvenile.)

- * 25% - of arrests were persons under 18
- .51% - of all vandalism arrests were people under 18
- 53% - of all arson arrests were people under 18
- 52% - of all auto theft arrests were people under 18
- 63% - of all burglary arrests were people under 18
- * (1976 F.B.I. - UCR - Table #32 - Pg. 181)

TRANSIT POLICE DEPARTMENT DATA ON YOUTH - 1976

(N.Y.S. LAW USES 16 YEARS AS DIFFERENCE BETWEEN ADULT AND JUVENILE)

<u>TYPE OF CRIME</u>	<u>ADULTS</u>	<u>JUVENILE</u>	<u>JUVENILE % OF TOTAL</u>
Robbery	1,123	629	35.90%
Grand Larceny	2,778	586	17.41%
Jostling	353	101	22.24%
** Fare Evasion	4,562	99	2.12%
Crim./Mis./Tamp.	52	57	52.29%
Reck./End.	35	41	53.94%
** Trespass	11,680	58	0.49%

** These acts are normally diverted from court process by the preparation of a Juvenile Report (YD-1). In 1976, the Transit Police issued a total of approximately 14,984 Juvenile Reports for these two offenses.

TRUE EXTENT

In dealing with the true extent of delinquency, it is interesting to note that a large number of youths do delinquent acts which either never get reported or for which the youth is never identified.

The primary reporting agents are the courts and police departments. Most research in this area shows that if all delinquent acts were made known, then most young people could be adjudged delinquent.

WHY BE CONCERNED WITH TRAINING IN THIS AREA?

As in any training activity, the question should be asked:

Is there a need for this training?

In answering this, three views should be considered:

1. the affected officers,
2. the department,
3. the public.

Even though the three views are inter-related, consider them one at a time.

THE AFFECTED OFFICERS:

It is difficult to ascertain the amount of police time devoted to the handling of Juvenile offenses. In a recent survey conducted by the Rochester Police Department it was revealed that the average contact between police and youths was 10.5 contacts per week. In New York City, because of greater population, the contact figure is undoubtedly much larger for the Transit Police.

One major step which was used to respond to the Transit Police officers' needs was the department's creation of the Juvenile Crime Prevention Unit. (G.O.#6.2, 5/31/77). The Juvenile Crime Prevention Unit has been established and will be concerned with conditions, crimes, and other problems occurring on the Transit system involving juveniles. The unit will provide information and assistance to district commands, and other specialized units concerned with juvenile activities in developing adequate plans and deployment strategies to effectively deal with these problems. This unit will provide recidivist information to members of the force so that decisions regarding the proper type of police action on individual police contacts may be made.

Departmental Concerns include the above and involve:

- a) effectiveness of manpower as it relates to providing services to the public,
- b) interest in prevention of delinquency,
- c) cooperation and coordination with other appropriate community agencies,
- d) lower recidivism rates.

THE PUBLIC

The public is the primary victim of crime and as such should feel confident that the police force is being trained to deal with juvenile crime.

PRIOR TRAINING

In the past, members of the department received 16 hours of academic instructions pertaining to juveniles and juvenile problems while undergoing recruit training, plus an additional four hours a year while attending their In-service training semi-annually.

As a result of the figures issued by the New York City Police Department concerning the youth referral reports (YD-1), the Transit Police Department issued 29,582 of these reports in 1976, which accounted for 59% of the total YD-1's issued in the City of New York. Figures for last year, 1977, show that we issued approximately 25,466 youth referral reports, in addition 7,934 youth contact reports for truancy were issued. Prior to September 1977, all juvenile reports in New York City were processed by the Youth Aid Division, New York City Police

Department. However, the increase of juvenile reports and the need for a more responsive follow-up necessitated that this important task be delegated to the Juvenile Crime Prevention Unit, New York City Transit Police Department.

The figures further indicate that better training is required because of the vast amount of contact between youths and police on the Transit system. Also, advanced training is dictated by innovative programs being developed by the Juvenile Crime Prevention Unit.

STATEMENT FROM J.C.P.U. AND TRAINING STAFF

There are a wide variety of subjects covered in this training. Except for departmental procedures, we do not intend to cover all aspects of each topic. We have limited the treatment of the subjects to what is adequate for your needs and goals.

The nature of some of the subject matter, i.e., causation theories is such that it is open to differing views and much discussion. Other subjects, i.e., departmental procedures, will stand as they are. However, open discussion on them is always encouraged.

Due to the wide range of topics, this training material is not the "last word" in Juvenile Justice and the Police. However, extensive research has created departmental specialists in the juvenile justice arena. The instructors have drawn on many sources to develop the program, wide variety of up-to-date texts, community agency people, local colleges and schools, District Attorney's office, Family Court personnel, national publications and their own police experience and training. We believe it is a good account of the area of police and youth work, and of value to you in your everyday patrol work with the young people who use the Transit system.

SECTION II

BRIEF HISTORICAL DEVELOPMENT OF THE JUVENILE JUSTICE SYSTEM

INTRODUCTION

Throughout this and any other future training when referring to the juvenile justice system it will be discussed in terms of what is currently going on. However, a better understanding and even some reconciliation of such current issues as why police have to "Mirandise" a youth suspect and why Family Court is "so soft" on young offenders can be had by looking at developments which led to the contemporary situation. Therefore, it is the purpose of this section:

- A. To trace the development of juvenile justice in order to provide a better context in which to discuss some of the subjects brought up in this section, primarily Family Court and related police procedures with a youth offender.
- B. And, at the same time, to resolve some of the confusion or misunderstandings about the juvenile court.

The areas discussed in this reading are: governmental structure; definition of juvenile justice system; the elements of a system in general; the juvenile court, its philosophy, legislation affecting its growth, its functions and processes.

GOVERNMENT STRUCTURE

The various operations within the juvenile justice system are distributed according to the rather strict constitutional principles of governmental structure. Basically, governmental functions and responsibilities as related to criminal justice are divided into:

1. Legislative - laws defining behavior which is against public interest.
2. Executive - services to maintain public order, control crime.
3. Judicial - measure conduct against laws and prescribe treatment to assure public safety.

These branches have limited, but, sometimes overlapping powers. Each branch serves as a check on the other while maintaining its own share of the governing process.

This separation of powers clearly outlines what matters will fall within the scope of police responsibility and those for which courts are responsible. Police enforce the laws, and when a violation is committed, it is expected that police will find and bring the suspect to the court for prosecution. In this process juveniles hold no special position in the philosophy behind these police functions. We still pursue the case with the same objective of finding who committed the crime whether adult or juvenile. This does not mean there are no differences between the police handling of juveniles and adults - there are many differences, but only in procedure. These procedures will be discussed in length later on in other sections.

What probably bothers many police officers and other citizens as well, is the appearance that police actions are subject to judicial control. The degree to which that is true is a question of individual perception. The main issue is that these controls are built into our form of government and do change over time - from greater to lesser control and vice versa.

JUVENILE JUSTICE SYSTEM DEFINITION

When looking at the juvenile justice system it is essential to see it as an integral part of the criminal justice system with the police playing a major role because of their position at the beginning of the process. Juvenile Court also has a critical role in the system and has been a source of confusion for many people who are involved with it.

One narrow definition of the juvenile justice system includes only police, courts and corrections.

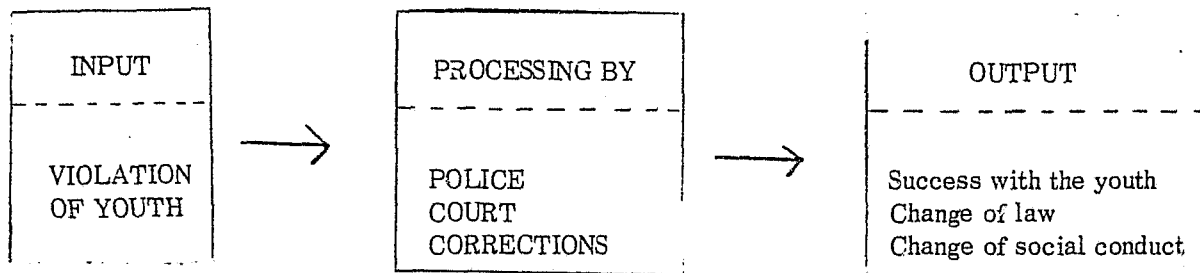
A broader definition states that the juvenile justice system is the inter-relationship between citizens, schools, community resources, police, courts and corrections to prevent and control unlawful youth behavior, abuse and neglect. This training will refer to both definitions from time to time as both are valid.

In this segment primary attention will be given to the development of juvenile court. The police role in the system will be given considerable attention in the segment on Diversion and in other areas. And finally, corrections will not be given as much attention as the others, but will be discussed somewhat under Juvenile Law.

SYSTEMS

Before considering the juvenile justice system, it is helpful to define a system as a complex union of different parts serving a common purpose. It is helpful in understanding the juvenile justice system to look at the elements which comprise any system: input, processing, output and feedback. A system organizes and processes input in order to attain certain output.

DIAGRAM OF THIS CONCEPT FOLLOWS:



Most problems in a system, for example: a court returning a dangerous delinquent to the street too soon, occur in the process segment. These problems are related to the efficiency (how well each part does its job) and effectiveness of the system (does the system succeed in reducing juvenile delinquency). It is very possible to have efficiency without effectiveness;

but ideally, a system has both. And in this light, a system that anticipates and adjusts to changes and problems will produce better results with less effort.

In the juvenile justice system, the individual components of police, probation, court and corrections are experiencing problems in functioning as a system. The failures of the system have caused alarm nationally and has spurred local law enforcement agencies and the family or juvenile courts to review their role in juvenile crime control and prevention. With the aid of the federal government, various juvenile crime prevention and assistance projects have been established throughout the country and are presently being evaluated to determine their effectiveness as alternatives to the present system. Many of these projects are concerned with diverting juveniles out of the system at various stages of the police, court and probation processing. Their effect on preventing crime and re-entry into the system is still being determined.

JUVENILE COURT

The juvenile court is the hub of the system because it is the point from which principles that guide the entire system are generated. It is also a source of criticism, and misunderstanding

by many people in the community; especially police officers.

The following historical development will focus on three key sources of misunderstanding about the juvenile courts:

1. Their function - they were conceived to serve two different functions, judicial (did the youth do the act) and correctional (what to do with the youth).
2. The impact and development of the various laws and Supreme Court decisions that have shaped the court over the last 78 years.
3. The guiding principles or philosophy of the court and/or juvenile justice system.

These three issues are inter-related and will be explained together. The changing philosophies of the court and the juvenile justice system over a period of time bear directly on the functions of the present court system. In addition, relevant Supreme Court cases will be briefly cited in section three.

Development of the Juvenile Court

The juvenile court system in the United States evolved from the English system which followed a legal and social concept of

"parens patriae." This latin phrase, meaning literally "parent for the country", was used in the English Chancery court (around 1500 AD) to describe the power of the state to act as parent for an abandoned child, dependent children, and one in need of protection, but not those involved in criminal acts.

The judge assumed a fatherly role, protecting the juvenile in order to save him. The court withheld the procedural safeguards used for adults because it saw the child as not having a right to liberty. The court proceedings were civil, not criminal. However, the court was mainly concerned with the welfare of the child. Protection of society and punishment of parents were not relevant areas for court intervention.

This power of the court was gradually broadened and solidly based on social welfare concepts. When the system was transferred to the United States the "parens patriae" was expanded to eventually cover children who committed criminal acts. However, juveniles were excluded from the due process protection of the constitution because the state was proceeding in a non-adversary capacity.

Historically, in the United States, children who were accused of criminal violations were treated the same as adults before the criminal justice system. A humanitarian reform movement began in the 1800's to separate and "save" youth from the adult criminal justice system. It was sparked by a generally bad state of affairs for many children, i.e., 10 year olds in jail with adults. It was the deplorable jail conditions that nurtured the growth of specialized institutions for the committment of juveniles.

Pressure from the movement helped spur the passage of legislation in states which had limited objectives in separate treatment for juveniles. As early as 1861 Chicago youths were being separated from adults in criminal court. In 1869 a Massachussetts law set up persons to represent youth under 16 in criminal court. At the same time, a new law in New York prohibited confinement of children with adults. These acts were considered radical at this time.

In 1893, in Indiana, the principle of "petitioning the court on behalf of the child" (as opposed to the criminal court complaint) became law and included delinquent youth.

The most significant law in the area was passed in 1899 in Illinois, "An act to Regulate Treatment and Control of Dependent, Neglected and Delinquent Children." This act established the first juvenile court in the world and it put all children who were involved with courts under a single jurisdiction.

It was at this point that the juvenile justice system began to change direction toward being non-criminal in nature. The guiding questions for judges eventually became:

Why did the youth do it?

What led him to it?

What course of action would be in his interest and in the

best interest of the state to keep the youth from future crime?

Yet, under the "parens patriae" doctrine juveniles were excluded from the protection of the constitution because the state was proceeding in a non-adversary capacity; that is, the juvenile court proceedings were civil in nature with much judicial leeway.

The above points were upheld in the classic case of Commonwealth vs. Fisher in Pennsylvania State Court in 1905.

(See Section III, pg. 29)

COURT DIFFERENCES

One of the first distinctions between adult/juvenile court was the language. Some of these language differences are as follows:

JUVENILE COURT

ADULT COURT

A PROCEEDING

A TRIAL

petition

criminal complaint

hearing

arraignment/indictment

finding of involvement

conviction

disposition hearing

sentence

delinquency

crime

The primary distinctions are in philosophy:

JUVENILE COURT

ADULT COURT

Treatment of the

Punishment of the

offender

offender

Why did he do it

What was the act

These philosophical distinctions are related to the concepts

of:

Accountability

Youth are accountable but not responsible for their acts. The accountability is based on a "sliding scale" i.e. the older the youth the more accountable he is.

Responsibility

Complete responsibility for the act. The adult knows better.

After 1905 the juvenile courts began to move away from the Chancery Court concern with the nature of the offense to concern for why it had been committed. This was due to the reform movement in the Juvenile Justice System, and in part to the advancement in behavioral sciences led by Dr. William Healy. His research into juvenile delinquency concluded that it was caused by a variety of factors and that the combination of factors varies with each individual. (This will be expanded in the Causation Theories section.)

This "clinical approach" of Healy to children's wel-

fare in general met enthusiastic acceptance by the general public. In the juvenile justice system this approach received so much emphasis that the court's interest in the offense was minimized. The new approach also reinforced the court's conception of "parens patriae" upon which it was established and it minimized the philosophy of accountability. Prior to this movement, youths were held fully accountable for their criminal acts.

Another concept derived from Chancery Court and followed by juvenile court which received emphasis was "equity." This concept provided for great flexibility for the courts in their dispositions. The court's posture as "protector" of the child was strengthened under this concept and was highly acceptable under the "clinical approach."

Thus by the end of the first quarter of this century juvenile courts were being established around the country and guided by the basic concept of "parens patriae" and the "clinical approach." By 1927 all but two states had established juvenile courts. The operation of the courts, since their inception in 1899, has been undergoing change.

SECTION III

CASE LAW AND JUVENILE JUSTICE

INTRODUCTION

Criticism of the Juvenile Justice System since 1899 centered around the constitutionality of procedures followed in the court; the strongest influence stemming from various court decisions. Although some of these decisions directly affected police operations, the bulk of the changes made have been in the area of the juvenile court. Most decisions focused primarily on due process and right to counsel for juveniles. This section will discuss briefly the following relevant court cases: Commonwealth vs. Fisher, Haley vs. Ohio, Shioutakon vs. D.C., Kent vs. United States, In re Gault, In re Whittington, In re Winship, Mckeiver vs. Pennsylvania. The intent here is to show the net effects of each case on the juvenile court process from a historical perspective.

COMMONWEALTH v. FISHER, 213 Pa. 48, 62 Atl. 200 (1905)

This Pennsylvania Supreme Court case was the first to consider the question of due process in the juvenile court. Essentially, the court ruled that a delinquent was not entitled to due process in the manner in which he was taken into custody by police, nor was he entitled to a jury trial, since delinquency hearings were not criminal trials no due process rights applied. This remained the guiding principle for courts for about 50 years.

HALEY v. OHIO, 332 U.S. 596 (1948)

In 1948 the Supreme Court forecast a change in its attitude toward legal rights of juveniles. The court held that the Due Process Clause barred the use of a confession obtained from a juvenile charged with murder, in the first degree. The majority ruled "neither man nor child can be allowed to stand condemned by methods which flout constitutional requirements of due process of law."

SHIOUTAKON v. DISTRICT OF COLUMBIA, 236 F. 2d 666 (1956)

By the 1950's and early 1960's both State and Federal courts increased the attention given to the legal rights and due process in juvenile courts. By the mid 1950's national criticism of the whole juvenile justice system was once again a growing movement.

This movement had its first real impact on juvenile jurisprudence in 1956 in the United States Circuit Court of Appeals case Shioutakon v. District of Columbia. This case established that juveniles appearing in court on delinquency charges were entitled to legal counsel. This decision was thereafter, followed in most states and Federal Appellate courts.

KENT v. UNITED STATES, 383 U.S. 541 (1966)

It was another 10 years before the United States Supreme Court came into the picture. In 1966 Kent v. United States was the first case stemming from an action in juvenile court to be heard in this court - breaking a 60 year silence. The main issue in the case was whether the youth was to be treated as an adult in criminal court or remain within juvenile court jurisdiction on charges of housebreaking, robbery and rape. (Morris Kent, age 16, was subsequently tried as an adult and sentenced to 5 - 15 for each of 6 counts, and found not guilty of rape.) The Court made several conclusions (which applied only to D.C.) concerning this issue.

1. The youth is entitled to a hearing on the waiver of jurisdiction from juvenile to adult court.
2. Youth is entitled to counsel at the hearing.

3. His attorney is entitled to access to probation records used by the court in making its decision.
4. The court must make a statement of the reasons for its decision if it waives its jurisdiction.

IN RE GAULT, 387 U.S. 1 (1967)

The critics (reformers) felt the above decision did not go far enough in that it did not resolve certain questions; primarily, the right to counsel.

This question was resolved just one year later by the United States Supreme Court in the In re Gault case. This case stemmed from an action in Gila County, Arizona, where a youth, Gerald Gault, age 15, was petitioned to juvenile court on a charge of making lewd phone calls and he was subsequently committed to a state industrial school until 21. As an adult under Arizona code, the maximum sentence would have been a \$5 to \$50 fine and up to two months in jail.

The net effects of the Gault decision are that children appearing in juvenile court in all 50 states now have:

- a) right to counsel,
- b) right to adequate notice of charges,
- c) right to remain silent,

- d) right of confrontation of witnesses,
- e) privilege against self-incrimination.

This particular case was the most significant court ruling in the juvenile justice area as it had an immediate effect on all levels of courts dealing with delinquents. It drastically changed juvenile court structure, placing a burden on the judicial process.

IN RE WHITTINGTON, 391 U.S. 341 (1968)

Following the Gault decision it was requested of the Supreme Court to retroactively apply its decision to those cases which had not met the due process protection. In re Whittington was such a case, and in 1968 the court remanded it back to the State Court of Appeals to be reconsidered under the light of Gault. In the Whittington case counsel succeeded in having the court extend the right of a juvenile to remain silent to pre-hearing interrogations. In other words, police questioning of a juvenile suspect must follow the Miranda protection of 1966. Two other issues in the case were not acted on by the Court: standard proof for adjudication as a delinquent and right to jury trial.

IN RE WINSHIP, 397 U.S. 385 (1970)

Another important Supreme Court case settled the issue of due process as it relates to the question of the level of proof needed in court hearings. This was a New York case concerning a petit larceny by a juvenile. The New York Family Court judge based his findings (that Samuel Winship, age 12, did the act) not on the 14th Amendment, but on the New York Family Court Act which, at that time, provided that "any determination at the conclusion of an adjudication hearing that a juvenile did an act or acts must be based on preponderance of the evidence."

The Supreme Court acted only on this question and concluded that proof beyond reasonable doubt is required for juvenile fact-finding hearings. This decision in effect says that the juvenile courts must wait to make use of the rehabilitative capacity until after it has proven that the youth has committed the delinquent act.

MC KEIVER v. PENNSYLVANIA, 403 U.S. 528 (1971)

This case involved two separate juvenile court hearings for two different boys, ages 15 and 16 in Philadelphia. One boy

had been charged with a felony; the other with a misdemeanor. Each party requested a jury trial. The judge denied both requests and ruled they were juvenile delinquents. When brought to the Supreme Court in 1971, the Court upheld the juvenile court in saying that it is the state's privilege and not an obligation in providing for a jury trial. The right to a jury trial in delinquency hearings is not constitutionally mandated.

CONCLUSION

How have these developments affected the doctrine of "parens patriae?" Some researchers on the subject feel the concept has died as a result of the legal changes. This is evidenced by the Supreme Court decisions which has equated juvenile justice with adult justice in many ways. The court has discounted the rehabilitation process ideal, its approach toward the juvenile court's basic ideals can be summed up by its conclusion in 1966:

There is much evidence that some
juvenile courts...lack the personnel,
facilities and techniques to perform
adequately as representatives of

the State in a "parens patriae" capacity, at least with respect to children charged with law violation. There is evidence, in fact, that there may be grounds for concern that the child receives the worst of both worlds, that he gets neither the protections accorded to adults nor the solicitious care and regenerative treatment postulated for children.

Other researchers feel that the "Golden Years", 1966-1977, during which the Supreme Court applied due process protections to juvenile justice systems have ended; but that granting these rights has not taken away the flexibility and informality of the juvenile court process.

SECTION IV

*NEW YORK STATE

JUVENILE LAW

INTRODUCTION

The legal issues of the juvenile court system are complex and include: jurisdiction of the Family Court; support proceedings; as well as proceedings concerning juvenile delinquency; persons in need of supervision; family offense proceedings and child protective proceedings. The Family Court Act (FCA) provides a comprehensive text for the juvenile and family offense aspect of the entire criminal justice system.

Our purpose here is to provide an index and some explanation to the sections of the Family Court Act (FCA) which are most important for the police officer when handling a situation involving a juvenile and/or when requested to appear in Family Court.

This section will include issues which are relevant, timely, and informative. Categorically, these issues are:

* All sections of law cited (§) refer to the NYS Family Court Act.

juvenile delinquency proceedings; status offense proceedings; (PINS and run-away) and the designated felony act information.

The content supplied herein is meant to help guide the officer through the Family Court Act. However, in order to avoid costly errors in misinterpretation, police officers should refrain from dispensing legal advice.

ARTICLE 7

We shall center our discussion of appropriate information by reviewing Article 7 - Proceedings Concerning Juvenile Delinquency and whether a person is in need of supervision.

I PURPOSE

The purpose of this article is to provide due process of law (a) for considering a claim that a person is a juvenile delinquent or a person in need of supervision and (b) for devising an appropriate order of disposition for any person adjudged a juvenile delinquent or in need of supervision. In any juvenile delinquency proceeding under this article, the court shall consider the needs and best interests of the

respondent as well as the need for the protection of the community (§ 711).

II USE OF POLICE RECORDS

All police records relating to the arrest and disposition of any person under this article must be kept separate from files containing arrests of adults and shall be withheld from public inspection (§ 784).

III DEFINITIONS

A. Juvenile Delinquent: A juvenile delinquent is a person over seven and less than sixteen years of age who does any act which, if committed by an adult, would constitute a crime (§ 712-a).

B. Person In Need Of Supervision: A person in need of supervision is any person less than sixteen years of age who does not attend school in accord with the provisions of part one of article sixty-five of the Education Law or who is incorrigible, ungovernable, or habitually disobedient and beyond the lawful control of parent or other lawful authority (§ 712-b).

Part I of Article 65, Section 3705, of the Education Law states that each minor from 6 to 16 years of age shall attend upon full time, with exceptions. Absence from required attendance shall be permitted only for causes allowed by the general rules and practices of the public schools.

Other definitions clarifying detention facilities, hearings and the designated felony act will be discussed in sections VI, X and XII.

IV AGE FACTOR

The age of a respondent at the time the delinquent act was alleged to occur is a controlling factor in determining the jurisdiction of the court. For instance, if a respondent commits an alleged delinquent act on the eve of his sixteenth birthday and isn't apprehended for a week, he still falls under the original jurisdiction of the Family Court. If the respondent is within the original jurisdiction of the Family Court at the time the alleged act was done, but the proceedings were initiated after his eighteenth birthday, the Family Court shall dismiss a petition determining a person in need of supervision and may

dismiss a petition determining a juvenile delinquent (§ 714.)

No child under the age of ten (10) years may be placed in a secure detention facility (SHELTER) (§ 720-2.)

A child's age and the presence or absence of his parent or guardian shall be included among the relevant considerations when determining what "a reasonable period of time" is for questioning a child (§ 724-d.)

V POLICE ROLE WITH RUN-AWAYS

There are two categories of "status" offenses (conditions of persons in the eyes of the law): PINS and run-aways. We have already reviewed the definition of a PINS and shall now look at the role of the police officer when encountering a run-away. A peace officer (hereafter police officer) may return to the parent or guardian any person under the age of sixteen who has run away from home without just cause or who, in the reasonable opinion of the police officer, appears to have run away from home without just cause. For the purpose of this action, a police officer may reasonably conclude that a child has run away from home when the child refuses to give his name and the address of his parent or guardian or when the police

officer has reason to doubt that the name or address given is not the actual name and address of the parent or guardian of the child (§ 718-a). A police officer is authorized to take a child who has run away from home or who, in the reasonable opinion of the officer, appears to have run away from home, to a facility approved by the state department of social services (Children's SHELTER).

Any such facility receiving a child shall inform the parent or guardian and the Family Court of its action (§ 718-b).

Any police officer may apprehend, restrain and return a child who has run away from the custody of an authorized social services agency (Children's SHELTER) and it is the duty of the police officer to assist any representative of the social services agency to take into custody any such child upon the request of such representative (§ 718-c).

VI CUSTODY AND DETENTION

A. When

Section 721 of the FCA enables a police officer to take into custody, without a warrant, a person under 16 years of age who

has committed an act which, if done by an adult, would be a crime. Private citizens retain the same "citizen-arrest" powers as are allowed under § 140.30 of the Criminal Procedure Law (§ 722). Private citizens, however, must inform the youth to be taken into custody of the reason for the custody and require him to yield to the arrest. Upon doing so, the arresting citizen must deliver the person to his home, to a police officer or a Family Court judge (§ 723).

B. Procedure After Custody-Parental Notification

When a police officer either takes a child into custody or receives from a private citizen a child who has been taken into custody (pursuant to § 723), the police officer shall immediately notify the parent or guardian, or the person with whom he is domiciled (foster home), that he has been taken into custody. The police officer must make every reasonable effort to notify the person responsible for the child. Upon doing so, the officer shall: release the child to his parent or guardian upon the written promise, without security (bail), of the person to whom the child is released that the child will appear before the Family Court at the time and place specified in writing; or

take the child to a place of juvenile detention as certified by the state division for youth (Juvenile Detention Center, 1221 Spofford Ave., Bronx, N.Y.). A child shall be released to his parent or guardian by the police officer UNLESS the officer feels or determines that the child will not show up for court, or will commit another crime; or there are other special circumstances (§ 724 a;b-1;c).

When a facility receives a child under § 724-b III, it shall inform the parent or guardian and the Family Court of its action and shall present the child to the Family Court as soon as practicable (§ 726).

VII RELEASE FROM CUSTODY BEFORE PETITION

The rules of court authorize the probation service or administrator of a detention facility to release a child from custody before the filing of a petition, if the alleged act appears to involve a petition for a PINS instead of a petition for a Juvenile Delinquent. Also, the rules of court may authorize release of a child in custody before the filing of a petition when the events appear to involve a petition for a Juvenile Delinquent, unless there are special circumstances requiring detention (§ 727).

VIII COURT PROCEDURE--IN-CUSTODY

When a child is retained in custody, he shall be brought expeditiously before a judge of the Family Court who shall hold a hearing prior to the filing of a petition. The hearing's purpose is to determine if the court has jurisdiction over the child. The judge advises the child of his Constitutional rights and adjourns the hearing for a reasonable time to allow the child to send for his parents or guardians and for obtaining a law guardian or private counsel.

Following the hearing, the judge shall order the release of the child to the custody of his parents or guardian if:

- a. the court does not appear to have jurisdiction and the matter is not to be transferred to a criminal court.
- b. events appear to indicate a petition for PINS instead of Juvenile Delinquency.
- c. the events of custody appear to involve a juvenile delinquent unless there is a substantial probability that the child will not appear in court on the return date.

d. there is not a serious risk that he may commit another crime before the return date (§ 728).

Or, in other words, a child can be held in custody, if the court has jurisdiction, the petition is for a delinquent or designated felony, there is a substantial risk that the child won't return for court date or there is a serious risk that the child may commit another crime before the return date.

When a child is detained in the Juvenile Detention Center prior to the petitioning, detention shall be limited to seventy-two hours or the next day court is in session (§ 729).

IX PRELIMINARY PROCEDURE-PETITIONS

In order to adjudicate a person as a Juvenile Delinquent, a petition must be filed. The petition must indicate that the person named (RESPONDENT) did an act which, if done by an adult, would be a crime and it must specify the time, place and type of act done; that the respondent was a person under sixteen years of age at the time the act was done and the respondent requires supervision, treatment or confinement (§ 731-a).

In order to adjudicate a Person in Need of Supervision, the filed petition must allege that the respondent who is under 16 is a habitual truant or is incorrigible, or habitually disobedient and beyond the lawful control of his parents or guardians. It must specify the acts on which the allegations are based and the time and place of occurrence. Also, the petition must state that the respondent requires supervision or treatment (§ 732).

A. Who May File Petition

A parent or guardian, police officer, any person who has been injured by an alleged juvenile delinquent or PINS, a witness to the alleged act or a recognized agent of a duly authorized agency, association, society or institution may originate a proceeding against a juvenile (§ 735).

B. Probation Department "Closings"

The rules of court authorize the probation service to confer with any person wishing to file a petition, and to attempt to resolve suitable cases before a petition is filed (except regarding a designated felony).

The probation service may not prevent any person who wishes to file a petition from having access to the court for that purpose (§ 734 a,b).

C. Warrants-Summons for Court Appearance

A summons is an initial notice requiring the respondent of a petition and his parent or guardian to appear at court at a time and place to answer the petition (§ 736). A Family Court warrant may be issued for a respondent, his parent or guardian, when a petition is filed and it appears that:

- a. a personal service of a summons cannot be made, or
- b. the respondent or person named refused to obey the summons, or
- c. the respondent or person named is likely to leave the jurisdiction, or
- d. a summons, in the court's opinion, would be ineffectual, or
- e. a respondent on bail or parole has failed to appear (§ 738).

X HEARINGS

A. Fact-Finding

Competent material and relevant evidence is all that is admissible in a fact-finding hearing. A respondent must be proven to have committed the alleged acts BEYOND A REASONABLE DOUBT. Therefore, an uncorroborated confession made out of court by a respondent is not sufficient (proof for conviction) (§ 744).

A fact-finding hearing determines whether or not the respondent committed the acts alleged in the filed petition. The act must be one which, if committed by an adult, would be a crime, as defined in the New York State Penal Law. For a Person in Need of Supervision, the fact-finding hearing determines if the respondent was in violation of the law, or is incorrigible, ungovernable, habitually disobedient and beyond the control of his parent or guardian (§ 712-f).

Within three days following the filing of a petition and where a respondent is in custody, the fact-finding hearing must commence (§ 747).

B. Dispositional

Only material and relevant evidence may be admitted in a dispositional hearing. An adjudication of a dispositional hearing must be based on a PREPONDERANCE of evidence (excessive quantity) (§ 745).

A dispositional hearing to determine delinquency following a petition being filed will decide whether the respondent requires supervision, treatment or confinement. In the case to determine the need for supervision, "dispositional hearing" means a hearing to decide whether the respondent requires supervision or treatment (§ 712-g).

The dispositional hearing may commence immediately following the required findings of a fact-finding hearing (§ 746).

XI DISPOSITIONAL CHOICES FOLLOWING ADJUDICATION

The Family Court has various alternatives available to it when it adjudicates a person as a juvenile delinquent or as a PINS.

A. Juvenile Delinquent

According to § 753, when the court adjudicates a juvenile delinquent it may:

1. rule a suspended judgment (with or without conditions of restitution or services for public good) (§ 755).
2. suggest a placement of the child in its own home, in the custody of a suitable relative or other private person, or with the commissioner for social services or the Division for Youth (§ 756).
3. place the respondent on probation not to exceed two years, which may include provisions for restitution (§ 757, 758-a).
4. place the respondent under a restrictive placement (Designated Felony Act: § 753-a).

B. PINS

When adjudicating a person in need of supervision, the court may, under (§ 754):

1. discharge the respondent with a warning.
2. suspend judgment (§ 755).
3. place the respondent (§ 756).
4. put respondent on probation (§ 757).

XII THE DESIGNATED FELONY ACT (Art. 7, Sec. 712h NYSFCA)

Definition

An act committed by a person fourteen or fifteen years of age which, if done by an adult, would be one of the following crimes:

<u>(i)</u>	<u>(ii)</u>
Murder 1st (125.27 PL)	Assault 1st (120.10 PL)
Murder 2nd (125.25 PL)	Manslaughter 1st (125.20 PL)
Kidnapping 1st (135.25 PL)	Rape 1st (130.35 PL)
Arson 1st (150.20 PL)	Sodomy 1st (130.50 PL)
<u>(iii)</u>	Kidnapping 2nd (135.20 PL) - (only when abduction in- volves use or threatened use of deadly physical force)
Attempt to commit;	Arson 2nd (150.15 PL)
Murder 1st (110/125.27 PL)	Robbery 1st (160.15 PL)
Murder 2nd (110/125.25 PL)	
Kidnapping 1st (110/135.25 PL)	

A. The Designated Felony Petition (§ 731-2)

When a youth is being charged with the commission of a crime under the Designated Felony Act, the petition being filed must state so. It is the responsibility of the person filing the petition to see that the term "designated felony act petition" is prominently marked.

Before a petition is filed, however, the Probation Department may, under the rules of the court, attempt to adjust suitable cases. When the respondent is accused of committing one of the designated felonies, his case may not be adjusted without the prior written approval of a judge of the court (§ 734-2,ii). Once the petition is filed for the commission of an act which would be a certain A, B or C felony if committed by an adult, a fact-finding hearing may commence no later than fourteen days after the filing of the petition (§ 747). If the fact-finding hearing for a designated felony act is to be adjourned for any reason, the court must state on its record the reason for the adjournment (§ 748). Following the fact-finding hearing or during the dispositional hearing and when a respondent has been found to have committed one of the designated felonies, the court shall not order an adjournment in contemplation of dismissal (ACD) (§ 749-d).

B. Disposition

When a respondent has been found to have committed one of the designated felonies, an order of disposition shall be made

within twenty days from the conclusion of the dispositional hearing. Dispositions available include those offered when a person has been adjudicated a juvenile delinquent (§ 753) as well as restrictive placement. In determining whether a restrictive placement is required, the court considers: the needs and best interests of the respondent; the record and background of the respondent (probation investigation and diagnostic assessment); the nature and circumstances of the offense (injuries inflicted); the need for the protection of the community.

C. Restrictive Placement

When the order is for a restrictive placement of a youth in the case of the commission of a designated class A felony act, it shall provide that the youth be placed with the Division for Youth for an initial period of five years. During the first twelve months, the respondent shall be confined in a secure facility and during the second twelve months, the respondent shall be placed in a residential facility (§ 753-a-1,2).

When the order is for a restrictive placement of a youth in the case of the commission of a designated felony, other

than class A, (class B and C) it shall provide that the respondent be placed with the Division for Youth for an initial period of three years. The respondent shall be confined in a secure facility for a period of not less than six months nor more than twelve months. Following the initial period of placement, the respondent shall be placed in a residential facility for a period of not less than six months nor more than twelve months (§ 753-a,4).

XIII FINGERPRINTING OF JUVENILES

As of September 1, 1977, Police Departments in New York State now have the right to fingerprint, photograph juveniles taken into custody and charged with an offense which if committed by an adult would constitute an "A", "B", or "C" felony in the Penal Law (§ 753-b).

WHEN TAKEN:

A Juvenile under the age of eleven (11) will never be fingerprinted. However, if the juvenile is:

- A. 11 years of age or older and he commits an "A" or "B" felony

OR

- B. 13 years of age or older and he commits ANY "C" felony,
the taking of fingerprints will be required.

WHERE TAKEN:

When required, fingerprints of juveniles will be taken in those locations designated by the Appellate Division as suitable for the interrogation and questioning of juveniles (See Oper. Order #26, 1976, # 7.4, 1977 and #7.7 1977).

POLICE AGENCY OR POLICE OFFICER RESPONSIBILITY

- A. All copies of fingerprints must be forwarded to Division of Criminal Justice Services (DCJS) without unnecessary delay.
- B. Only one (1) copy needed - N.Y.S. Juvenile Fingerprint Card.
- C. Agency is not permitted to retain copy of fingerprints.
- D. Agency is permitted to retain copies of palmprints and photograph.

NOTE:

Copies of photo or palmprints must be confidential.

- a. Only for agency's use not for other agencies.
- b. Kept separate from adult folders.

RESPONSIBILITY OF DCJS TO AGENCY

DCJS upon receipt will search files and forward back to agency.

- a. All information regarding person's previous adjudications for Juvenile Delinquency and/or
- b. Cases which are pending or
- c. Person has no record

RETENTION AND DESTRUCTION OF FINGERPRINTS

- a. Retained only if adjudicated a Juvenile Delinquent.
- b. If not adjudicated a Juvenile Delinquent, fingerprints, photos and palmprints must be destroyed.

(Court Order will be issued directing such destruction.)

(Destruction of records only pertains to the case in question, not previous adjudications or pending cases.)

- c. Upon reaching the age of twenty-one or after three years being released from placement whichever is later, and the person has no criminal convictions or criminal cases pending, all fingerprints and related information and copies in possession of DCJS shall be destroyed.

COPIES OF RECORD

Police agency upon receipt of person's record from DCJS shall:

- a. Forward two copies to Family Court.
- b. Forward one copy to District Attorney or Corporation Council. (Read Sec. 7536 N.Y.S. Family Court Act)

NOTE:

No mention in law that Police Agencies who have copies of photos or palmprints have to destroy them unless as specified in Section 753b-2 (also copies of arrest record).

NOTE:

Since copies of fingerprints are not forwarded to FBI or city - only one copy of fingerprints to the State is necessary.

To afford further community protection, the Division of Youth must notify the DCJS of youths who, at the age of 18 or older, are in custody of the division. It must also notify them of the date of discharge of the youth.

CONCLUSION

As was initially explained, the Family Court Act does not limit itself to juvenile delinquent/status offense involvement. It has been our intention here, however, to provide that information from the Family Court Act relative to juvenile delinquency which affects your functioning and/or to provide a clearer understanding of Family Court processes. This manual is not a sourcebook for juvenile law, but rather an index which sites pertinent information and reference to the Family Court Act. Two other areas you may want more information on are family offense proceedings and child protective proceedings. Please consult Article 8 of the Family Court Act and/or Function of Police in Crisis Intervention and Management, by Criminal Justice Associates, Inc. - L.E.A.A. for further information. Child Protective proceedings will be discussed later in this course in the Child Abuse and Maltreatment Section. Article 10 of the Family Court Act serves as reference for these proceedings.

SECTION V

THEORIES ON CAUSES OF
JUVENILE DELINQUENCY

INTRODUCTION

To present a thorough explanation of the important theories on delinquency causation would require a lengthy text. This section is a general introduction/orientation to the subject. Our purpose is to provide a preliminary overview of the numerous theories, to classify them, to point out some differences among them and to highlight those which seem to have the most merit.

This section is divided into two parts. Part I deals with the need for police to have some orientation as to what has been done to discover causes of delinquent behavior, the draw-backs to theories, and the general categories of theories, such as Biological, Psychological, Sociological and Labeling. Much research has indicated the importance of the family, and

since police officers acquire great experience in dealing with families, Part II focuses on family aspects as key factors related to delinquency.

It should be noted that by presenting these theories we are not necessarily becoming proponents for any of them, nor do we expect you to "buy" any particular theory. However, there are some very valid points to be aware of in this section which can assist an individual officer in doing his job. Our scope is limited in this section. If further information is desired, some good resources are to be found in the bibliography.

PART I

"No matter how broad our range of activities, no matter how much social service we provide, the police cannot solve the social problems which cause delinquency - or any other crime, for that matter."

This statement was made to Congress in 1969 by Quinn Tamm, Director of International Association Chiefs of Police. While some people would argue that it is not entirely accurate,

it does illustrate the point that even though we deal with crime every day we do not have unlimited power to prevent, reduce or even deter it. Police are not responsible for the creation of the countless social conditions that stimulate crime. We are only one part of the entire Criminal Justice System, which is a part of the government, which in turn is only part of society. Where crime has its roots in social conditions, its prevention is the responsibility of every part of society.

Delinquency has become a complex issue in our society. To present a single cause or explanation of why millions of youths engage in "bad" behavior would be very unrealistic. The usual complexities of adolescent adjustment have been complicated through the years by disintegration of family life and extremes of affluence and poverty. These things and others have affected youth attitudes, values and behavior. In this sense, the police job of controlling that behavior has become increasingly difficult.

Despite the reasons behind delinquency, police still face the reality and duty of controlling it. But why be concerned

with a knowledge of the causes of juvenile delinquency? Although some would debate that police officers should not be concerned, there are strong and sensible reasons for the police officer to gain a working knowledge of the causes of juvenile delinquency.

In many cases, the police officer is the first (agent of government) to recognize problem behavior with a youthful offender, and this early contact can have a great impact on the future behavior of a kid. Also, the police contact is, in most cases, the most influential restraint on a juvenile's conduct. Along with this influence, police hold the key to determine what will be done next with the youth, i.e., petition to Family Court, refer to parent or a social agency. Behavior is most effectively controlled when it is understood, and this understanding can help result in benefits to you and the Department such as: successful interviewing, clearing cases and reducing conflict with a youth during a case. Traditionally, it has been believed that only those people in "treatment centers" needed to understand juvenile behavior and that police officers should simply make arrests in a mechanical way.

This is not sensible. Each police officer who has formal contact with a youth committing a delinquent act needs at least some understanding of misbehavior if he is to assist in making a proper choice in resolving the situation. The real value of learning about causes is that the solution to a problem is usually based on what caused it.

Simply put, a working knowledge of the underlying causes of why juvenile offenders "do what they do" will serve to expand an officer's body of knowledge and in turn assist him in making daily decisions about juveniles, and in becoming a more effective practitioner.

THE PROBLEM WITH THEORIES

Throughout history, man has looked for ways to explain "bad behavior" by those who have not measured up to norms of society. In the United States, this has taken the form of a scientific study of criminal/delinquent behavior. Starting after the Industrial Revolution and continuing to the present day, numerous theories have evolved explaining deviant behavior. The question still remains: Why do some children become

delinquents, while others develop into law-abiding citizens? This section will present a brief discussion of the multiple causes of deviant behavior from the perspective of the more accepted theories drawn from the behavioral sciences. But even these theories cannot explain all delinquent/criminal behavior. In addition, there is overlap in content and terminology in many cases. As a result, it is not always a simple matter to classify theories as "social" or "psychological" or whatever.

We should not expect any single theory to provide the explanations for the many varieties of criminal behavior, since crime/delinquency is a varied phenomenon that can be approached from many points of view. Further, delinquent acts must be understood in terms of many variables and each variable affects the youth in different degrees in any one situation. Therefore, it is necessary that you look at each theory individually as an explanation of delinquency from a special viewpoint. Consider also that there is no completely adequate theory on human behavior in general. However, there is a trend in the field of

criminology to explain crime causation with one theory that approaches a completely adequate theory -- this is the ECLECTIC Theory: one comprised of the best explanations from various theories. This composite type theory seems to be the most sensible approach.

CAUSATION

There are many theories serving to explain the cause of delinquent behavior. The various theories can be categorized under the headings of:

1. Medical - Biological,
2. Psychological,
3. Sociological,
4. Labeling, as a class by itself.

The first three groups all hold the philosophy that delinquents are radically different from other youngsters, and that these differences constitute the causes of criminal behavior. Labeling theory is different: it holds that there are no significant differences between delinquents and non-delinquents. The remainder of Part I discusses these groups.

1. MEDICAL - BIOLOGICAL

Essentially, this group of theories states that people/youth do delinquent acts as a result of some medical or biological factor(s). For example, an Italian physician, Cesare Lombroso, in the 1800's developed a model to explain about one-third of all crime. He based his model on the biological theories of Charles Darwin who was the English scientist who developed the theory of biological evolution of man and animals. Lombroso's model was based on a study of prison inmates who had certain physical and mental characteristics similar to those of apes, i.e., large jaws and high cheekbones. His theory has been thoroughly discredited.

In the 1960's, a revival of biological theories appeared with the finding of a correlation between chromosome imperfections in men and certain types of crime. Chromosomes (and genes) are directly related to certain inherited traits and are labeled either X or Y. Every male should have one X and one Y chromosome. In the late 1960's it was found that men in institutions for the criminally insane had a higher incidence

of the abnormal XYY combination than the rest of the population. Some authors feel that these biological explanations are only marginal in value.

However, there is a relatively new and controversial discipline developing, Sociobiology, which says that social behavior, (kindness, criminality, deceit), has its base in genetics which is the result of millions of years of evolution. It proposes, for example, that morality and justice are not the product of human progress but have evolved from man's animal past and are rooted in the genes. One leading socio-biologist from Harvard predicts that "sooner or later political science and law...will all be branches of sociobiology." Sociobiologists say they have completed the work of Charles Darwin on the evolution of man. They believe that conflict, both in the family and with outsiders, is the essence of life. They also believe that children resist parental control, tend to band together, and set their own rules as a result of their genetic make-up.

There are many opponents to sociobiology, and for different reasons. The strongest argument against it is that it underrates the human brain, that learning can be passed on to new generations. Despite the arguments, this theory on behavior is not dead like the earlier biologically based theories.

2. PSYCHOLOGICAL

Essentially, the wide variety of this class of theories offer explanations of delinquent/criminal behavior in terms of an individual's own psychological make-up. There has been a great deal of work done in this area by people such as Sigmund Freud and Carl Jung. These people and others have explained delinquent conduct as being the result of unresolved conflicts in the area of sex, personality disorders, anxiety, low frustration tolerance and many other internal reasons within the person's psychological make-up.

Most of these theories emphasize early parent-child relationships which are faulty - primarily the first five years. Some theories highlight maternal separation, while others say

that maternal rejection is the critical factor. Some point out that broken homes influence delinquency, and that the manner in which the home becomes broken is also important, i.e., natural death vs. imprisonment.

In addition to the above, mental illness has been seen as a fairly important factor affecting the behavior of youth. Each month about 23,000 young people are admitted to mental hospitals on a national level. It is also estimated that twice this number should be admitted, but are not.

There is some problem in isolating the psychological factors from the sociological. Actually, the trend now is to mesh the two theories.

3. SOCIOLOGICAL

This set of theories has long competed with the psychological set. Sociological theories hold that differences in behavior are more a factor of environment influences than the inner make-up of an individual. Controls of a youth's behavior are found in his home, neighborhood and society in

general. Also, certain people, such as teachers and peers, have a significant influence on youths. These factors are seen as social or environmental.

The following discussion is primarily concerned with theories on lower class delinquency. The theories are not very satisfactory in explaining middle-and-upper-class delinquency which is becoming more and more prevalent.

Many sociological theories support the idea that delinquency results from attitudes and techniques that are learned and passed on by the contacts a youth has with others in his environment. This is sometimes called the "learning theory." Although there is wide variety in this group of theories, they all propose that a long and intense contact with delinquent values is of great importance in the understanding of how the attitudes and techniques are passed on.

An example of this type of theory is Differential Association proposed by Sutherland and Cressey which simply stated, says that criminal conduct is the result of contacts a youth has with criminality. That the nature and duration of this contact,

as well as the intensity of the association the youth has with the other person will determine to what degree the youth acquires attitudes and skills associated with delinquency.

This behavior is strengthened if it is learned from someone significant to the youth, such as a parent, or gang member. Frequency and length of contact, as well as age at time of contact are critical factors in this process. All of these factors help determine the degree to which the behavior pattern becomes a way of life for the offender.

There have been many studies to support this theory; for instance, Sheldon Glueck, a noted criminologist, points out that this theory speaks more on transmission of values than the origin of delinquent behavior.

Other social theories on lower-class delinquency are concerned with factors such as slums and neighborhoods.

Slum environments and associated problems of inner-city life have received much attention as they relate to delinquency. Early in the game, sociologists discovered that delinquency

rates are highest in the centers of most cities and it decreased as it moves towards the suburbs. Later on, other observers looked at more specific factors such as housing, alienation of residents from larger cultures, poverty, racial problems, etc., as being the primary factors behind delinquency in those areas. Despite disagreement over individual factors, most observers agree that there is a direct relationship between the general sub-human conditions in such city ghettos and the high delinquency rates there.

One point to note is that when dealing with slum environments, numerous types of theories can be applied to understand the complexity of the causation picture in this type of deprivation -- rooted delinquency. Various descriptive names like, "the hard-core", "low-class", "socio-economically deprived", have been applied to the people who inhabit such areas. These labels describe the same group of people located in the social hierarchy who have different chances of ever being able to reach goals that the larger culture defines as success. These slum areas are characterized by poor housing, unsanitary

conditions, poverty, high unemployment, high welfare reciprocity, family disintegration, erratic patterns of child rearing and co-existing high rates of prostitution, narcotics abuse, alcoholism and associated crime.

Under these conditions, a youth is subject to constant pressure to engage in deviant behavior. Despite the pressures, some youths survive and do not become a delinquency statistic.

What is important here is that while most observers of crime/delinquency agree with the above, there are many different opinions as to what the actual dynamics are in a particular neighborhood that result in crime.

Cloward and Ohlin, Sociologists, postulated in the late 1960's that there is a gulf between what "good things" are wanted by deprived youths and what is actually available to them. This gulf is the main source of conflict; they see the "good life" on TV and wanting it and not being able to find legitimate means to get it, they turn to illegitimate means to achieve the socially approved goals of nice clothes, cars, etc.

Albert Cohen felt, essentially, that such delinquent youths feel left out of the mainstream of things and actually reject middle-class values and engage in impulsive, malicious behavior with the "thrill of the moment" in mind and accept little authority except from their peers.

Just as individuals and families differ as to the impact that status and education have on them, so do neighborhoods. No one theory can explain all neighborhood differentiations. For example, a neighborhood composed largely of persons without personal property of any significant amount could not be expected to have the same pride of ownership as a neighborhood composed of mostly middle-class persons; nor would a community composed entirely of a minority group, who see the cultural dictates of the larger society (locally) as a continuation of oppression or prejudice, have the same loyalties (to police, schools, etc.) to the larger culture as another neighborhood which has mostly privileged residents. Further, one must be careful when making statements linking high delinquency rates to race. Although statistics will often show a higher rate of

delinquency from the slum neighborhood, (with one predominant race) race is not the cause, causes lie in a mixture of the factors discussed previously.

4. LABELING

As previously mentioned, the label theory stated that there is no real difference between delinquents and non-delinquents. It studies the social institutions that define and process "offenders" and why delinquents behave as they do is not the primary concern. There is very little sound research to support most of the theory according to some authors. However, the Federal government evidently considers it worthwhile since it bases its support for diversion primarily on the social-psychological aspect of this theory. It also suggests that being labeled is what drives people to careers of crime; that people behave as they think people expect them to. But, what about professional criminals who have never been caught and thus not labeled? There are two basic perspectives within the Labeling theory as discussed below.

1. Social-Psychological

This view argues that differences between delinquents and non-delinquents do not begin until labeling takes place. Once a youth is caught in a delinquent act and processed by the social control agency (police, court, correction) he begins to develop deviant self-concepts and in turn, the label may become a self-prophecy. Juveniles who do not become labeled (processed) have a greater chance of getting into an acceptable pattern of behavior.

2. Political

Labeling theorists tend to view social mechanisms for defining deviance and those for processing deviants as biased against minorities and the poor. They believe that the written criminal law is a political document which reflects the values of middle-and-upper-class people who wrote it. A good example of this belief is the recent decriminalization of marijuana which came right after the point where many middle-and-upper-class youths were using it. In short, the labeling of deviance is a process by

which the in-groups in society defines its own boundaries. In all societies criminals are valuable social resources because they provide the contrasting background against which shared values can be seen.

THE FAMILY AS A CAUSAL FACTOR

PART II

INTRODUCTION

The terms juveniles and adolescents are not always synonymous as to age. Adolescence can be defined as the era between childhood and adulthood, usually 12 to 15 years of age and continuing to economic independence which varies. Juveniles legally are over 7 and less than 16, thus, there is an overlap in ages. This section does not differentiate between the two terms, but is speaking mostly about those under 18 years - regardless of what term is used. We are concerned with this period of time in one's life since it is during this era that adulthood is shaped and that prevention efforts stand to be most fruitful.

A great deal of literature in criminology has been concerned only with juvenile delinquency which reflects a belief that much adult crime is spawned in childhood misconduct. Studies show that most recidivists in prisons have had extensive conflict with the police as juveniles.

The primary area which we want to expand on now is the family as it relates to delinquency. This is the primary area with which police officers have daily experience in handling juvenile law violations. Police share responsibility with the institutions of family, school and church. However, the latter two have lost much of their authority which has placed a greater burden on the police and courts.

FAMILY

The family, primarily the parents, can be considered as an influential factor in juvenile delinquency since a child first learns about his society within a family situation and the most significant aspects of his development arise there also. In the early years of life, "the formative years", a

child's emotional, moral, physical and social needs are taken care of for the most part by his family. What happens in the formative years relative to rules, authority, etc., has been fairly well linked to the presence or absence of delinquency later on.

As mentioned earlier, the family is an agency of social control - at least it has the potential for being the most effective control agent. The stable and well-adjusted family is regarded as the best insurance against delinquency.

A typical family consists of the parents and their children living in their own household, usually in good health, under sanitary conditions, a fairly stable income, and drawn together by bonds of respect and affection.

But there are large numbers of families that do not fit the above description, families that have been disrupted by separation, desertion, divorce or death, and incomplete families where there are illegitimate children living with unwed mothers. There are homes which are psychologically broken, i.e., parent hostility and conflict.

Although it has been shown that between 30% and 60% of delinquents come from broken homes, it is not a necessary condition. In fact, studies have also shown that in some cases, a child's personality and behavior have improved when one parent permanently leaves a household marked by conflict and stress. Additionally, where a broken home results from death, children generally can adjust without becoming involved in repeated delinquent behavior. The illegitimate child type family has greater problems than most other type family units, such as: no father figure and extra burdens on mother.

Discipline is a factor in delinquency that is found in all types of families. Discipline and control are related and found to usually be weak in families which have such characteristics as:

1. lack of parental prestige when friends of the children are of a higher social and economic position than their own parents,
2. presence of excessive illness or physical disability as well as more serious types of mental illnesses.

3. parental acceptance of drug abuse and criminality,
4. parental indifference to their children's behavior.

Indifferences can assume different forms: when both parents spend excessive time on their own personal activities outside the home without involving the children; concentrating energies on outside employment to the extent that child training and discipline become secondary; where parents refuse or simply don't carry out their own responsibilities; where parents simply don't spend much time with their children on a one-to-one basis.

5. inconsistent treatment of children. Both parents should be consistent over the long run in the type and degree of discipline used with all of the children.

It has been mentioned throughout that there is probably no one single theory or causal factor to explain all delinquency. But, many theories emphasize the importance of parental and family influence in either causing or preventing delinquency, despite other factors.

The family as a causal factor in delinquency has long been discussed with contrasting emphasis. From about 1900 - 1930, emphasis was placed on the BROKEN HOME as the primary cause and there were statistics which seemed to back up the idea. From around 1925 to date, psychoanalytic theory (Freud) was applied to the question; one major point of psychoanalytic theory stressed separation from the mother or lack of maternal affection during the first 5 years of life as a major cause of delinquency. This has been contradicted by statistical evidence. Many recent studies have found that family relationships have a high probability of affecting a youth's prospect for delinquency.

The Gluecks found that parents with criminal records were more frequent among adjudicated delinquents than among youths with no record. Also, family discipline was studied (Nye 1958) and it was concluded that extremes of both strictness and permissiveness were associated with delinquency, but a moderate level of control was associated with non-delinquency.

Also, even though the functions of the school are growing, family relationships still have a strong bearing on delinquency

since parents still provide a youth with instructions in such areas as moral principles and socialization. This argument is given added weight if you agree that a person's conscience is learned from a parent's teachings (according to psychoanalytic theory), and it is fixed in early childhood.

A final word on parental impact on delinquency - Hirschi (1969) pointed out that:

"That the more strongly a child is attached to the parents, the more strongly he is bound to their expectations, and therefore, the more strongly he is bound to conformity with the legal norms of the larger system."

It seems feasible from this that a youth's attachment to other persons during childhood might also greatly influence delinquency rates.

SECTION VI

DISPOSITIONAL CHOICES:

DIVERSION - - ARREST

INTRODUCTION

This section is aimed at one of the major operational components of the whole juvenile justice system. It is the police officer's decision on how to resolve or dispose of a situation where a youth has violated a law, i.e., Penal Law, Health Code, New York State Rules and Regulations, etc. As discussed earlier in Section V, the police officer plays a strategic role in being usually the first agent of government to confront a youth in violation of the law. Your disposition of the case is probably the most important decision point in the entire juvenile justice system. It is here that you exercise your decision making skills to make a proper disposition.

We recognize that each officer has developed these skills by experience in making prior dispositions during normal patrol

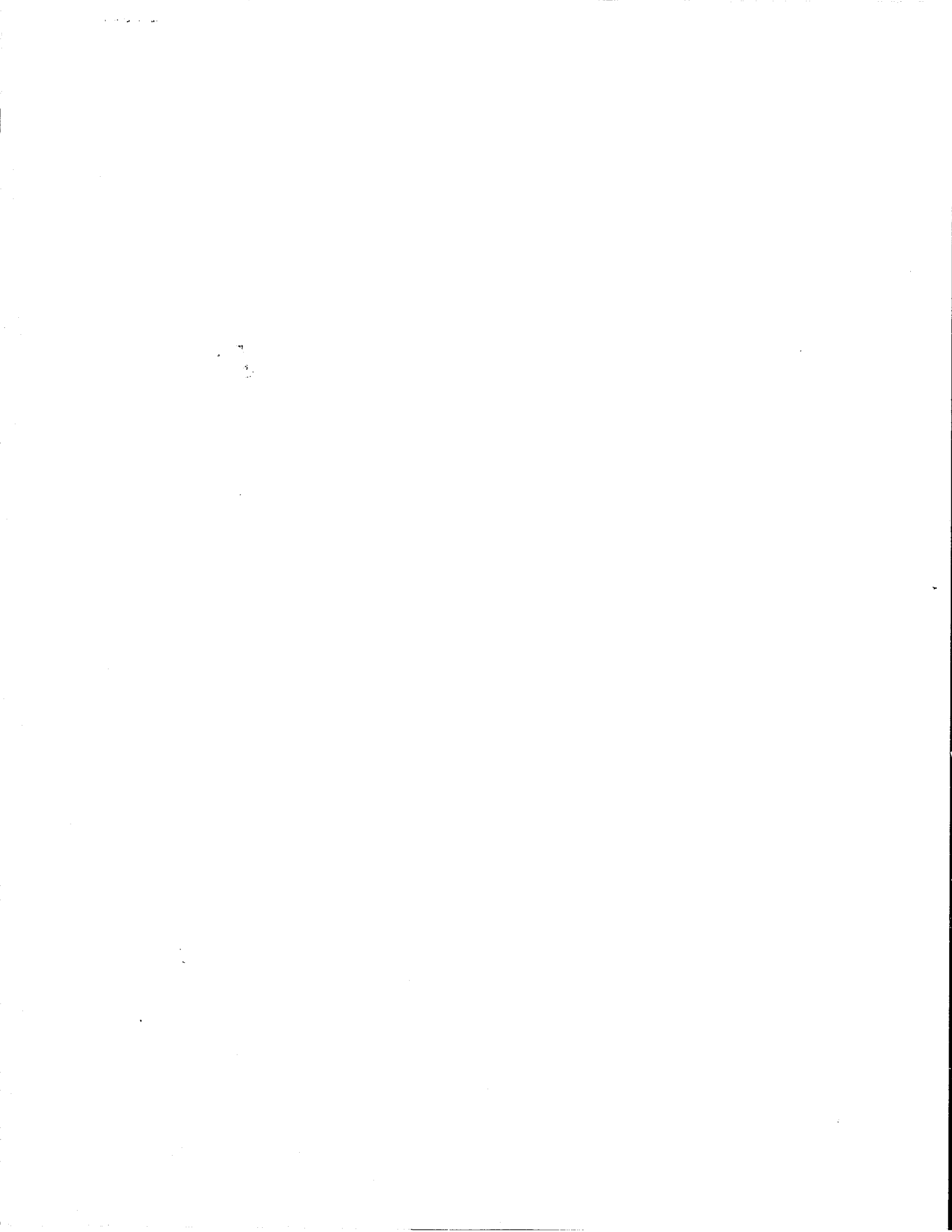
activities. Police have traditionally diverted youths from the system to other than Juvenile Court and this occurs 45% to 50% of the time on a national level. Still, there is a wide range in this rate, i.e., in Los Angeles county departments, diversion rates vary from 2% to 82%.

There are two types of juvenile law offenses that this section will discuss:

1. Crimes, i.e., misdemeanor or felony under various laws - Penal Law, etc.
2. Violations of Law, i.e., Penal Law, New York State Rules and Regulations, etc., and Status offenses under the Family Court Act.

To resolve the situations in Type 1 you have a choice of three basic routes to follow. An arrest can be made and thereby start the Family Court process or you could prepare a Juvenile Report (YD-1 or TP-111-C for Misdemeanor Offenses), or you could recommend referral to the Juvenile Offender Diversion Project.

For Type 2 situations, an arrest cannot be made. However, with Status offenses a petition can be filed in Family Court.



CONTINUED

1 OF 3

(However, Family Court along with the Federal government is discouraging the filing of petitions for Status offenses by police officers). Despite not having the option of arresting a youth for type 2 situations there is still an available choice to dispose of the case by preparing a Juvenile Report. These will be discussed shortly.

Therefore, it is the purpose of this section to:

1. discuss and explain the concept of diversion and explain departmental policy concerning diversion,
2. explain, discuss and illustrate departmental policy and procedures relative to the arrest process.

Our ultimate goal in this section is to improve the individual officer's ability and confidence in making a proper dispositional choice relative to the above situation.

This section is divided into segments as follows:

PART I - DIVERSION

1. Definition
2. Discretion
3. Individual Treatment

4. Development of Diversion
5. Safe Streets Act
6. Juvenile Justice and Delinquency Prevention Act 1974
7. Diversionary Choices
 - a. Type I and II situations
8. Factors to consider for deciding whether to arrest or divert an arrest or prepare a Juvenile Report
9. Elements of N.Y.C. Transit Police Department Diversion Program
10. Advantages/Disadvantages for Referral

PART II - ARREST

1. Criteria
2. Detention or not
3. Case review
4. Admission - questioning
5. Documents/Reports for Arrest Package
6. Fingerprinting and photographing

PART I - DIVERSION

DEFINITION

There are different definitions of diversion used by different agencies within the broad context of the juvenile justice system. As used by the International Association of Chiefs of Police (IACP) diversion is defined as "an exercise of discretionary authority to substitute an informal disposition prior to a formal hearing on an alleged violation."

Another definition follows.

"A decision by which people who have identified youthful misconduct seek to resolve such incidents without recourse to formal adjudication. The goal of diversion is to handle cases informally, thus reducing as much as possible the probability that a youngster will be labeled delinquent."

As implied in the above definition there are agencies in the community, other than the police, who can and do, divert youthful offenders. For us, diversion is essentially the decision or means we use to re-route a youthful offender

away from the Family Court process. These means will be discussed shortly.

Note that diversion can take place after an officer has arrested a youth. Your District Desk Officer (D.D.O.) can change the case from an arrest to diversion; to the preparation of a Juvenile Report upon his review of the case. The Probation Intake Officer can screen the arrest and at times cause the case to be diverted prior to drawing a petition.

DISCRETION

Because the basic philosophy of the Juvenile Justice System requires that all parts of the system be concerned with the "best interest of the child" we face a special problem. How do we perform our role as a partner in the Juvenile Justice System and still show concern for the "best interest of the child?" The answer to this lies in the police officer's discretion in disposing of the cases before him. The use of individual police officer or District Desk Officer discretion is directly related to the department's diversion program.

Discretion is a necessary factor in our everyday activities. And in the words of Richard Kobetz in The Police Role and Juvenile Delinquency, "if the police are not considered to possess the competence and understanding to make selective judgments in dealing with youngsters on the streets - who shall?" In dealing with juveniles, discretion is not simply an arbitrary decision to arrest or not to arrest. In its broader sense it is the choice between two or more possible means of disposing of the situation. These choices are limited by departmental guidelines, but are much wider than what is allowable when dealing with adults.

Departmental guidelines on dispositional choices are aimed at preventing problems which arise from use of discretion; such as reducing criticism of "unequal justice," at establishing uniform treatment of cases, and more importantly, to help guide an officer's judgment and to provide a written justification for the officer's choice.

INDIVIDUAL TREATMENT

In previous segments it was shown how the Supreme Court

decisions have guaranteed due process rights in adjudicating procedures. They also have tended to inhibit the discretionary decision to divert youths from formal adjudication many first offenders charged with crimes - especially those taken into custody as a group. Traditionally, we have treated groups, not as individuals, but on all or none basis, i.e., if three youths are picked up on a robbery and if one is charged, all are charged. IACP favors "individualized justice" for a first offender and any discretionary decision to divert this juvenile should be based on whether or not he meets the criteria established by the department and intake people.

Additionally, recall that from Sections II and V that the police as part of the system, the "clinical approach" and the Eclectic Theory, in sum and substance are saying that delinquent behavior is the result of various factors which affect different youths in different ways under different situations. This approach and philosophy of the court adds credence to police discretionary treatment of youthful offenders, i.e., if three

boys are reasonably believed to have committed a robbery it is not necessary to petition all three because one is petitioned.

DEVELOPMENT OF DIVERSION

Although police have been diverting youths who violate the law, official diversion has its roots, for all practical purposes, in efforts made by the Federal government starting around 1960. At that time Health, Education and Welfare (HEW) sent a report of delinquency to Congress who in turn made funds available in 1961 and 1964 for improving delinquency prevention and control programs. In 1967 the Commission on Law Enforcement and Administration of Justice published 10 volumes of research which included such work as The Challenge of Crime in a Free Society and Task Force report on Juvenile Delinquency and Youth Crime.

SAFE STREETS ACT

As a result of this research Congress passed the Omnibus Crime Control and Safe Streets Act in 1968, which established the Law Enforcement Assistance Administration (LEAA).

From 1968 to 1974, Congress increased money for LEAA from 63 to 891 million, and top priority was put on juvenile delinquency.

JUVENILE JUSTICE & DELINQUENCY PREVENTION ACT

In 1973, the Office of Youth Development became the main Federal agency dealing with delinquency. The following year the Juvenile Justice and Delinquency Prevention Act was passed and is the most significant act of the era. The act was built on past programs and research but it created for the first time a unified national program to deal with delinquency prevention and control. This is the legislation which specifically authorized and encouraged a new set of programs aimed at diversion of juveniles from the juvenile justice system.

This particular provision of the act had its foundation in the 1967 Federal Task Force report on juvenile delinquency which recommended that efforts should be made to refrain from invoking the official processes except where clearly necessary

for public safety. Their recommendation has its reasoning in many factors including the following:

1. the limited effectiveness of the formal processes
2. the negative aspects of labeling in adjudications
3. the inability of the formal system to reach the family, school.

TYPE I AND II SITUATIONS

Police officers who deal with youth under situations (Types 1 and 2) described in the beginning of this section have several dispositional choices available depending on the type of situation. Note that we are referring to a final disposition, the point where you will decide what to do to resolve the situation.

A. JUVENILE REPORTS

Resolve with warning and admonishment.

Violations and non-photographable misdemeanors only.

Submit Juvenile Report (YD-1).

B. OFFENDER DIVERSION

Refer to Diversion Project (Non-photographable misdemeanors only)

C. ARREST

Possible Disposition

1. Petition to Family Court with no detention at the Juvenile Detention Center. (Recog. to parents)
2. Petition to Family Court with detention at the Juvenile Detention Center.

D. STATUS OFFENSES - As a special situation -

Prepare Juvenile Report for possible P.I.N.S. or deliver to Truancy Control Center for truancy.

The possible dispositions for those situations are dispositions designed to meet a variety of circumstances and conditions. Some important considerations in these cases are:

- a. Positive identification of youth, including age if in dispute.
- b. Check of youth's prior contacts with Transit Police or other police agencies.
- c. Type of crime or offense.
- d. Department orders and directives for available dispositions.
- e. Can or cannot arrest. (Is act a crime or violation?)
- f. Possible PINS - Prepare Juvenile Report and indicate P.I.N.S. on top of report.
- g. Runaways, return home, immediate referral to Shelter.

WHICH CHOICE TO MAKE: ARREST, DIVERT TO DIVERSION PROJECT
OR PREPARE JUVENILE REPORT.

As we mentioned previously, the department has set

up guidelines to aid the police officer in making a proper choice. Even so, it is sometimes difficult to choose the one alternative which is best for the individual youth and the community. (When in doubt, you may call the J.C.P.U. and request assistance.) The following general factors should be considered in making your basic decisions:

FACTORS TO CONSIDER ON WHETHER TO DIVERT, ARREST, OR
PREPARE A JUVENILE REPORT

1. Age of youth
2. Nature and severity of offense
3. Juvenile's prior contact and/or other knowledge about youth from other police
4. Juvenile's attitude toward cooperation
5. Juvenile's need for professional assistance based on his physical and mental characteristics
6. Parent's ability to control youth and their cooperation
7. Rights of complainant
8. Availability of outside agencies with adequate services

9. First time offender: Misdemeanor, usually divert
10. Check the criteria for arrest, see page 105.

If none seem to apply, then a diversion is probably
the most desirable disposition.

EXPLANATION OF THE 10 FACTORS

1. Age:

- a. Youths under 7 and over 15 at time of offense are not arrestable, under the Family Court Act (F.C.A.).
- b. Also, look for varying degrees of maturity, i.e., one 14 year old may be considerably less mature than another 14 year old.
- c. Age is not a sole determining factor.

2. Nature of offense:

- a. Must be a crime to be petitionable in Family Court.
- b. Designated Felony Act crimes or serious offenses are to be brought to Family Court. For DFA crimes see page 51.
- c. Consider the degree of sophistication of the act.

3. Juvenile's prior contact:
 - a. Check with J.C.P.U. or Youth Records (P.D.) for number, nature and disposition of any previous contacts.
 - b. If it is a first contact, usually divert if it is a misdemeanor.
4. Attitude - Not attitude toward police or authority, but indicators of desire for help.
5. Professional help - does youth have obvious and significant emotional, mental or other problems.
6. Parents should be willing to be involved with treatment and acknowledge that they are having control problems with their child.
 - a. Watch for the multi-problem family.
 - b. Large families tend to have control problems.
 - c. Watch for over-protection by parent.
 - d. Watch for excessive restrictions (females).
7. Rights of victim - when deciding to divert an offender, care must be taken to insure injustice is not done to

the complainant by an over-emphasis on the youth. On the other hand, officers can be faced with pressure to arrest/petition the youth by the press, people present at the scene, our own personal attitude or other police officer's/supervisor's attitude and the complainant who may want to prosecute no matter how "minor" the offense. If a victim pursues a prosecution adamantly, and your opinion is that the youth SHOULD BE DIVERTED AND IF YOUR EFFORTS at explaining to the victim your choice of diversion fail, then arrest the youth.

8. There is usually an agency to provide almost any service that would be needed. If you feel the youth needs services, contact the Juvenile Crime Prevention Unit.
9. Not all first time offenders will be automatically diverted.
10. The arrest criteria overlap somewhat on these factors listed here.

These factors/criteria are the guidelines for determining whether or not your particular case should be diverted or arrested. Not all factors need be present to make the decision, simply review the criteria and match your set of facts and information against the explained criteria.

Selection of Youths for Diversion Project (Non-Photographable Misdemeanors Only) are as follows:

- a. Parent or guardian notified and is responding to District Office.
- b. Youth was arrested. Crime other than a felony, unlawful assembly or photographable misdemeanor.
- c. Youth had no outstanding warrants.
- d. Youth is not in need of immediate medical or psychiatric attention.
- e. Youth is not on probation.
- f. Youth is not established in another diversion program.
- g. Youth does not have a record of police contacts which appears to indicate that he/she may be a threat to the safety of the community.

- h. There are no other circumstances which would render a determination by the Desk Officer to exclude the youth from the diversion project.

The following are the photographable misdemeanors for which selection of youths to the diversion project cannot be utilized:

1. Possession of weapons, dangerous instruments (except subd. 4) - 265.05 Penal Law.
2. Manufacture, transport, dispose of, or deface weapons, dangerous instruments or appliances - 265.10 Penal Law.
3. Prohibited use of weapons - 265.35 Penal Law.
4. Jostling - 165.25 Penal Law.
5. Fraudulent Accosting - Confidence Game - 165.30 Penal Law.
6. Escape, 3rd Deg. - 205.05 Penal Law.
7. Endangering Welfare of Child - 260.10 Penal Law.
8. Prostitution - 230.00 Penal Law.
9. Promoting Prostitution, 3rd Deg. - 230.20 Penal Law.
10. Sexual Abuse, 2nd Deg. - 130.60 Penal Law.

11. Fortune Telling - 165.35 Penal Law.
12. Misdemeanor Gambling Offenses - Art. 225, Penal Law.
13. Criminal Impersonation - 190.25, Subd. 3, Penal Law.

ADVANTAGES FOR POLICE OFFICER TO DIVERT

1. Gets youth out of juvenile justice system.
2. Provides specialized help.
3. Case gets handled faster than in court.
4. Provides more supervision.
5. Frees our time for non-referrable cases.
6. Reduces paperwork.
7. Gives us a chance to be seen as "good guys" or at least, not "bad guys."
8. Some cases are rewarding to Police Officers in seeing a kid "square away."

DISADVANTAGES

1. Lack of knowledge on agencies.
2. Not much feedback.
3. Long time to see results.
4. Over-protective approach to the problem.

Although the diversion concept is theoretically sound, there is a lack of adequate data to evaluate it as a workable alternative to the court system. (This Department's Diversion Project is currently being evaluated to determine if the diversion concept is more effective than other alternatives.)

PART II

ARREST PROCESS

We are at the point where you have decided that the best disposition of this case based on above criteria is to refer the youth further into the juvenile justice system via Family Court. Understandably, there is still some confusion as to just what paper work is needed, how it should be completed and other related parts of the process, i.e., questioning of a youth, where, when, etc.

This portion will explain the arrest process and departmental procedures to be followed. Realizing that just reading about this will not give you what you need "on patrol", this particular segment will be covered thoroughly in class.

The issues covered herein are:

1. criteria for arrest
2. case review
3. admissions
4. the arrest package
5. fingerprinting and photographing

CRITERIA FOR FAMILY COURT ACTION

Generally arrest when:

1. The act is a serious crime or Designated Felony Act.
2. The youth has a record of delinquencies which show a pattern of violent behavior.
3. Parents, or youths, or complainant request court action.
4. Past voluntary agency casework has failed due to lack of cooperation by youth.
5. Protective services needed can best be had through court.

6. Juvenile denies he committed the act, but we have reasonable cause and we think judicial review necessary.
7. Juvenile already on probation.
8. Total circumstances of the act indicate youth needs some type of court action.
9. Safety of the community is involved.

DETENTION CRITERIA

Detention at the Juvenile Detention Center, after arrest processing is completed in the District Office and prior to appearance in court, is made provided there are one or more of the following factors present:

- a. Desk Officer has reason to believe the youth will not appear at court when required.
- b. Special circumstances exist, youth will be a danger to himself or others, may commit another crime.
- c. Age, must be more than 9.

CASE REVIEW

The completed arrest package will be reviewed by the District Desk Officer, and pertinent reports forwarded to the appropriate

Family Court for review and processing, by Probation Intake Personnel which may result in adjusting the case at intake or in recommending to Corporation Counsel that a petition be prepared. In addition, the case will be subsequently reviewed by JCPU Personnel to insure proper court action.

QUESTIONING - ADMISSIONS

Departmental guidelines and requirements for custodial questioning of a youth relative to commission of a crime are listed as follows:

WHEN

1. Generally, at the same time as you would for an adult provided the how and where factors are adhered to.
2. The nature of the offense and when the event occurred are factors to consider in picking the time when you will question the youth.

WHERE

Juveniles are to be questioned only in those locations designated by the Appellate Division as suitable for the interrogation and questioning of juveniles. (See Operation Orders #26, 1967, #7.4, 1977, and #7.6, 1977)

HOW

For the most part it is done the same as for adults, except as discussed below.

At least one of the parents must be present for all custodial interrogations, unless the youth is at least 14 years and can make an intelligent waiver, and the charge is a class "C" Felony or less, and every reasonable effort to locate a parent has failed. A reasonable substitute for the parent may be used if an officer is unable to locate a parent.

Reasonable effort would consist of phone calls to the home or having a police notification in person attempted. These should be logged so as to protect you and your case. If the case is an "A" or "B" Felony, or if the youth is less than 14 years, do not interrogate unless a parent or reasonable substitute is present. A serious case like this could well be jeopardized by not following Family Court's acceptable standards.

The Miranda warning must be given prior to any custodial interrogation and in the same form as for adults. It is best to precede the warning by asking the youth's age, school level,

whether he can read and write, and whether he understands you. These preliminaries add strength to the case and if properly logged and recorded will aid you immensely in a possible cross-examination.

Only the youth can waive his rights. It is not necessary for the parent to agree with the waiver. However, you should ask the parent how he/she feels about the waiver. If they object, the waiver can be seen as a non-waiver by the court.

QUANTUM OF PROOF

Reasonable cause is the amount of proof required to arrest a youth, same as for adults. However, as mentioned in Section IV, proof beyond a reasonable doubt is required for a Fact-Finding Hearing. In other words, the Juvenile Arrest Case should be as "tight" as an adult arrest case. (§ 744 FCA)

A sample of a completed Juvenile Arrest Case can be found in Appendix C, with certain parts of each document highlighted.

SECTION VII

YOUTH AND ALCOHOL

INTRODUCTION

The consumption of alcoholic beverages, "drinking", is a widespread activity in this country and stems from a variety of factors. Some people only drink socially, others need a good, stiff belt to make it through the day. Unfortunately, the stereo-typed image of a "drunk" is that of an older man dressed shabbily, carrying a wine bottle in a paper bag, walking in a downtown park or passed out on a park bench, in a doorway or in an alleyway. This, however, is not the average alcoholic. In fact, a problem-drinker comes in as many shapes, sizes and ages as there are drinks to be served. Our purpose here is twofold:

1. To focus on one segment of this population - youths, and to describe why they drink, where they drink and what problems their use of intoxicating beverages can develop relative to delinquency.

2. To highlight the referral process as a possible disposition in juvenile cases.

WHY YOUTHS DRINK

This heading may be misleading since we cannot explain each and every factor behind a person's use of alcohol. Generally speaking, the factors behind juvenile drinking are the same as for adults. "Alcohol fits into all levels of the American dream. Kids feel that by drinking they are participating in all of the kinds of things they have been told are a part of adulthood." Some of the factors take on greater significance for youth than for adults. These are identified and explained below.

1. Accessibility - Alcohol is easily available to anyone who wants to obtain it. Whether from the home's liquor supply, the supermarket's beer case or the corner liquor store or pub, a youth who wants to obtain an alcoholic beverage can easily do so. The home is probably the most common source of alcohol for teenagers, and, as pointed out in "Adolescents and Alcohol",

Upstate New York, July 31, 1977, "Few teenagers with drinking problems come from homes where alcohol isn't accepted on some level."

2. Peer Pressure - "Mostly I want to be with my friends, and we like to get high." In order for one member of a group to maintain his status he must do what the other members do or be shunned away as a square. Many first experiences at life (smoking, sex, drugs, alcohol) are a result of peer pressure. Most youths want to be a part of the group. The easiest way to do so is by adopting the group's habits and behaviors as one's own. Often the pressure comes in the form of a dare; "Johnny, go get a couple of cans of your dad's beer and we will let you have some"; or a threat, "Johnny, if you do not get a couple of cans of your dad's beer, we will beat the crap outta you." Once this first encounter is experienced, the youth must decide whether to form his own ideals of life or to be a joiner and succumb to the influence of his peers.

3. Problems - A youngster might be having difficulty with school work or social contacts and has heard that drinking alleviates these problems. A bottle of beer or a shot of liquor does chase the problem from his mind for a while, but it soon returns. Once again the youth must try to face the problem and conquer it or have another beer or shot and forget it for a while longer. It is when the child drinks to escape reality that one knows there is another youthful alcoholic forming up.

4. Because It Is Cool - As stories of getting drunk and doing crazy things circulate among adolescents, it does not take long for a kid to see the attention that another gets because he got drunk over the weekend. Therefore, it must be "cool" to get drunk and get away with it so you can tell everyone at school on Monday. There is an air of prestige among adolescents for those who do adult things like getting drunk, smoking (tobacco or pot), or having sex. Oftentimes, this prestigious image changes one's entire outlook on life

and takes what parents believed to be a "fine, young man or woman" and transforms the child to another neighborhood punk. The label of being "cool" often forces an adolescent to do new and different things. Soon, the youth becomes the label, the label does not come from the youth. (See Labeling Theory - Causes of Delinquency.) The glory stories change to ones where "allowances are spent on beer and cheap wine, of friends who quit school...and every penny they get they go and get high on liquor/wine."

5. Adulthood - Many people will turn to drinking, as well as the other forms, to show they have grown up. Whether it is because they have failed at other attempts to show maturity or because they have not been recognized as being adult-like, youths find drinking an easy method for proving this adulthood.

While there are still other reasons for youthful drinking, these categories highlight those which the officer will probably encounter on the Transit system. It is important to remember that for whatever reason a youth drinks, when he has had too much

and is in the company of friends, inhibitions drop and challenges often develop. This information can greatly assist in the prevention of illegal acts which are more common among groups whose members are not totally cognizant of their actions, or some of whom become depressed. In fact, an officer should consider the effects of alcohol on a person when interviewing a victim, witness or possible suspect in a crime.

PROBLEMS DEVELOPING

As previously mentioned, when a person becomes intoxicated his inhibitions drop, tempers flare more easily and depression is evident. With these conditions present the youth may find himself faced with a more serious endeavor - the opportunity to commit a crime. Whether it is criminal mischief, assault, burglary, or homicide, the intoxicated youth is more apt to become involved in illegal activity than one who has not been drinking.

In fact, in a large percent of all cases it appears that a youth who is involved in the criminal justice system has a history of alcohol abuse, either on a chronic or crisis basis.

Occasionally, a youth will drink as a result of problems. School problems, parental pressures or social failures can all invite a youth to escape for a while by taking a drink or two. It is these three general categories of intoxicated youths that the police officer encounters - those who drink for fun, those who drink and as a result, do some illegal act, and those who drink because of some problem.

REFERRAL

In many cases involving alcohol and youths, a referral choice on the part of the officer is most appropriate. Usually, the youths are sent home with their parents who are then informed of the circumstances. Situations involving a crime-related activity are governed by criteria as set forth in the Diversion Section of this program.

If the situation is serious or recognized as a problem by those involved, the officer may choose to refer the youth

and/or his parents to an appropriate social agency through contact with the J.C.P.U.

The referral process offers the specialized help away from the criminal justice system which is so essential to solving the problem.

1. Criteris For Referral:

Motivation: A person's willingness to change or solve their problem at present.

People With Specific Problems: Recognized through the officer's interview.

When People Want Help: Occasionally, they may ask the officer for a referral.

2. How a Referral is made:

1. Get An Agreement - that the involved parties will go for help.
2. Offer A Specific Agency - which you, after hearing the problem, determine is most suitable.
3. Check For Anxieties - that the citizen might have about the agency.
4. Consolidate - the information about the referral agency (where, when, how, etc.).
5. Summarize - the agreement of the referral for those involved.
6. Encourage - them to go to the agency and seek the professional assistance offered.

There is some modification of these steps if the youth has been taken into custody for committing a crime. Generally

under these conditions the J.C.P.U. after the decision to divert/refer has been made, would complete the above process.

CONCLUSION

Youths drink for many of the same reasons that adults drink. Their location for imbibing is quite often the scene of group gatherings. As a result of the youths collecting and drinking, crime is often a common follow-through. Whether it be a minor offense or major incident, alcohol has been a factor in a large portion of cases involved in the criminal justice system.

Can police officers stop youths from drinking? Can police prevent the associated problem of crime or delinquency? As mentioned previously, police are only one agent of social

control with limited powers to eliminate causes of delinquency. However, we CAN have a positive impact on the number of complaints of criminal mischief, harassment, etc., in which youths are involved. Additionally, when possible, the referral of a youth with a drinking problem, if successful, is a form of prevention of future delinquency.

SECTION VIII

CHILD ABUSE AND NEGLECT

INTRODUCTION

The area of child abuse and neglect is an important concern for society, and especially police, because it is an indicator of a society in trouble, in which the individual is de-humanized and the family is disintergrating. Subjects of abuse and maltreatment often grow up to be socially destructive -- to vent on others the violence and aggression their parents demonstrated to them. In fact, one study shows that 80% of prison inmates were once abused children. Those who are abused children many times abuse their own children; sometimes creating a cycle of abuse from generation to generation. Today's society takes the view that it is less expensive and more humane to protect and rehabilitate these children than it is to endure the social costs resulting from child abuse and maltreatment.

Despite this acceptable long-term treatment and prevention approach, police and the community face the day-to-day realities of this problem; unhealthy living conditions, injuries to children and even death, delinquency and adult criminal acts which are indirectly related to the area of child abuse.

The purpose of this section is to discuss the area of child abuse and maltreatment in two ways. First, general orientation to the subject, and secondly, the police officer's role in detection, investigation and reporting of suspected cases.

PART I

DEFINITION

Child abuse and maltreatment can be defined by each part of society which deals with it. For our purposes we will define an ABUSED CHILD as one less than 18 years of age who has suffered: a non-accidental injury at the hands of parent(s) or other person legally responsible for the child's care; substantial risk of death; impairment of physical or emotional health; or any sexual offense (FCA § 1012-e.)

A MALTREATED OR NEGLECTED CHILD is one less than 18 years of age who has suffered: impairment of physical, mental or emotional functions; lack of adequate food, clothing, shelter or education; or substantial risk of bodily harm (by punishment, use of alcohol or other drugs.) (FCA § 1012-f.)

Child abuse and maltreatment is not unique to any one segment of society. It occurs among all races, by both sexes, with the rich, poor, and the middle-class. Most statistics reveal that it is a problem of the poor. This fact occurs because the poor do not have the protection offered by private physicians and private treatment centers. They rely more heavily on the public assistance available in hospital emergency rooms who, in turn, maintain public records. Therefore, the statistics show a heavier concentration of poorer people responsible for abuse/maltreatment.

The statistics show that police and hospital contacts are among the most frequent sources of reports of child abuse and maltreatment, as well as family and neighborhood contacts.

The abuse and maltreatment of children is a crime which can be committed by any person who exercises the control of a parent over a child. This may include parents, grandparents, foster parents, relatives and many others.

Parents accounted for 80% of the suspects in indicated cases of child abuse and maltreatment.

Of this 80%

Female adults	65%	20 - 24 years
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Male adults	35%	35 - 39 years
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The abusing parent rarely commits premeditated, organized or intentional harm to a child. The behavior simply seems to become conditioned to the learned behavior passed down from parents to their children, ad infinitum. By accepting the fact that the abusive tendencies are a learned personality disorder, the premise that criminal prosecution is not a practical approach for prevention is somewhat easier to accept.

Because most abuse takes place in the home -- without witnesses -- circumstantial evidence is the only proof usually available. Therefore, a successful criminal prosecution

becomes more difficult, but yet an appropriate course of action. However, even when a prosecution has been initiated against an abusive parent, the results rarely seem to stifle further abuse. If a parent is acquitted, he may look at the disposition as approval of his conduct. If the parent is convicted, his behavior will be little altered by a prison term or a suspended sentence. In either situation, the parent has received little or no rehabilitative treatment for the underlying problems.

TREATMENT APPROACH

A non-criminal approach seems to make parents more open to accepting assistance from agencies and persons offering rehabilitative services. A police officer is not often cognizant of the danger signs that may be present in a home situation; therefore, the police can do little to protect the long-term interests of the child or community. According to New York State Department of Social Services, Child Protective Service, neglect can be treated more effectively through psychiatric care, social casework, and other services because they go more to the causes

of abuse and maltreatment. There is little data to support this, but the service personnel do have the time and training necessary for long-term studies of the causes. Parents accept help more readily in a non-punitive atmosphere. Court action is seen as a last resort made necessary by the parents' failure to cooperate or by the need for court adjudication.

THE CHILD WHO IS ABUSED/MALTREATED

Who is the victimized child and why was he chosen? Most often the child is a special child. One who is seen differently by his parents; one who fails to respond in the expected manner; or possibly one who is really different (retarded, too smart, hyperactive, or has a birth defect.) Often, the perfectly normal child is "seen" as bad, willful, stubborn, demanding, spoiled or slow.

The following statistics are compiled as a result of abuse/maltreatment cases reported during 1976:

AGE CATEGORIES

Children less than 5 years	34.4%
Children 5 - 9 years	27.0%

Children 10 - 14 years	25.6%
Children over 14 years	13.0%

ETHNIC ORIGINS

	<u>NEW YORK STATE</u>
White children	51.8%
Black children	33.5%
Spanish children	12.6%
American Indian	1 %
Oriental	1 %

The study reveals that all children are subject to potential abuse or maltreatment; but most probable is the case of a white child who is 1 - 5 years of age.

REPORTING

The Child Protective Services Act allows any person to report abuse/neglect cases if he has reasonable cause to suspect that a child is abused or maltreated. The State also mandates certain professionals to report abuse/neglect cases when they have reasonable cause to suspect that a child coming before them

in their professional capacity is abused or maltreated. This category includes:

Physicians

Medical Examiners

Coroners

Optometrists

Hospital Residents

Interns

Registered Nurses

Hospital Personnel engaged in the admission, examination, and care treatment of persons

School Officials

Day-Care Center Workers

Mental Health Professionals

Peace Officers or Law Enforcement Officials

The New York State Social Services Law (§ 419) offers immunity from liability to any person, official or institution participating in Good Faith in the making of a report, the taking of photographs or the placing of a child in protective custody pursuant to the law. For the purpose of any proceeding,

civil or criminal, the good faith of a person required to report suspected cases of abuse or maltreatment is presumed. While the law offers protection from liability for reports of child abuse and maltreatment, it also assures that those required to report do, in fact, report suspected cases. New York State Social Services Law section 420 states that any person, official or institution required by law to report a case of suspected child abuse or maltreatment who willfully fails to do so may be guilty of a class A misdemeanor, and may be civilly liable for the damages caused by such failure to report.

CONCLUSION

1. Child abuse and maltreatment are not new problems to society. Rather they are long-existent problems of society--a society in trouble.
2. As reports of suspected child abuse and maltreatment increase, society is recognizing one of its fatal ills.

3. Parents mistreat their children, who in turn learn non-acceptable methods of dealing with problems.
4. They may pass this abusive treatment on from generation to generation - or they may be afforded an opportunity to change.
5. The change may help recognize where the abusive situation is leading or it may encourage continued behavior. Juvenile delinquency is directly related to child abuse and maltreatment cases. Therefore, it is important to make suspected cases known.
6. How we make the cases known and to whom, are the major issues to follow in Part II.

CHILD ABUSE AND MALTREATMENT

PART II

INTRODUCTION

The police officer is in an important position to recognize and investigate potential child abuse and maltreatment cases. Officers on patrol on the Transit system often come into situations which may involve abuse or neglect to children.

Many other calls for police service lend themselves to suspected abuse or neglect, such as; miscellaneous accidents, neighbor troubles, kids in the street, children crying, children left alone, and complaints of outright child abuse.

Our purpose in Part II of this section is to address the police role in detection, investigation and reporting of suspected child abuse and maltreatment cases.

The first steps the officer takes when investigating a suspected abuse or maltreatment case are the most crucial. The officer must consider many circumstances which may affect the outcome of his investigation; child's reluctance to talk, parent's conflicting statements of inaccurate accounts; physical evidence found at the scene of the incident; witness accounts; the officer's individual judgment of the situation; the guidelines and requirements of the laws.

SUSPICIONS, DETECTIONS

As we previously stated, a police officer is among those required to report when he has reasonable cause to suspect that

a child has been abused or maltreated. The ways of establishing the "reasonableness" of suspicion are many. They range from the obvious to the undetectable; and are noticeable to anyone or only to trained observers. Recognition is often based on deductions; clues which are not conclusive proof and are nothing more than circumstantial evidence. The following is a list of indicators which may assist in detecting suspected child abuse/maltreatment. It is important to note that these indicators can also exist in situations where parents do not abuse their children.

* (Excerpted from Physician's Index of Suspicion)

HISTORY

1. Parents often relate a story that is at variance with clinical findings.
2. Familial discord or financial stress, alcoholism, psychosis, perversion, drug addiction, etc.
3. Reluctance of parents to give information.
4. Admittance to hospital during evening hours.

5. Child brought to hospital for complaint, other than the one associated with abuse/neglect; e.g., cold, headache, stomach-ache, etc.
6. Delay in seeking medical help.
7. Parent's inappropriate reaction to severity of injury.
8. Blame for the abuse is usually placed upon a third party.

PHYSICAL EXAMINATION

1. Signs of general neglect, poor skin hygiene, malnutrition, failure to thrive, withdrawn, irritability, repressed personality.
2. Bruises, abrasions, burns, swelling, scars.
3. Evidence of dislocation, bone injury and/or fracture.
4. Coma, convulsions.
5. Symptoms of drug withdrawal.
6. Death.

* New York City Department of Health, WHAT PHYSICIANS MUST DO ABOUT CHILD ABUSE AND NEGLECT, P. 3 (1972)

EVIDENCE

Upon detecting the evidence of a child abuse case, the officer must begin the reporting and case-building process. New York State Social Services Law 416, states; any person or official required to report cases of suspected child abuse and maltreatment may take photographs of the areas of trauma visible on the subject of the report, and if medically indicated, cause to be performed a radiological examination of the child. Any photographs or X-rays must be sent to the Child Protective Service at the time the written report is sent or as soon thereafter as possible.

Other evidence should be collected to substantiate the case. This includes any instruments or weapons which may have been used. A written description of the injuries received or the conditions present should be made. A general statement from the attending physician should be collected. Physical evidence is one of the best components in proving

a case of child abuse. It can be readily observed by the court and is not impeachable as is testimony, if it is properly collected, marked and secured.

Some of the types of physical evidence which may be found during a child abuse investigation are:

1. Semen in sex crimes. Collect and preserve the child's underclothing, bed clothing (if that is the location of incident), specimens of doctors' examinations, be cognizant of the potential for pubic hair of the perpetrator and for blood stains.
2. Blood, hair and traces of skin in the case of assaults and other common types of physical evidence. These may be found on an instrument which was used in the assault.

Because the abuse situation is seldom planned and often impulsive, the parents are very apt to destroy evidence. Therefore, it is imperative that the investigating officer be aware of any potential evidence and follow the elementary rules of collecting evidence, preserving the crime scene, recording

the location and types of physical evidence found, requesting the assistance of a trained technician to photograph, help collect and secure the evidence.

~~When a police officer investigates a suspected child abuse/maltreatment case he must use his best discretion quickly to determine what action the situation warrants. The officer's primary purpose is the protection of the child. Therefore, according to the New York State Family Court Act § 1024, a peace officer may remove a child from his place of residence without an order and without the consent of the parents or other person legally responsible, if the child is in such condition that his remaining in such place of residence presents an imminent danger to the child's life or health and there is not enough time to apply for an order of Temporary Removal under § 1022.~~

INVESTIGATION

If afforded the opportunity, a child may explain what happened within the abuse situation. A child's age and

emotional condition, as well as the surrounding environment (parents present, scene of incident) are determining factors regarding what information the officer will receive.

An older child may be reluctant to answer questions because he may fear eventual revenge from the abusive parent. An important indicator to interviewing the child could be an injury that is inconsistent with an account given by the parent to explain the injury. An example of an incongruous report would be one where a child's hand was "accidentally" scalded by hot water. If the verbal report does not include a reason why the child did not pull his hand away before severe injury occurred, it is reasonable to suspect that someone held the child's hand under the water.

A child's behavior may also arouse suspicion. Abused children may be cautious of physical contact with adults. Often the child will exhibit extreme fright, reacting to any physical contact with whimpers, or attempt to hide. Others show extreme apathy and unresponsiveness.

The most important interview is that with the suspected abusive parent. The officer should interview each parent separately and be aware of any inconsistencies or intentional vagueness of the accounts. Abusive parents may change the nature, time and place of the incident from that described by them to medical personnel when seeking treatment. Once the investigation goes from inquisitory to accusatory, interrogation comes into play. Two different methods of interrogation may be used - one when the suspect's guilt is reasonably certain, and the other when the suspect's guilt is somewhat uncertain. They take a different approach and should be used accordingly.

Certain characteristic injuries provide other signals. These include cigarette burns, distended fingers, and non-accidental bruising patterns. The shape of an instrument imprinted on the skin is a frequent indicator of child abuse. For instance, when a lamp cord is looped and used as a whip, it will leave a loop scar on the child's back. Be alert for bruises in varying stages of healing - varying colors for various times:

Immediate - few hours	RED
Soon 6 - 12 hours	BLUE
Later 12 - 24 hours	BLACK - PURPLE
4 - 6 days	GREEN TINT, DARK
5 - 10 days	PALE GREEN TO YELLOW

Another indicator that should arouse suspicion is the attitude or conduct of the parent. The parent may be purposely vague or evasive when explaining how the "accident" occurred. The parent may be reluctant to volunteer any information. Abusing parents frequently are overwhelmed by disorganization, worthlessness and lack of self-esteem. They are often apathetic, depressed and negligent of their own physical health. There is a need for quick, impulsive gratification by the parent and they often compete with their children in which they play to win, not for fun or instruction. In many cases abusive parents have a tendency to blame others. They feel a sense of abandonment and punishment by their own parents, and have a longing for a parent. There is self-centeredness about them and they can only deal in concrete or literal ways. Concepts or principles elude them.

The battering parents' behavior often demonstrates a poor ability to identify themselves and to talk about who they are. They maintain an overly suspicious, defensive, evasive, negative attitude toward authority. There are few friends of abusive parents; a lack of interest and participation in their social surroundings (e.g., school, church, community) also permeates them. Also, there is a tendency to move frequently whenever the neighborhood suspects them of abuse, a frequent change of doctors or hospitals to protect the parents from suspicion and very often, a flight from life by drinking or drugs.

In many cases abusive parents' attitudes are also reflected when confronted with suspicions of abuse. Included are: little concern, remorse, or guilt regarding the child's battered condition; a show of fear or anger at being asked for an explanation of the injuries; placing the blame on the child for any injuries; continual criticism of the child and little to say in a positive way about the child; and unrealistic expectations of the child's capabilities and behavior, disregard for and minimization of the child's needs; and no perception of how a child can feel.

Abusing parents cannot be recognized on sight. They cross all classes of socio-economic groups. However, the less sophisticated, younger and lower economic groups come to the attention of the authorities more often: they are less capable of defending and protecting themselves.

The family unit surrounding a child abuse situation is often lacking in communication and understanding among its members. Its vulnerability to stress is high. The child often becomes a scapegoat for mounting frustrations resulting from personal or marital conflicts.

REPORTING PROCEDURES

To this point, we have discussed the officer's role for detecting suspected child abuse or maltreatment and the initial steps involved in case-building. This section will continue to develop the case through the use of verbal notification, and the completion of the Crime Investigation Report (TP 67), and a Report of Suspected Child Abuse or Maltreatment (DSS 2221-A.)

Once an officer has determined that he has a case of suspected child abuse or maltreatment before him, he may begin to collect facts and evidence to assist him in his reporting procedure. The officer should notify his District Desk Officer to make him aware of the present incident. The officer must notify the Child Protective Service immediately - at any time of day and on any day of the week - by calling the "hot line" - 431-4680. The receiving party will request pertinent information regarding the suspect parent(s) and victimized child(ren) from the reporting officer.

Within 48 hours of the initial oral report, the reporting officer must complete and forward form DDS-2221-A to:

Central Registry For Child Abuse And Maltreatment

241 Church Street

New York, N. Y. 10013

Oral reports may be made on a 24 hour, 7 days a week basis.

REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT (DDS-2221-A)

This report is designed to record all pertinent information

regarding suspected cases of child abuse or maltreatment. A detailed explanation of the report will be offered during class.

CHILD PROTECTIVE SERVICES

Upon receipt of a report of suspected Child Abuse or Maltreatment, the Child Protective Service must commence an investigation within 24 hours which will evaluate the environment of each child named in the report and any other children in the same home, and a determination of the risk to them if they continue to remain in the existing home environment. The Child Protective Service evaluation should determine whether the officer's suspected case report is indicated or unfounded. An indicated report is one in which the Child Protective Services' investigation determines that some credible evidence of the alleged abuse or maltreatment exists; an unfounded report includes any report made to Child Protective Services, unless some credible evidence has been found. Statewide, it appears that less than 25% of all reports result in any kind of court action.

Upon completion of its evaluation, the Child Protective Services must immediately notify the parents, in writing, of the existence of the report and their rights pursuant to the law in regard to amending or expunging the report (See:pg.145 PROTECTION OF PARENTAL RIGHTS.) The Child Protective Service may take a child into protective custody to protect him from further abuse or maltreatment when appropriate. The agency should offer to the family the services that appear appropriate for either the child or the family, or both. The agency caseworker must explain that the agency has no legal authority to compel the family to receive said services, but he may inform the family of obligations and authority of Child Protective Services to petition the Family Court for a determination that a child is in need of care and protection. Not later than seven (7) days after receipt of the initial report, the Child Protective Services sends a preliminary written report of the investigation, including its evaluation and recommendations, to the State Central Register. Follow-up reports are made at

regular intervals thereafter in order to keep the Central Register current with case status.

PROTECTION OF PARENTAL RIGHTS

New York's laws seek to protect the legitimate rights of parents suspected of abusing or maltreating their children.

In essence, the laws on parental rights stipulate that:

1. Reports made pursuant to the Child Protective Service Act are confidential.
2. No information may be released unless the identification of the person seeking it is confirmed.
3. If a child is placed in protective custody, the parents must be notified and told where the child has been placed. The parents are guaranteed a prompt court hearing within three (3) business days.
4. The Child Protective Service must notify the parents, in writing, of the existence of the report and their rights regarding amendment or expurgation.
5. A parent or other person alleged to have abused or neglected a child has the right to counsel.

INCEST

As we have already seen, the definitions of child abuse and maltreatment cover a wide range of offenses. To be included is the crime of incest. Child abuse involves "any sexual offense" and "impairment of physical or emotional health." Legally, incest occurs when a person marries or engages in sexual intercourse with a person whom he knows to be related to him... (NYSP §255.25). Incest occurs much more frequently than reported. Much of it is concealed within the family for fear of breaking up the family unit. The most common form of incest is between father and child; although mother-child relationships also occur.

The suspected parent has an average age of 35-45 years of age. The child is usually in the 8-10 year age group; but be aware of infant molestation.

Because society stresses a family-centered structure, our system tends to betray the child-victim by keeping the child

within the home in which the incident occurred. This often produces catastrophic results, such as the child victim engaging in sexual promiscuity, drug abuse, running away, and being sexually exploited. These are among the "escapes" a child may use when involved in an incestual relationship. Sexual exploitation, be it incest or rape, can be suspected if one or more of the following is present: urogenital or anal injuries, pain or irritation; semen (oral, vaginal); venereal disease (oral, rectal, urogenital). Because of peoples' reluctance to talk about sexual molestation and the difficulty in observation, incestual cases are largely unreported. Therefore, the officer should be conscious of its possible existence when suspected child abuse cases present themselves and when the above "escape" tactics are present.

SUDDEN INFANT DEATH SYNDROME (SIDS)

Every year 8,000 to 10,000 infants in the United States are victims of the Sudden Infant Death Syndrome, which is an unpredictable killer that usually strikes children between the

ages of two weeks and four months. Due to the similarity of the circumstances surrounding SIDS and the crime of child abuse, it is necessary to understand them both in order that one is not misconstrued for the other.

If the parent or guardian is first to see the SIDS victim, they are quite apt to attempt to revive the victim. The officer should determine what, if any, resuscitation or other first-aid efforts the parents made to revive the child since some bruises or marks sustained during resuscitation may be present on the corpse and could very well have resulted from the revival efforts put forward by the parents. Until such time that the cause of death can be established by the Medical Examiner, necessary factual information should be discretely gathered. Items possibly connected to the cause of death, such as a toy, should be photographed and removed for laboratory examination.

The officer should consider the general appearance of the house to determine whether the parents have been negligent or

if hazardous conditions exist. He should be aware of any comments or conclusions by the parents which might indicate they are avoiding suspicion of homicide in favor of child abuse. If there is reason not to suspect abuse or maltreatment the officer should help alleviate the parents' guilt feelings or emotional upset by explaining that SIDS is neither preventable nor predictable.

CONCLUSION

We have seen here that a police officer is exposed to many sources of suspected Child Abuse and Maltreatment. It is the attentive officer who detects a fairly common sign as being an indicator of a deep-rooted social problem - child abuse. The investigating officer plays an important part in the final outcome of child abuse and maltreatment cases through his initial investigation; comprehensive interviews of those involved and those with knowledge of the incident; careful completion of the Crime Investigation Report (TP #67), and the Report of Suspected Child Abuse or Maltreatment (DSS-2221-A);

and the collection and preservation of credible evidence.
It is then, with the cooperation of the Child Protective
Service, that the case of child abuse is disposed of in
the proper manner.

SECTION IX

YOUTH AND DRUGS

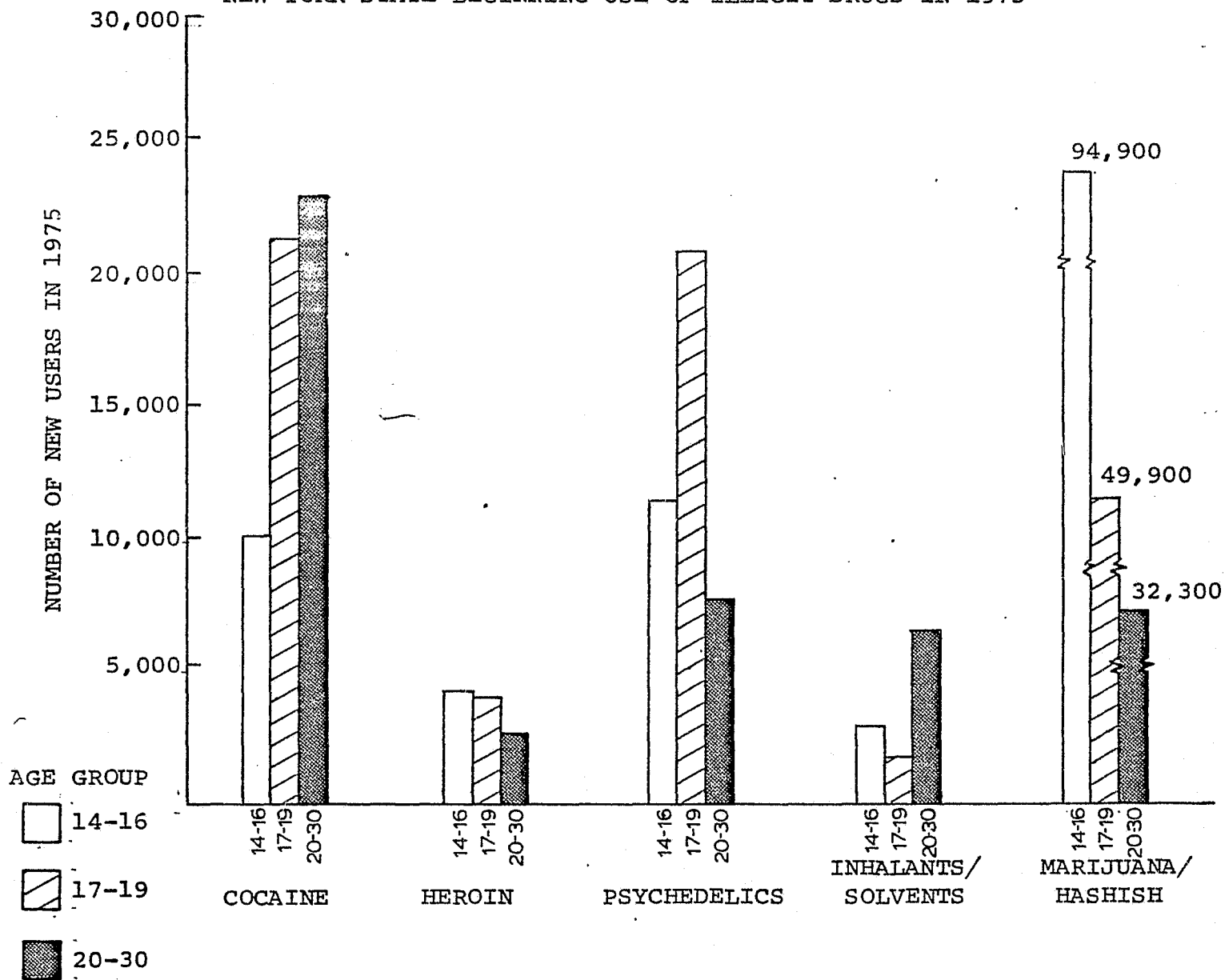
The growth of criminal and delinquent subcultures in contemporary American cities had led in recent years to a new problem in juvenile delinquency and youth crime which is juvenile drug addiction. The public concern with this problem, as evidenced in newspaper and magazine articles, hearings by legislative bodies, and new legislation raising the penalties for selling narcotic drugs to young persons, lies not so much in the numbers who have become addicted but in the fact that addiction itself is still without successful treatment. It follows, therefore, that those who become addicted, in the absence of private incomes, must turn to crime to obtain funds for sustaining their habits. The drugs chiefly used by juveniles today are marijuana, heroin, cocaine, hallucinogens and amphetamines. Whereas marijuana does not induce withdrawal symptoms or other signs of addiction, the regular use of heroin

will. The cocaine, hallucinogen and amphetamine users may develop a psychological dependence upon the drug, but, these drugs have not been known to produce a physical dependence.

As stated before, delinquent behavior results from many factors, and certainly no one approach can explain it. Such behavior, however, is evidence of youths attempt to find solutions to and relief from tensions, both within and between himself and others around him. The increasingly popular use of marijuana and related drugs may represent to youths other ways to act anti-adult or anti-establishment. It may also be an attempt to establish a new and independent identity.

The extent of the drug abuse in New York State has increased tremendously. In 1975 a survey was conducted by the New York State Office of Drug Abuse to determine the number of persons between the ages of 14-30 who were beginning use of illicit drugs. The result is graphically reproduced here:

NUMBER OF PERSONS IN YOUTHFUL AGE GROUP IN
NEW YORK STATE BEGINNING USE OF ILLICIT DRUGS IN 1975



This survey was conducted before the enactment of the marijuana reform act of 1977, (Art. 221 PL). The purpose of this act was to guarantee that persons who possess small amounts of marijuana are not subject to severe penalties. However, if the figures from the survey are correct in showing a substantial increase in marijuana use prior to this act, then one can only surmise the increase in use since the passage of the reform act in 1977. Now most youths do not consider usage of this drug as a problem or misbehavior. It has led to experimentation with other more dangerous drugs. For example, many youths in the New York City area are currently mixing Phencyclidine (PCP), a hallucinogen, with marijuana. According to the New York State Office of Drug Abuse Services, PCP is a dangerous psychoactive hallucinogen, known on the street as "Angel Dust, Hog, Super Grass, Rocket Fuel, Elephant Tranquilizer, Peace Pill, Zombie Dust, and Busy Bee."

In low doses, the PCP experience usually proceeds in three stages: Changes in body image, sometimes accompanied by feelings of depersonalization; perceptual distortions which

may be accompanied by visual and auditory hallucinations and feelings of apathy or estrangement. Drowsiness, incoherence, and feelings of emptiness or "nothingness" are reported. Additionally, thinking difficulties, inability to concentrate, and preoccupation with death are common. With larger doses, irritability, aimless running, striking out at nearby objects or people and other forms of bizarre behavior are reported. Many abusers have reacted to larger doses with an acute psychotic episode. Some have committed homicide or suicide under the influence of a heavy dose. It should be noted, that the effect of any dose size is unpredictable and is influenced by the purity of the drug, body size, manner of ingestion, other drugs or food consumed prior to or at the time of ingestion, mood or "attitude" at intake and prior experience with the drug.

Some of the common signs of PCP use include flushing, profuse sweating, involuntary eye movement, muscular incoordination, double vision, dizziness, and tears.

Based upon the number of juvenile arrests for drug abuse by members of the Department, it appears that this is not a major problem for our police officers. However, since there is a relatively high incident of contact between members of this department and youths using the Transit system it is important that Transit Police Officers have some knowledge of drugs of all kinds. As police officers we are society's first line of defense against the environmental conditions that contribute to delinquency, and our intelligent understanding and professional skills in dealing with these matters are important determinants in aiding youths to conform to acceptable standards of behavior.

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JUVENILE CRIME PREVENTION UNIT

The following contains a description of the programs and projects currently in operation in the J.C.P.U. This description includes, in brief, the current and past procedures and the rationale behind the adoption of these programs.

- A. JUVENILE OFFENDER DIVERSION PROGRAM.
- B. SCHOOL ABSENTEE (TRUANCY) PROGRAM.
- C. OPERATION IDENTIFICATION (REDUCED FARE ELIGIBILITY CARD).
- D. JUVENILE INFORMATION SECTION (RECIDIVIST CHECK).
- E. COURT AND HOME VISIT PROGRAM.
- F. ANTI-GRAFFITI UNIT.

The Juvenile Crime Prevention Unit (J.C.P.U.) was established on May 31, 1977, for the purpose of providing attention to conditions, crimes and other problems occurring on the transit system involving juveniles, and to provide information and assistance to district commands, and specialized units so that decisions regarding the proper type of police action on individual police contacts may be made. Some of the functions of the unit are as follows:

1. Developing and assisting in the implementation, monitoring and evaluation of innovative programs designed to prevent and control juvenile delinquency and youth crime on the transit system.
2. Maintaining juvenile records and insuring compliance with existing laws relative to the confidentiality, removal and destruction of such records.
3. Maintaining liaison with units of other departments, agencies, and boards involved with juveniles and juvenile offenders.
4. Assisting field units in the detection and control of juvenile problems on the transit system.

5. Preparing statistical and special reports required in connection with the department's juvenile crime prevention effort.

6. Remaining cognizant of the current status of laws, court decisions and other matters that may affect the department's policies and procedures involving juveniles and juvenile offenders.

7. Developing and assisting in the preparation of department orders and directives, training programs, and bulletins which relate to juveniles.

8. Providing assistance and information to field units regarding those special juvenile problems occurring on the transit system that should be brought to the attention of other agencies.

9. Coordinating programs and activities with the Anti-Graffiti Unit, T.E.U. and the School Coordinating Unit in matters involving juveniles and juvenile offenders.

A. JUVENILE OFFENDER DIVERSION PROGRAM

The Diversion Program was instituted on May 11, 1977, under a Federal Grant in cooperation with the John Jay College of Criminal Justice. It was designed to deal with juvenile crime by the application of a crisis intervention model subsequent to apprehension and referral to social services in lieu of Family Court Processing. The project criteria for the selection of youths for this Diversion Project are as follows:

- a. Youth under the age of sixteen years.
- b. Offense other than a felony or a photographable misdemeanor.
- c. Parents notified and responding to District Office.
- d. Youth has no outstanding warrants.

- e. Youth is not in need of immediate medical or psychiatric attention.
- f. Youth is not on probation.
- g. Youth is not established in another diversion program.
- h. Youth does not have a record of police contacts which appear to indicate that he may be a threat to the safety of the community.
- i. There are no other circumstances that would render a determination by the District Desk Officer to exclude the youth from the Diversion Project.

The procedure for entry into the Diversion Program is as follows:

- a. The youth is apprehended by an officer for a misdemeanor offense. If the offense category is other than a photographable misdemeanor, notification is then made to the District Desk Officer and the patrol officer is instructed to bring the youth to the District Office.
- b. The circumstances of the apprehension are reviewed by the Desk Officer and if deemed eligible for Diversion by him, a response team is dispatched to the location by the J.C.P.U. for the purpose of recording all police and demographic data (special forms were designed for this purpose), and to act as the mediary in making the transition from police to social service orientation.
- c. A social worker is also dispatched to the District Office for the purpose of assessing the background information obtained by the Response Team; interviewing the parent/legal guardian and youth from a social work stance; assessing the problem areas of the youth and/or parent(s) and making referrals to appropriate social agencies. Also, if case is referred for services, a student advocate and a counsellor are assigned to monitor the case and insure receipt of services from the referral service source.

In addition, this project is presently being evaluated by the Behavioral Research Institute of Colorado. However, to effectively evaluate the diversion with service component, two additional categories were implemented as control groups. These categories were predicated on a random selection basis, so that contamination and manipulation would be eliminated. The two additional categories are:

- a. Diversion Without Services - Under this category, youths are selected under the criteria utilized for diversion with services and the same procedure specified for diversion are followed. In this category, however, there is no deployment of a social worker to the diversion location prior to the releasing of the juvenile offender, and no social services are provided.
- b. Court Referrals - Under this category, youths are selected under the diversion criteria, however, the youth is channeled through the existing arrest and judiciary process. In this instance, the juvenile offenders are measured in the scope of the research design as a control group for the two alternatives to the traditional Family Court processing. (See pg. 177, Appendix A)

B. SCHOOL ABSENTEE (TRUANCY) PROGRAM

The School Absentee (truancy) Program was instituted with the cooperation of the Bureau of Attendance, Board of Education and the John Jay College of Criminal Justice. It was designed to:

- a. Decriminalize the offense of Truancy and place the responsibility (as indicated in the Education Law) for recording, processing, investigating and corrective treatment in the hands of the Bureau of Attendance.
- b. Assist the Bureau of Attendance in their effort by apprehending truants on the Transit system and delivering them to established Truancy Centers.

- c. Reduce time lost from patrol by eliminating police involvement with the preparing and processing of reports on these incidents.
- d. Provide valuable field and other training to John Jay College Interns by assigning them to Truancy Centers to assist Attendance Teachers.

This program was developed out of the Department's concern with the volume of Juvenile contacts on the Transit system and the procedures governing the preparation of a Juvenile Report. In 1976, 27% of these contacts were for truancy. An evaluation of the processing and follow-up procedures by all concerned agencies (Transit Police, City Police and Board of Education) was undertaken. The results of this study revealed that the practices were inefficient and did little in the way of providing immediate attention to correcting the problem.

Truancy apprehensions were recorded on a Juvenile Report (YD1) by the patrol officer (after delivery of truant to nearest school), which was then processed through both the Transit Police and the City Police. The report was then forwarded to the Bureau of Attendance which in turn forwarded it to the local School District for attention.

The time lag between apprehension and the report being received by the Local School District resulted in little attention being given to Transit Police Referral cases.

The present program provides procedures, which not only saves valuable time, by decreasing this multiple processing of the same report, but also is conducive to providing immediate and necessary attention to the individual truant.

Under present procedures, youths apprehended on the system during school hours are brought to a designated Truancy Center (centers are located at Dist. 33, Dist. 34, Dist. 11, Port Authority) and delivered over to the Attendance Teacher. The officer then returns to patrol. No Police Department report is prepared. The pedigree information on the Truant is gathered by

the assigned John Jay Intern or Attendance Teacher from an interview with the student and verified by a telephone conversation with personnel from the student's school. This information is recorded on the TP115-Revised. The Attendance Teacher then notifies the youth's parents of the incident and to further verify the obtained information. From interviews both with the youth and his parent, the Attendance Teacher can evaluate the case and provide the necessary attention when required.

C. OPERATION IDENTIFICATION PROJECT

In an effort to reduce robberies and fare related crimes involving students, this Department in cooperation with the Board of Education, developed a program called "Operation Identification." The program contains the following components:

- a. Identification of the student with his Type #2 School Transportation Card.
- b. Replacement within forty-eight hours of Type #2 cards reported to this Department as either lost or stolen.
- c. Reducing penalties imposed on students for violations incurred for the misuse of their cards (card used at wrong time or station).
- d. Recording of all incidents involving confiscation of Type #2 and other Transportation cards in an attempt to identify the reason for confiscation and its possible connection with a previously reported crime.
- e. Notification to parents of students whose cards were lost or stolen, misused or confiscated.
- f. Investigation and apprehension of individuals involved in robberies or larcenies of cards reported by either students or individual schools.

Past procedures governing the issuance and use of Transportation cards indicated a lack of adequate controls; a lack of concern of the importance of these cards as a valuable commodity,

and a lack of awareness of the service provided by these cards to those families whose incomes would be strained if these cards were not available.

In the past, students whose cards were lost or stolen reported the incident to their school. The school would then notify the precinct of occurrence and report the incident. (This procedure was loosely adhered to). The incident was also reported by the school to the Transportation Department, Transit Authority. A penalty of thirty days waiting period was imposed prior to a student receiving a new card. Because of this penalty and the lack of adequate control procedures, many of these incidents were not reported by the student or the school. This in effect, decreased the Department's ability to measure the true extent of the incidents and thereby impeded the initiation of corrective action.

This penalty period not only produced a hardship on the student and his parents, without justification, but also increased the likelihood of the student engaging in illegal activity in order to obtain transportation, e.g., fare evasion, larceny of a card, forging and robbing of another student's card or money. Confiscation of cards for misuse were also concluded to have the same effect. However, confiscation imposed an even greater penalty of a five month waiting period.

Past procedures also indicated a lack of adequate follow-up investigations on those confiscations which may have indicated previous criminal involvement. Blank cards or cards with another's name on them, when confiscated, were forwarded to the Transportation Department with little attention given as to how these cards were originally obtained. Again, a penalty of five months was imposed upon the student owner of the card if he did not previously report that his card was lost or stolen. In any event, the thirty day penalty was imposed.

Present procedures involving these cards consists of the following:

- a. If the student's card is lost or stolen, he notifies his school, and he is directed to the appropriate Transit Police District Office to report the incident and to obtain a replacement card.
- b. At the District Office the information is recorded and the student is issued a replacement card.
- c. Upon notification the Juvenile Assistance Unit will then prepare a letter to the student's parents indicating the report of the lost or stolen card and the replacement of a new card to their child.

Cards misused or confiscated are immediately reported to the Juvenile Assistance Unit, and are checked against Department records for a previous report of lost or stolen. In all cases of misuse or confiscation, a letter is forwarded to the parents notifying them of the incident. All cases which require additional follow-up are investigated by assigned Detective Division and J.C.P.U. personnel.

D. COURT AND HOME VISIT PROGRAM

The Court and Home Visit Programs were initiated to devote special attention to those juveniles who commit serious offenses on the Transit system. These juveniles are labeled as "hard-core" recidivists because of the frequency of police contacts, types of offenses and seriousness of the offense. Our interest in these individuals also centers on the fact that those acts are committed in an environment which may be dangerous to the juvenile and his victim. For example, there have been many occasions, where the juvenile, while committing the act, has fallen to the tracks from between the cars of a moving train or his victim dragged along the platform.

The history of many of these juveniles indicates a pattern of delinquent behavior which can only be diagnosed as an adoption of illegitimate values" usually associated with that of a "criminal or delinquent sub-culture." These juveniles have already passed through the Juvenile Justice System and present methods of dealing with these youths have thus far not resulted in a positive effect or change in their behavior patterns.

One reason for this failure may exist in the absence of complete information, which can aid in identifying this pattern of illegitimate activity. Another may exist in misperceptions of the severity of the behavior by the parents and youths which have developed from previous contacts with the Juvenile Justice System.

In the past, these cases were referred to Family Court for appropriate action. Many were adjusted at intake or when a petition was drawn, were disposed of in such ways that suggested a lack of behavioral background information which, if known, may have affected the outcome of these cases. A comparison of data held by Probation Intake personnel on individual cases with that in Police Department records, revealed that this lack of information was evident and it was indicated by various intake personnel interviewed, that the additional information could have affected their evaluations and recommendations.

The Home and Court Visit Program was designed to provide this needed information and to alter any misperceptions. Once a juvenile is identified as "hard-core" and assigned to the Program, a member of the J.C.P.U. contacts the parent and alerts him/her of the past offenses, their severity, and indicates to them that future contacts may require pursuing the case through all levels of the Family Court. In addition, the Home Visit members also attempt to help the parent identify problem areas which if acted upon, may result in a positive change in the behavior of the child. Assigned unit members undertake these visits in an effort to facilitate action by the parent which will correct their child's behavior and prevent him from re-entering the system.

Members of this Unit assigned to Court Visit cases provide probation intake personnel with a complete background of the juvenile's prior police contacts, and any behavior which indicates a pattern of illegitimate activity; information which, in the past, the Probation Department has not been able to satisfactorily obtain. Assigned members also inform probation personnel of this Department's interest that the case be brought

to a higher level in the Family Court so that those more responsible (Corporation Counsel and Judges) will be properly informed and take the necessary steps to correct the problem.

E. JUVENILE INFORMATION SECTION (RECIDIVIST CHECKS, JUVENILE REPORTS)

The J.C.P.U. Information Section is immediately notified by field personnel of all incidents involving juveniles. Those which indicate the commission of an offense which may result in either a Juvenile Report (YD1) Fare Evasion Report (TP11C) or Arrest are subjected to a Recidivist Check. The results of these checks are provided, when appropriate, to District Desk Officers so that appropriate police action can be facilitated.

Current arrest cases and recidivists cases are assigned a file number and entered on a special computer printout which is updated on a daily basis. These files allow for immediate identification upon future contacts, and the assignment to a specific unit program based upon past dispositions and attention.

This constant accumulation and monitoring of "hard-core" and other recidivist files provides data so that the J.C.P.U. and field units may be able to concentrate their efforts and programs on those individuals whose successful prevention into the Juvenile Justice System would substantially reduce Transit crime.

Incidents which are recorded as Juvenile Reports (YD1 or TP11C) are also monitored for inclusion in the "hard-core" category and are followed up by J.C.P.U. personnel when necessary. In all cases, the parents of the juvenile are notified via letter.

F. ANTI-GRAFFITI UNIT

The Anti-Graffiti Unit shall be responsible for the following functions regarding the defacing and destruction of Transit Authority property or equipment:

- a. Apprehend violators who commit offenses.
- b. Maintain surveillance of yards, lay-up areas, and other exposed areas of the Transit System.
- c. Maintain liaison with Transit Authority Departments, Train Masters, Yard Masters, Special Investigators, etc.
- d. Maintain liaison with New York City Police Department and other agencies.
- e. Maintain intelligence and modus operandi files and records.
- f. Keep abreast of new methods that are used to commit offenses.
- g. Disseminate information to field commands and other specialized units of the department regarding areas where offenses are committed.
- h. Coordinate unit activities with the programs of the Juvenile Crime Prevention Unit and keep the Juvenile Crime Prevention Unit advised of conditions of mutual concern.
- i. Prepare statistical and special reports relative to the unit's function.
- j. Conduct such investigations of Juvenile Crime as directed by competent authority.

APPENDIX A

COURT REFERRAL DISPOSITIONS

CONTROL GROUP DIVERSION PROJECT

(Manhattan, Brooklyn & Bronx Family Courts)

<u>DISPOSITION</u>	<u># OF CASES</u>	<u>%</u>
Adjusted at Intake by Probation	59	69.4%
Pending at Intake level (60 days no further trouble - can well be adjusted at Intake level)	12	14.1%
Pending at Court level (Petition Drawn)	1	1.2%
Dismissed by Judge	3	3.5%
Dismissed by Corporation Counsel	2	2.4%
Adjourned Contemplating Dismissal by Judge	1	1.2%
Unable to locate file	7	8.2%
	—	—
Total	85	100 %

JUVENILE FARE EVASION REPORT

FRONT SIDE - SAMPLE

JUVENILE FARE EVASION REPORT	NEW YORK CITY TRANSIT POLICE DEPARTMENT		2-6 F.E. CONTROL NO.		TP-111-C	
	7-18 SURNAME	19-25 FIRST	ADDRESS 20-28 ST. NO. 29-31 ST. NAME		APT. NO.	
	JONES	John	2345 OCEAN AVE 11234		4C	
	32 SEX	33 COLOR	34-38 RES PCT	37 RES. CO.	38-39 AGE	40-48 DATE OF BIRTH
	♂ F	1	070	K	12	09/29/64
	46-48 PCT. OCC	OCCURRENCE		50 OCC CO	61-68 PORT	
060	49 DAY 30-33 TIME 34-38 DATE MO 1530 05/19/78		K	034010		
67-69 LINE	PLACE OF OCCURRENCE		STATION	SCHOOL AND GRADE		
N	68-70 SPECIFIC LOC PLATFORM		Stikweh Ave	PS 100 - 7 th		
71-74 2418 THE FT OF SERVICES (P/L 163-15-3) - TYPE FARE EVASION						
75-80 ID NO.	<input type="checkbox"/> DOUBLE UP ON TURNSTILE <input type="checkbox"/> UNDER/OVER TURNSTILE <input type="checkbox"/> MANIPULATE TURNSTILE		<input checked="" type="checkbox"/> ENTER VIA EXIT GATE <input type="checkbox"/> ILLEGAL USE OF TRANSFER <input type="checkbox"/> OTHER DESCRIBE:			
118625						

FATHER'S NAME		MOTHER'S NAME (FIRST & MAIDEN)		HOME TELEPHONE NO.	
HENRY		JANE BROWN		366-9078	
DRUG USER	IF YES, TYPE USED & HOW LONG		CHILD NFD THAT THIS REPORT WAS PREPARED:		
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
IF GANG MEMBER	NAME OF GANG	ALIAS	PREVIOUS ADDRESS KNOWN		
	CROWNS	POPEYE	UNKNOWN		
NAME AND ADDRESS OF COMPLAINANT				APT NO.	TELEPHONE NO.
OFFICER					
DETAILS:					
OFFICER OBSERVED YOUTH ENTER SYSTEM, VIA EXIT GATE, TO AVOID PAYMENT OF FARE.					
RANK	REPORTING OFFICER	SHD NO.	COMD	DATE PREPARED	SIGNATURE OF SUPV.
P.O.	ROBERT GREEN	4972	34	05/19/78	Sgt R. Prond #7509

REVERSE SIDE

JUVENILE REPORT(YD-1) - SAMPLE

JUVENILE REPORT 58-66-2528YD1 (REV. FEB. 77)-100M

MONTH MAY DIST. NO. 34 (3-3) YD1 CONTROL NO. 2999

(21) SURNAME JONES		FIRST JOHN		ADDRESS (24) ST. NO. (27) ST. NAME 2345 OCEAN AVE			ZIP CODE 11234		
17. SEX (54) <input checked="" type="radio"/> M <input type="radio"/> F (55) 1	18. COLOR 1	19. RELIG <input checked="" type="radio"/> C <input type="radio"/> J <input type="radio"/> O	20. RES. PG (46) 070	RES. CO. (30) K	23. AGE (56) 12	DATE OF BIRTH (58) 09/29/64	FLR. APT.# 2 2D	TELEPHONE # 366-9078	
25. PCT. OF OCC. (9) 060	28. PCT. SER. NO. 01	32. POST 999	35. OCCURRENCE (9) DAY (17) TIME MO 1530		(11) DATE 05/19/7	40. NOT VISIBLE <input type="checkbox"/> (112) OCC <input checked="" type="checkbox"/> VISIBLE	CO. OF SCHOOL/GRADE OR OCCUPATION K (49) PS100 - 7TH.		
41. PROPERTY TYPE (CIRCLE ONE) 1. AUTO 4. CURRENCY 5. JEWELRY 6. FURS, CLOTHING			7. FIREARMS 8. OFFICE EQUIP. 9. T.V., RADIO CAMERA 10. HOUSEHOLD		11. CON-SUMABLE 0. BIKE 13. MISC	43. LARCENY V/MOTOR VEHICLE ONLY <input type="checkbox"/> PARKING LOT <input type="checkbox"/> GARAGE <input type="checkbox"/> Q <input type="checkbox"/> STREET <input type="checkbox"/> OTHER	FATHER'S NAME HENRY	MOTHER'S FIRST & MAIDEN JANE BROWN	(74) POST 034010
PROPERTY VALUE	44. STOLEN 000	47. RECOVERED 000	STATION STILLWELL AVE.		PLACE OF OCCURRENCE (64) LINE N		(66) LOCATION PLAT		
OFFICER NAME AND ADDRESS OF COMPLAINANT							APTR	TELEPHONE #	
NARCOTIC/DRUG INFORMATION USES DRUGS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, TYPE USED AND HOW LONG			CHILD NOTIFIED THAT THIS REPORT WAS PREPARED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		WARNED, ADMONISHED AND RELEASED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
COMPLAINT (DETAILS) (14) CHARGE N.Y.C.R.R. - 1051.1									
OFFICER OBSERVED YOUTH BREAKING A WINDOW PANEL (1' X 1') WITH A STICK. WINDOW PANEL WAS CONTAINED IN THE ENTRANCE DOOR LEADING TO THE DISPATCHER'S OFFICE.									
CHILD TRUANT <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, RELEASE TO: TITLE NAME									
RANK	REPORTING OFFICER	SHIELD#	(18) ID #	COM'D	DATE PREPARED	SIGNATURE OF SUPER.	DATE FORWARDED		
<i>Pvt.</i>	<i>Robert Grism</i>	<i>4972</i>	<i>118625</i>	<i>34</i>	<i>05/19/7</i>	<i>Sgt R. Pando</i>	<i>05/19/7</i>		
IF GANG MEMBER, NAME OF GANG CROWNS			ALIAS POPEYE		PREVIOUS ADDRESS (IF KNOWN) UNKNOWN				
DO NOT MAKE ENTRIES BELOW THIS LINE YOUTH AID DIVISION ONLY									
DISPOSITION, AGENCY, OR COURT DATE				50. SOURCE CD.	53. DISPO. CD.	55. Y.A.D. UNIT NO.	57. UNIT SERIAL NUMBER		
61. ARRESTS	63. JUV. REV.	65. OFFENSE	70. RES. HEALTH	74. TOUR	75. HOUR	76. DAY OF WEEK	77. LOC	79. LARCENY OR WEAPON CD.	
SUMMARY OF INVESTIGATION: PD377-081 PREPARED? <input type="checkbox"/> YES <input type="checkbox"/> NO MISC. 1101 <input type="checkbox"/> YES <input type="checkbox"/> NO									
DATE CONTACT WITH PARENT / / <input type="checkbox"/> H.V. <input type="checkbox"/> COMPLAINANT <input type="checkbox"/> OFFICER <input type="checkbox"/> AGENCY <input type="checkbox"/> COURT									
RANK	INVESTIGATING Y.A.D. OFFICER			SHIELD NO.	DATE	Y.A.D. SUPERVISOR'S SIGNATURE			

FORM A

FAMILY COURT — PROBATION INTAKE REFERRAL REPORT

Misc. 1094 (Revised: 10/75)

PRINT or TYPE all captions. This form is to be prepared by the arresting/assigned officer for EACH juvenile released on PERSONAL RECOGNIZANCE following arrest.

ARREST NO. 2223	PCT. OF ARREST 89	DATE AND TIME OF ARREST 3/30/78 0230	REL. PCT. 89	SCHOOL ATTENDING/ATTENDED John Jay HS	GRADE 12	GANG MEMBER <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, NAME OF GANGS
OCCURRENCE DATE — 3/20/78 TIME — 0230		PLACE — Jay St. & Borough Hall	TYPE OF PREMISE — Subway			
(NAME OF JUVENILE) LAST James		FIRST William S.	ADDRESS (Include City & State) 101 Pine St., Brooklyn, N.Y.		APT. NO. 2B	
DATE OF BIRTH Jan. 1, 1963	AGE 15	SEX M	PHONE NO. 789-3441			
NAME OF PERSON RESIDING WITH John James		RELATIONSHIP (Guardian/Agency, etc.) Father				
ADDRESS 101 Pine St., B'klyn, N.Y.		PHONE NO. 789-3441				
MOTHER'S NAME Sarah James		MAIDEN NAME Green				
ADDRESS Same		APT. NO.				
PHONE — BUSINESS NO. Same		HOME NO. Same				
FATHER'S NAME John James		ADDRESS Same				
PHONE — BUSINESS NO. 212-7989		HOME NO. 789-3441				
ADVISED OF CONSTITUTIONAL RIGHTS BY PO Pine #3999		PARENT(S) GUARDIAN ADVISED OF CONSTITUTIONAL RIGHTS BY PO Pine #1999				
WERE CONSTITUTIONAL RIGHTS WAIVED BY BOTH PARENT(S) GUARDIAN AND RESPONDENT <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES WERE STATEMENT(S) MADE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> ORAL <input type="checkbox"/> WRITTEN				
STATEMENT(S) MADE BY		NATURE OF STATEMENT(S)				
DID THE RESPONDENT OFFER RESISTANCE OR VERBAL ABUSE AT THE TIME HE/SHE WAS TAKEN INTO CUSTODY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES DESCRIBE: Respondent punched officer on right side of face with clenched fist.				
DOES A/O HAVE PRIOR KNOWLEDGE OF JUVENILE'S REPUTATION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, DESCRIBE:		RANK P.O. <u>James Pine #3999</u>				
		FAMILY COURT — SCHEDULING RETURN DATES: AT ALL TIMES PRISONER TRANSPORTATION AND DETENTION UNIT 374-3343/6/7				
		RECOGNIZANCE RETURN DATE 4/17/78				
		EVIDENCE: WHAT WAS RECOVERED? one black leather wallet containing \$600.00 U.S.c. and personal papers of complainant.				
		IF A GUN, RIFLE, OR OTHER FIREARM: DOES A/O BELIEVE IT TO BE — <input type="checkbox"/> OPERABLE <input type="checkbox"/> NOT OPERABLE IS IT A — <input type="checkbox"/> NEW <input type="checkbox"/> FAIRLY NEW <input type="checkbox"/> OLD FIREARM HOW? Evidence was in respondent's right rear pants pocket WHERE (be specific)				
		VOUCHER NO'S 90160				

CHARGE, Which if committed by an ADULT would constitute a CRIME (Law, Section, Specific Offense, Class)	ASSOCIATES (Name)	AGE	ARREST NO.	YO NO.
155 .30 PL Grand Larceny 3rd deg.	Charles Pitts	15	2224	

WITNESS: NAME ADDRESS BUSINESS PH # HOME PH #

No. 1 —
No. 2 —
 NO

INJURIES: YES TO WHOM DESCRIBE ADMITTED — YES NO TREATED AT — HOSPITAL

Describe specifically THIS respondents INDIVIDUAL actions and behavior during the delinquent act. ALSO, "In Concert" arrest — DO NOT describe group behavior, describe ONLY — THIS INDIVIDUAL'S — actions and behavior AND whether or not the others were apprehended.
(NOTE — If a weapon was used or displayed, indicate if the respondent PERSONALLY possessed it.) For additional space — use reverse side.
Respondent did snatch the complainant's wallet from out of his hand as the complainant approached the token booth at the Jay St. & Borough Hall station. Also arrested was CHARLES PITTS who aided respondent in the commission of this crime.

SWORN TO: THIS 30th Day of March, 1978 — BEFORE

Lt./Det. Signature: Aden Dow Police Officer Signature: James Pine

FORM B

STATEMENT OF "CIVILIAN" COMPLAINT -- JUVENILE CASES

Minut. 11/80 (Rev/Issd 1-1-78)

(NOTE: DO NOT PREPARE THIS FORM WHEN AN OFFICER IS THE COMPLAINANT)

Arresting/Assigned officer taking juveniles, charged with a crime, into custody shall prepare this form. Information supplied by the complainant shall be PRINTED or TYPED and the appropriate caption(s) CHECKED OFF as soon as the information is available. The complainant will be requested to sign the appropriate STATEMENT(S) A, B, C, or D, below. IF THE COMPLAINANT REFUSES TO SIGN or IS UNABLE TO SIGN the statement, the officer will INDICATE THE COMPLAIN-

ANT'S REFUSAL or THE REASON FOR FAILING TO SIGN on the line captioned--"SIGNATURE OF COMPLAINANT". IN ALL CASES, a superior officer AND the arresting/assigned officer will SIGN the bottom of the form, completing ALL captions in the sworn statement. The completed form will be presented to the Corporation Counsel, Family Court, on the day the Petition is to be drawn.

Name of Juvenile (RESPONDENT) William S. Jones
 Address 101 Gold St., Brooklyn, N.Y.
 Date 7/30/78 Time of Occurrence 0230 Place of Occurrence Jay St. & Brough Hall
 Description OR Type of premises involved: Subway Station
 Description of Property involved (if any): Black Leather Wallet
(INCLUDE -- Make, Model and/or Model No., Serial No.)

(License Plate No., VIN No., Etc.)
 CHARGE: Larceny -- 155.20 -- Penal Law
(Specific Offense) (Section) (Law)

Name of Complainant Earl Jones Address (CONFIDENTIAL)

Complainant CATEGORY (Check one): 1 Owner of property OR victim.
 2 Person in control of property.
 (Where category '3' is checked 3 NEITHER '1' or '2' but observed the respondent
 ONLY USE Statement 'D', below.) engage in a particular act.

Notes: 1-- STATEMENT A & B check the appropriate terms(s) that apply in each case.
 2-- STATEMENT C & D DESCRIPTION OF THE ACT MUST SPELL OUT THE CRIME CHARGED.

STATEMENT 'A': (Larceny, Criminal Possession of Stolen Property, Criminal Mischief, Criminal Tampering, Unauthorized use of a vehicle)

I did not give, or authorize another to give, permission to the respondent, above, TO -- () take () be in possession of () use () damage () tamper with the property described above.

SIGNATURE OF COMPLAINANT: Earl Jones

STATEMENT 'B': (Burglary, Criminal Trespass, Arson)

I did not give, or authorize another to give, permission to the respondent, above, TO -- () be in () be on () cause damage to my property, described above.

SIGNATURE OF COMPLAINANT: _____

STATEMENT 'C': (Assault, Sex Crimes, Menacing, Reckless Endangerment, Robbery, Larceny from the Person)

I did not give, or authorize another to give, permission to the respondent above, TO -- (describe the act) _____ which he /she did in fact do.

SIGNATURE OF COMPLAINANT: _____

STATEMENT 'D': (Use this statement where the "Complainant CATEGORY", above, is "3")

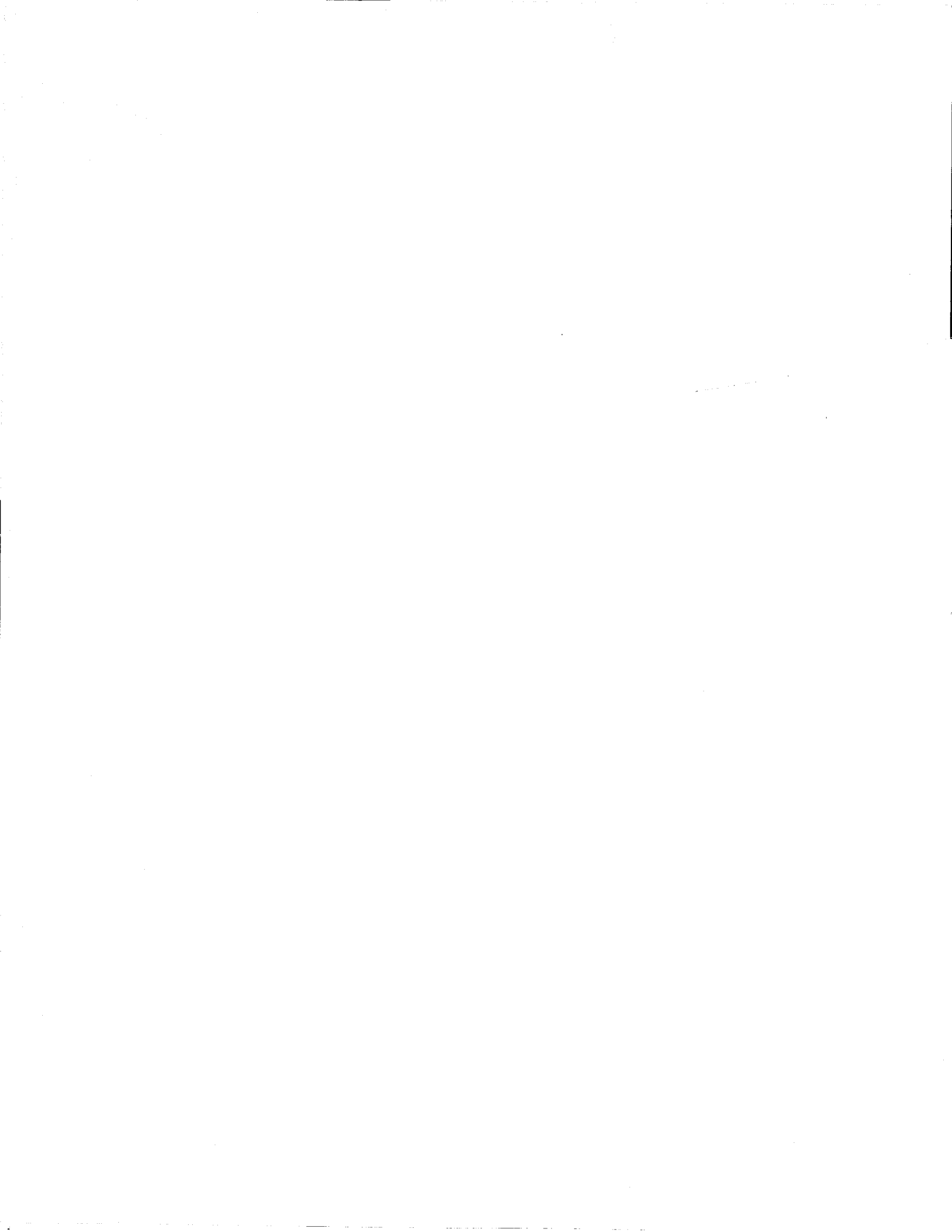
I observed the respondent, above, engage in the following act: _____ which he he/she did in fact do.

SIGNATURE OF COMPLAINANT: _____

The above information was supplied to me by the complainant.

SWORN TO: THIS 30 Day of March, 19 78 -BEFORE
Aden Dow Rank P.O. Name James Pize Sh. No. 3999
Signature Police Officers: (Signature)

Command District 14 Agency Transit Police Dept.



CONTINUED

2 OF 3

FORM C

(Misc. 1098 Revised 11-75)

(PRINT OR TYPE)

SUPPORTING DEPOSITION
C.P.L. 100.20

Docket No. _____

FAMILY COURT OF THE STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF KINGS

STATE OF NEW YORK
COUNTY OF KINGS ss.:

Arresting
Assigned officer (DEPONENT) P.O. JAMES PINE

Shield No. 3999 Assigned to UF-14 T.P.D. County of Kings State of New York,
Command/Agency

being duly sworn and says that:

1. While performing tour of duty 12 to 8 in the 89 precinct
on (date) 3/30/78 and assigned to (Post/Sector)
- the RESPONDENT William A. James
of 101 Gold Street, B rooklyn, N.Y.
(Address - - City & State)

engaged in the following conduct on (date) 3/30/78 at 0230 hours,
at Jay St. Subway Station
(Location - Address, Apt. No., Floor, in front of, etc.)

NOTE: (A) Complete the appropriate caption(s) 2 AND/OR 3 below depending on whether you
observed the offense in question, AND/OR as it was related to you by the complainant.

(B) WHERE POSSIBLE, identify any PROPERTY by Make, Model and/or Model Number,
Serial Number, License Plate Number, VIN Number, etc.

2. DEPONENT observed the RESPONDENT snatch a wallet from a male who
was waiting to purchase tokens and attempted to flee the area.

3. RESPONDENT was taken into custody by DEPONENT on the complaint of
Earl Jones of _____ (Address Confidential)
(Name)

who states that while waiting on line to purchase tokens the respondent did
snatch his black leather wallet from out of his hand and run away. When he
attempted to chase after him he was tripped up by Charles Pitts, also arrested,
who was with the respondent.

This act, or omission, if committed by an adult would constitute
Grand Larceny a Class 2 Felony/Class _____ Misd.
(Specific Offense)
a violation of Section 155.30 of the Penal Law
(No. of Legal Statute) (Title of Law)

State of New York.
SWORN TO: This 30 day of March, 19 78 before

Adam Dow - James Pine
(LL/Sgt. - Signature) (Police Officer - Signature)

PERSONAL RECOGNIZANCE
FAMILY COURT

NEW YORK CITY
TRANSIT POLICE DEPARTMENT

TP- 150

District 30

STATE OF NEW YORK
COUNTY OF KINGS } ss:

BE IT KNOWN, that whereas on this 17 day of MARCH 19 78, one Dennis W. Larkin
a child under the age of 16, to wit, of the age of 15 years, was taken into custody in the County of KINGS in the City
of New York, by P.O. John Doe 5000 D-30, a member of the New York City
(Rank) (Name) (Shield) (Command)
Transit Police Department, charged on the complaint of LEONARD J. THOMPSON with the offense of
Robbery 1st DEGREE (160.15 PL) and is now in custody upon the said charge.

NOW, THEREFORE, I Joseph D. Larkin residing at 101 MAISEN LANE
in the County of KINGS, Occupation POSTAL CLERK, the FATHER of said child, do hereby
(Relationship)
undertake and solemnly bind myself to produce the said child before the Family Court at a session of the said Court, to be held at the court
house thereof, 283 ADAMS ST. in the City of New York, on the 18th
(Address of Court)
day of March 19 78, at half past nine o'clock in the morning and the said child shall then and there abide the order of the
said Court in the premises, and not depart the same without leave. (The birth certificate or other verification of the age of the child should
be brought to court on the above date.)

TAKEN AND ACKNOWLEDGED BEFORE ME

3/17, 19 78
(Date)

Joseph D. Larkin
(Signature of Parent or Guardian)

Lt. J. Brooks
(Desk Officer's Signature)

LT
(Rank)

84
(Shield No.)

STATE OF NEW YORK
COUNTY OF KINGS } ss:

The above named Joseph D. Larkin, being duly sworn, deposes and says that he is the FATHER
(Relationship)
of said child, Dennis W. Larkin who was 15 years of age on the 1st day of Jan. 1978
last past; that he has heard the foregoing recognizance read and fully understands the terms and conditions thereof; and he has further been
informed and is aware that if he fails to produce the said child pursuant to the terms of the said recognizance, he will be liable to punish-
ment by the court as for a criminal contempt in the manner provided in the Judiciary Law, and a warrant may be issued for his arrest in
accordance with the Family Court Act.

SWORN TO BEFORE ME

3/17, 19 78 } ss:
(Date)

Joseph D. Larkin
(Signature of Parent or Guardian)

J. Brooks
(Desk Officer's Signature)

Lt
(Rank)

89
(Shield No.)

FRONT

NEW YORK CITY TRANSIT POLICE DEPARTMENT
FIELD INVESTIGATION REPORT

SUPPLEMENTAL TF-67 (Revised 5/77)

DIVISION <input type="checkbox"/> BMT <input checked="" type="checkbox"/> IND <input type="checkbox"/> IRT <input type="checkbox"/> OUTSIDE	CCN # <u>017845</u> UOR # _____ POST <u>030110</u> AIDED # _____ PCC # _____ ALARM # _____	ARREST #'S (T.P.D.) A # <u>A 30-77-000</u> B # _____ # of Culprits <u>1</u>	IF SUPPLEMENTAL ARREST, ORIGINAL CCN # _____	DISTRICT TP-4 # <u>A-30-72-011</u> A.C. # _____ L/F # _____			
TYPE OF INCIDENT (SPECIFY) <u>ARREST - ROBBERY 1^o</u>		VISIBLE TO PATROL YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		LOCATION INSIDE <input type="checkbox"/> OUTSIDE <input checked="" type="checkbox"/>		HOW COMPLAINT WAS RECEIVED IN PERSON <input checked="" type="checkbox"/> BY PHONE <input type="checkbox"/> IN WRITING <input type="checkbox"/> BY PICKUP <input type="checkbox"/>	
PLACE OF OCCURRENCE <u>SMITH & 9TH STREET</u>		LINE <u>F</u>	COUNTY <u>K</u>	SPECIFIC LOCATION <u>513 PLAT</u>		CRIME LOCATION F. First two cars N. Northend L. Last two cars S. Southend M. Middle cars <u>2</u> Other _____	
TIME DAY DATE OF INCIDENT <u>1200 PM 03-17-78</u>		TIME DAY DATE REPORTED <u>SAME</u>		LATE REPORT (STATE REASON) <u>N/A</u>			
COMPLAINANT'S LAST NAME <u>THOMASON</u>		FIRST NAME <u>LEONARD</u>		INITIAL <u>J</u>	AGE <u>38</u>	COMPL.'S SEX MALE <input checked="" type="checkbox"/> FEMALE <input type="checkbox"/> STATE <input type="checkbox"/> CORP. <input type="checkbox"/>	
COMPLAINANT'S ADDRESS <u>160 W. 142ND STREET</u>		APT. # _____	COUNTY <u>100 N.Y.</u>	HOME PHONE # <u>584-7401</u>	BUSINESS PHONE # <u>361-6192</u>		
CAN COMPL. IDENTIFY YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		WILL PROSECUTE YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		WILL VIEW PHOTOS YES <input type="checkbox"/> NO <input type="checkbox"/> DATE: <u>N/A</u>		BEST TIME TO CALL/INTERVIEW COMPL. TIME DAY DATE	
PERSON REPORTING INCIDENT (OTHER THAN VICTIM) - TITLE - RELATIONSHIP - ADDRESS - AGENCY - PHONE# - ROOMS - 167		_____					

S. STUDENT <input checked="" type="checkbox"/> EMPLOYED <input type="checkbox"/> UNEMPLOYED <input type="checkbox"/> RETIRED <input type="checkbox"/> WELFARE <input type="checkbox"/> VOLUNTEER WORKER <input type="checkbox"/> T.A. EMPLOYEE <input type="checkbox"/> X. TOURIST <input type="checkbox"/> M. EMPLOYED IN SYSTEM-NOT T.A.	COMPL.'S ORIGIN/ DESTINATION L. L. SCHOOL <input checked="" type="checkbox"/> H. HOME P. P. SHOPPING E. E. ENTERTAINMENT V. V. VISIT S. S. SIGHT SEEING M. M. MEETING B. B. BANK	COMPLAINANT'S COMPANION(S) <input checked="" type="radio"/> A. ALONE <input type="radio"/> C. CHILDREN <input type="radio"/> M. WITH MALE <input type="radio"/> F. WITH FEMALE <input type="radio"/> X. 2 OR MORE MALES <input type="radio"/> Y. 2 OR MORE FEMALES <input type="radio"/> Z. MIXED GROUP	COMPLAINANT'S ATTITUDE D. WELL DRESSED P. POORLY DRESSED U. UNIFORM W. WORK CLOTHES <input checked="" type="radio"/> C. CASUAL DRESS O. OTHER	COMPLAINANT'S APPEARANCE H. HANDICAPPED X. INTOXICATED U. DRUG USER <input checked="" type="radio"/> Y. YOUTHFUL F. FEEDLE <input checked="" type="radio"/> D. DEFORMITY	COMPL./CULPRIT RELATIONSHIP R. RELATIVE W. CO-WORKER F. FRIEND N. NEIGHBOR S. CO-STUDENT <input checked="" type="radio"/> Z. STRANGER	COMPLAINANT'S AIDED STATUS R. REFUSED MEDICAL AID H. REMOVED TO HOSPITAL P. W.O.N./OWN PHYSICIAN COMPL. PRIOR VICTIM 1. 1 TIME 2. 2 TIMES 3. 3 OR MORE
--	--	--	---	--	---	---

WITNESS NAME <u>NONE</u>	WITNESS ADDRESS _____	PHONE# _____	BUSINESS PHONE# _____	CAN IDENTIFY YES <input type="checkbox"/> NO <input type="checkbox"/>
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WITNESS STATEMENT

DETAILS:
ARRESTED BY OFFICER CHARGED BY COMPLAINANT
IN THAT AT THE ABOVE TIME AND LOCATION, DEFENDANT
ARREST #0001 DID BRANDISH A 007 KNIFE IN FRONT OF
COMPLAINANT AND DID DEMAND COMPLAINANT WALLET. DEFENDANT'S
KNIFE AND COMPLAINANT'S WALLET BOTH RECOVERED AFTER BRIEF
CHASE. MEMO BOOK C-00000/12

NARCOTICS: [] POSSESS [] SELL [] COCAINE, HEROIN, MORPHINE [] MARIJUANA [] SYNTHETIC [] OTHER []	WEAPONS USED (DESCRIBE): <u>007 BEN KNIFE</u>
---	---

BURGLARY: [] UNLAWFUL ENTRY [] PREMISES FROM: TIME MO. DAY TO: TIME MO. DAY <input type="checkbox"/> FORCIBLE ENTRY [] ATTEMPTED FORCED ENTRY [] CLOSED <u>N/A</u> <u>N/A</u>	DESCRIPTION OF STOLEN OR MISSING PROPERTY (INCLUDE VALUE) <u>BLACK LEATHER WALLET (VALUE \$1000)</u>	INSURED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	TOTAL # OF ITEMS <u>1</u>
DESCRIPTION OF PROPERTY RECOVERED (INCLUDE VALUE) <u>SAME AS ABOVE</u>		TOTAL # OF ITEMS <u>1</u>	

OFFICER'S EVALUATION/OBSERVATIONS
CRIME COMMITTED, DEFENDANT IN POSSESSION
OF COMPLAINANT'S PROPERTY

AREA SEARCHED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	RANK _____ NAME _____ SHD.# _____ ID# _____	CO'DM. _____ RMP# _____	CRIME COMMITTED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
BY: <u>PO JOHN DOE</u>	500 <u>00011</u>	<u>030</u>	EVIDENCE RECOVERED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

OFFICER: ON DUTY <input checked="" type="checkbox"/> OFF DUTY <input type="checkbox"/> PLAINCLOTHES <input type="checkbox"/> IN UNIFORM <input checked="" type="checkbox"/>	ARREST: ON PROPERTY <input checked="" type="checkbox"/> OFF PROPERTY <input type="checkbox"/>
INVESTIGATING/ARRESTING OFFICER'S NAME <u>PO JOHN DOE</u>	SHD.# <u>5000</u> ID.# <u>00011</u> SQU.# <u>G-2</u> COMM. <u>0-30</u> OFFICER'S SIGNATURE <u>PO JOHN DOE</u>

RECOMMEND CASE <input type="checkbox"/> A. ACTIVE <input checked="" type="checkbox"/> C. CLOSED <input type="checkbox"/> U. UNFOUNDED	FORWARDED FOR <input type="checkbox"/> A. INVESTIGATION <input type="checkbox"/> B. ATTENTION <input checked="" type="checkbox"/> C. INFORMATION	UNIT(S) REFERRED TO FOR FOLLOW-UP (INVESTIGATION, ATTENTION, INFORMATION) A. HQ. D/D <input checked="" type="checkbox"/> B. AREA D/D <input type="checkbox"/> C. DIST. A/C <input type="checkbox"/> D. DIST. U/F <input type="checkbox"/> E. CMPS A/C <input type="checkbox"/> F. CMPS U/F <input type="checkbox"/> G. SCU <input type="checkbox"/> H. CCU/IAM <input type="checkbox"/> T. TEU <input type="checkbox"/> Z. OTHER <input type="checkbox"/> K. PCT. OCC. <input type="checkbox"/>
--	---	--

REASON FOR RECOMMENDATIONS:
ARREST EFFECTED

INVESTIGATING SUPERVISOR'S NAME <u>SGT WILLIAM NELSON</u>	SHD.# <u>900</u> COMM. <u>0-30</u> LT. SIGNATURE <u>W. Nelson</u>	CAPT. SIGNATURE <u>Capt. [Signature]</u>
--	--	---

ASSAULTED PATROLMAN
 ACTIVITY DESCRIPTION: 1. [] 2. [] 3. [] 4. [] 5. [] 6. [] 7. [] 8. [] 9. [] 10. [] 11. []

C

PRINT LEGIBLY
USE THE FOLLOWING CODES TO
COMPLETE THE RESPECTIVE CAPTIONS

* RESIDENCE
LIVES IN PCT. OF ARREST -1
LIVES IN CITY-NOT PCT. OF ARREST -2
LIVES OUTSIDE CITY -3

CODES
-1
-2
-3

** RACE CODES
W-WHITE
B-BLACK
A-ASIAN
O-ORIENTAL

*** AGENCY OF RECORD CODES
00-N.Y.P.D., 01-TRANSPORT, 02-HOUSING, 03-PORT, AUTH., 04-T.S.A., 05-MARINE
& AVIATION, 06-L.I.E., 07-PHINX CENTRAL S.S., 08-ARMY S.S., 09-STATEN ISLAND
RAPID TRANSIT, 11-N.Y. STATE, 12-N.Y. STATE PARKS, 13-GATEWAY (FEDERAL)

ARREST NO. 9000	SURNAME (CAPITALIZED) LARKIN	FIRST DENNIS	MIDDLE W	RESIDENCE CODE 2	B.M.O. SAMPLE	DCJS NO.	STANDING NO.	DUPLICATE COPIES FOR: <input type="checkbox"/> CJB <input type="checkbox"/> VFD <input type="checkbox"/> YAO <input type="checkbox"/> NAR. DIV <input type="checkbox"/> IAD <input type="checkbox"/> SIA CRIMES		
PCT OF ARREST 076	ADDRESS (Include City & State) 101 MAIDEN LANE BKLYN NY			PHONE NO. 222-0000	FINGERPRINTED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PHOTOGRAPHED NOT RECD <input type="checkbox"/> FUTURE <input type="checkbox"/>	AT BORO			
TIME OF ARREST 1200	DATE OF ARREST 03/17/79	DATE OF BIRTH 01/01/63	AGE 15	SEX M	HAIR W	EYES BLUE	RANK P/O	ARRESTING/ASSIGNED OFFICER JOHN DOE	ARREST MADE AS RESULT OF <input checked="" type="checkbox"/> PICKUP <input type="checkbox"/> WARRANT <input type="checkbox"/> COMPLAINT	
HEIGHT 5 ft 1 in	WEIGHT 125	HAIR BRN	PLACE OF BIRTH (City & State in Country) NEW YORK, NY	ALIEN <input type="checkbox"/> CITIZEN	TAX REG NO. 010101	SHIELD NO. 5004	COMMAND NYCTPD	ARRESTED BY D30	IF BY OFFICER: <input checked="" type="checkbox"/> OFFICER <input type="checkbox"/> COMPL <input type="checkbox"/> OFFICER	
DRUG USED (Type) N/A	DAILY AMT. N/A	ADDITION PROGRAM N/A	Social Status SINGLE	LOCATION OF OCCURRENCE (Following Info From Complainant Report Only) SMITH ST 9th STREET S/B PLAT	OCCUPATION AND WHERE EMPLOYED (Company and Address) STUDENT - 8 HS 50				DATE AND TIME OF OCCURRENCE 03/17/79 - 1200	TYPE OF PREMISES SUBWAY
SOC. SEC. NO. 000-11-2222	LICENSES/PERMITS/IDENTIFICATION CARDS (Type and Serial Number) SCHOOL ELIGIBILITY CARD			COMPLAINANT'S NAME LEONARD THOMPSON	AGE 38	AIDED NO.		ACC. NO.	CHG	
PECULIARITIES, DEFORMITIES, SCARS, TATTOOS (Describe Fully & Give Location) PURPLE BLOTCHES UPPER LEFT ARM				COMPLAINANT'S ADDRESS 160 W. 142nd ST NYC NY		COMPLAINANT'S RESIDENCE - BUSINESS PHONE NO.'S 589-7401 361-6691		ADVISED OF CONSTITUTIONAL RIGHTS BY P/O JOHN DOE		
UNIQUE MO AND OR STATEMENTS USED "HAND OVER YOUR WALLET"				PRISONER'S TELEPHONE CALL (Time, Name and Number Called) 1330 - MARY LARKIN - 222-0000		ARRESTED BY P.O. COLLE		PRISONER SEARCHED BY P.O. COLLE		
NICKNAME N/A				PRISONER'S AUTO (Color, Make, Year, Plate)		ARREST NO.		B. NO./DCJS NO.		
CHARGES (Law Section, Specific Offense, Class) 1. FEL 160.15 ROBBERY 1				ASSOCIATES (Name)		ARREST NO.		B. NO./DCJS NO.		
1. FEL 160.15 ROBBERY 1				1.		ARREST NO.		B. NO./DCJS NO.		
2.				2.		ARREST NO.		B. NO./DCJS NO.		
3.				3.		ARREST NO.		B. NO./DCJS NO.		

DETAILS:
ARRESTED BY OFFICER, CHARGED BY COMPLAINANT, IN THAT AT THE ABOVE TIME AND LOCATION, DEFENDANT ARREST #9000 D.L.D. BRANDISH A. 007 BROWN KNIFE IN FRONT OF COMPLAINANT AND D.L.D. DEMAND... COMPLAINANT'S WALLET DEFENDANT'S KNIFE AND COMPLAINANT'S WALLET BOTH RECOVERED AFTER A BRIEF CHASE.

UNCAIDED FOR PCT. AIDED NO.
DEPENDENT ADULT/CHILD
MEMBER OF YOUTH GANG (Name)
NO

MOTHER'S MAIDEN NAME PRISONER'S MAIDEN NAME
MARY BAKER

AMOUNT OF FUNDS RETURNED
\$2

EXACT LOCATION OF ARREST
SMITH ST 9th STREET

GAT SERIAL NO - RETURN DATE
7777 - 04/02/78

TIME-DISPOSITION OF PRISONER

SUPERVISOR CONFERRED WITH C.M.D. ON SCENE PHYSICAL CONDITION
SGT NELSON NYCTPD YES NO APPARENTLY NORMAL OTHER (Describe)

DATE AND TIME RECORDED PANK SIGNATURE OF BOOKING SUPERVISOR

ARRESTING OFFICERS COPY

ARREST REPORT - P0244-156A (REV. 2.78)
6004-119045 (78)

IF YOUTH IS TO BE RELEASED ON PERSONAL RECOGNIZANCE: REFERENCE PG 110-30, 111-4.

1. Check child's identity - Youth Records Section 374-5570, 1, 2, 3.
2. Telephone Prisoner Transportation and Detention Unit 374-5345, 6, 7, - and obtain return date for Family Court.
3. Insure that green copy of the Property Release voucher (D.A. or Corporation Counsel Evidence Release) is forwarded to court with personal recognizance and this copy of arrest report. (See Operations Order 22 s. 76; Officer Excusal Project)

NOTE: WHEN MIRANDA WARNINGS are given to a child - a parent, guardian or legal counsel MUST be present. (See Operations Order 18 & 18-1 s. 74; Designated Interrogation Areas)

If the child is not eligible for recognizance he/she will be immediately taken to Family Court, if in session. If court is not in session, child will be remanded for detention and taken to the next session of Family Court.

IF YOUTH IS TO BE REMANDED TO JUVENILE DETENTION CENTER: STATION HOUSE SUPERVISOR MUST COMPLETE THIS SECTION.
MEMORANDUM FOR: DIRECTOR, JUVENILE DETENTION CENTER

The Respondent named in this report has been taken into custody and is being remanded for detention. The Respondent was not released on personal recognizance for the following reason. (Check one or more and explain further under Remarks).

- Parent, guardian or other lawful custodian is not capable or refuses to provide adequate supervision.
- Child is wanted on a warrant.
- Child is not likely to appear on return date.
- Child's person or morals would be endangered by release.
- Child's release would be dangerous to community.

Remarks _____

YOUTH CONTACT REPORT - TRUANCY

SECTION A - APPREHENSION INFORMATION											
Day	Date	Time	Occ.Pct.	Occ.Co.	Line	Location of Apprehension			Post		
FRI	033078	0930	044	3x.	D	MEZZ. VIC. BTH. 205 161 ST ST.			21105		
OFFENSE			Apprehending Officer - Rank & Name			Shield#	ID#	Com'd/Unit			
TRUANCY			P.O. J. ROMAN			5312	304904	DIST 11			
DETAILS: YOUTH WAS FOUND BY OFFICER LOITERING ON MEZZANINE. WHEN QUESTIONED BY OFFICER YOUTH WAS FOUND TO BE TRUANT.											
SECTION B - YOUTH'S BACKGROUND											
Youth's Name - Surname - First Name				Youth's Address - St.No. - St.Name			Fl.	Apt.	Zip Code		
JONES, JOHN JR.				230 EAST 167 TH ST			1	14	10022		
Home Phone#		Res.Co.	Res.Pct.	Sex	Color	Age	Date of Birth				
773 224		3x	072	M	B	15	03/03/63				
Alias			School & Grade		Co.	Attn. Dist#	Father's Name		Mother's First & Maiden Name		
NONE			DEWITT CANTON 8 TH		3x		JAMES		MARY		
Gang Member	Name of Gang	School Contacted	Name of Person Contacted		Time	Parent Contacted		Name of Parent Contacted			
Yes [] No [X]	NONE	Yes [X] No []	MR. CARTER		1000	Yes [X] No []		JOHN JONES SR			
Youth Prior Truant	# of Priors	J.C.P.U. Contacted	Name of Person Contacted		Shield#	Time	Control#				
Yes [] No [X]	0	Yes [X] No []	P.O. COLLINS		5313	1030	04063				
YOUTH EMPLOYMENT					YOUTH APPREHENDED WITH						
Date	Name of Employer	Address of Employer		Reason Left	Name	Address					
	N/A										
SECTION C - INTERVIEW OF YOUTH - OBSERVATIONS/COMMENTS						PROBLEM AREAS			IDENTIFIED BY		
YOUTH INTERVIEWED BY ATTENDANCE TEACHER GARCIA YOUTH STATES THAT IT WAS SUCH A NICE DAY HE DECIDED TO PEEK QUINEY. HE WAS WAITING AT 161 ST ST. FOR HIS FRIENDS. MR. CARTER WHO WAS CONTACTED AT CANTON 6.S. STATES THAT YOUTH HAS GOOD ATTENDANCE RECORD. YOUTH WAS ADVISED TO ATTEND SCHOOL REGULARLY AND WAS SENT ON WAY TO SCHOOL.						ALCOHOL	[]	[]	[]		
						DRUGS	[]	[]	[]		
						FAMILY CONFLICT	[]	[]	[]		
						EMPLOYMENT	[]	[]	[]		
						PEER GROUP	[]	[]	[]		
						MENTAL HEALTH	[]	[]	[]		
						PHYSICAL HEALTH	[]	[]	[]		
						CHILD ABUSE	[]	[]	[]		
SCHOOL	[]	[]	[]								
RUNAWAY	[]	[]	[]								
OTHER:	[]	[]	[]								

SIGNATURE GARCIA
ATTENDANCE TEACHER

SIGNATURE _____
INTERVIEWER - ACTION PROGRAM

FORM DSS-2221-A (10/74) (FACE)

REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT

STATE OF NEW YORK DEPARTMENT OF SOCIAL SERVICES
Subjects of Report

ORAL RPT. DATE 03/31/78	STATE REGISTRY NO.	LOCAL REGISTRY NO.
TIME 1200 HRS	LOCAL CASE NO.	LOCAL AGENCY

List all children in household, adults responsible for household, and alleged perpetrators.

Line No.	Last Name	First Name	M.I.	Aliases	Sex (M, F, Unk.)	Birthdate or Age (Mo. Day Yr.)	Ethnic Code (≠ Over)	Susp. or Relation Code (≠ Over)	Check (✓) if Alleged Perpetrator
1	SALVIA	SALVATORE	S.	3.S	M	01/01/64	WH.	MA	
2	SALVIA	ANN	S.		F	04/15/56	WH.	F	
3	SALVIN	SAM	S.		M	12/30/54	W/I	P	✓
4									
5									
6									
7									

LIST ADDRESSES AND TELEPHONE NUMBERS:
 HOUSEHOLD: 125 "ST. ALE" NYC
 OTHERS: (Give Line Nos.)
 TELEPHONE NO. NONE
 TELEPHONE NO.
 TELEPHONE NO.

Basis of Suspicion

Alleged consequences or evidence of abuse or maltreatment - Give child(ren)'s line number(s). If all children, write "ALL".

<input type="checkbox"/> DOA/Fatality	<input type="checkbox"/> Child's Drug/Alcohol Use	<input type="checkbox"/> Educational Neglect
<input type="checkbox"/> Fractures	<input type="checkbox"/> Drug Withdrawal	<input type="checkbox"/> Emotional Neglect
<input type="checkbox"/> Subdural Hematoma, Internal Injuries	<input type="checkbox"/> Lack of Medical Care	<input checked="" type="checkbox"/> Lack of Food, Clothing, Shelter
<input checked="" type="checkbox"/> Lacerations, Bruises, Warts	<input type="checkbox"/> Malnutrition, Failure to Thrive	<input type="checkbox"/> Lack of Supervision
<input type="checkbox"/> Burns, Scalding	<input type="checkbox"/> Sexual Abuse	<input type="checkbox"/> Abandonment
<input type="checkbox"/> Excessive Corporal Punishment	<input type="checkbox"/> Other, specify:	

State reasons for suspicion. Include the nature and extent of each child's injuries, abuse or maltreatment, any evidence of prior injuries, abuse or maltreatment to the child or his siblings and any evidence or suspicions of "Parental" behavior contributing to the problem. (If known, give time and date of alleged incident):
 No. Day Yr. Time AM PM

CHILD ENCOUNTERED BY REPORTING OFFICER AS HAVING NO CLOTHING AND BRUISES & LACERATIONS OVER ALMOST EVERY AREA OF BODY & FACE.

Source of This Report

PERSON MAKING THIS REPORT		SOURCE OF THIS REPORT IF DIFFERENT	
NAME PO JOHN T. CLENS #1273	TELEPHONE NO. 330-4431	NAME	TELEPHONE NO.
ADDRESS 370 JAY ST. BKLYN, N.Y. 11201		ADDRESS	
AGENCY/INSTITUTION NYC T.P.D.		AGENCY/INSTITUTION	

Relationship (For Reporter, X for Source)
 Med. Exam./Counselor Physician Hospital Staff Law Enforcement Neighbor Relative
 Social Services Public Health Mental Health School Staff Other (specify)

For Use By Physicians Only
 Medical Diagnosis on Child: _____
 Signature of Physician Who Examined/Treated Child: _____
 Telephone No.: _____
 Hospitalization Required: 0 None 1 Under One Week 2 One - Two Weeks 3 Over Two Weeks

Actions Taken or About To Be Taken:
 0 Medical Exam 2 X-Ray 4 Removal/Keeping 6 Not. Med. Exam./Counselor
 1 Photographs 3 Hospitalization 5 Returned Home 7 Notified D.A.

Signature of Person Making This Report: X John T. Clems #1273 - JCPU
 Title: Police Officer NYC TPD
 Date Submitted: 03/31/78



NEW YORK CITY TRANSIT
POLICE DEPARTMENT



APPENDIX F

370 JAY STREET
BROOKLYN, N.Y. 11201

SAMPLE #1

Date 3-30-78

Dear Parent:

Your child JAMES TOMSON has been brought to the attention of the Transit Police Department for the reason indicated below. This is not a conviction of a Crime and will not result in a criminal record. The record of this incident will be destroyed when your child reaches the age of 17. However, should your child come to the attention of this Department in the future, it may precipitate further action by this office.

Legally, a parent or guardian is expected to be reasonably diligent in the supervision of his child to prevent neglect, delinquency or conduct that may prove harmful to the child. We are informing you of this matter so that you may discuss it with your child and possibly prevent any more serious problems from developing in the future.

You may request a further investigation to determine the accuracy of the alleged offense or to add any information you present to our records. If you desire any other assistance in this matter, please feel free to call this office, [212] 330-3155.

Control No. Dist 1 # 333 Date of Offense 3-23-78
Time of Offense 11:41 AM Place of Offense 2nd St IND "A"

ALLEGED OFFENSE

- | | |
|--|---|
| <input type="checkbox"/> Evading Payment of Fare | <input type="checkbox"/> Using Profane Language [loud & boisterous] |
| <input type="checkbox"/> Misuse of Transit Pass | <input type="checkbox"/> Harassment |
| <input type="checkbox"/> Truancy | <input type="checkbox"/> Obstructing Passenger Movement |
| <input type="checkbox"/> Smoking in Subway | <input type="checkbox"/> Violation of Administrative Code |
| <input type="checkbox"/> Peddling | <input type="checkbox"/> Disorderly on Transit System |
| <input type="checkbox"/> Breaking Windows | <input type="checkbox"/> Vandalism |
| <input type="checkbox"/> Littering in Subway | <input checked="" type="checkbox"/> Entering Restricted Areas |
| <input type="checkbox"/> Fighting | <u>KIDING BEHIND DOOR OF TRAIN</u> |
| <input type="checkbox"/> Panhandling | <input type="checkbox"/> Other |
| <input type="checkbox"/> Graffiti | |
| <input type="checkbox"/> Fireworks | |
| <input type="checkbox"/> Loitering | |
| <input type="checkbox"/> Trespassing | |

JUVENILE ASSISTANCE UNIT
300 GOLD STREET
BROOKLYN, N. Y. 11201
Investigating Officer

Very truly yours,

Sgt. [Signature]
Supervisor



APPENDIX F

New York City Transit Police Department
Juvenile Assistance Unit
300 Gold Street
Brooklyn, New York 11201 SAMPLE #2

Date MARCH 29 1978

Dear Parent,

Your son/daughter CAROL JOHNSON misused his/her
Reduced Fare Eligibility Card on MARCH 28 1978 at 4:15
(PM) for the following reason: GAVE PASS # 450045
TO ANOTHER TO USE.

This violates the conditions as listed on the back of Type 2
Reduced Fare Eligibility Card.

Because of this violation, his/her card was confiscated.

Your son/daughter may obtain a new card by presenting this letter
to a Transit Police District Desk Officer after APRIL 29, 1978
at 2493 FULTON ST. BKLYN, N.Y. TRANSIT POLICE
DIST #33.

For further assistance contact the Juvenile Assistance Unit
Telephone - 330-3155, Monday through Friday, from 9:00 AM to
5:00 PM.

Sgt. Jones #1450
Supervisor



APPENDIX F

New York City Transit Police Department
Juvenile Assistance Unit
300 Gold Street
Brooklyn, New York .11201

SAMPLE #3

Date MARCH 29, 1978

Dear Parent,

Your son/daughter WILLIAM SMITH misused his/her
Reduced Fare Eligibility Card on MARCH 28, 19 78
at 11:15 (AM) for the following reason: USED PASS
#123451. AT THE WRONG TIME

This violates the conditions as listed on the back of the
Reduced Fare Eligibility Card.

Although his/her card was not confiscated, a record of
this incident will be maintained by the New York City Transit
Police Department. Should a similar incident occur in the
future his/her card may be confiscated and a lengthy penalty
period imposed before replacement of a new card.

For further assistance contact the Juvenile Assistance
Unit Telephone 330-3155, Monday through Friday, from 9:00 AM
to 5:00 PM.

JUVENILE ASSISTANCE UNIT
300 GOLD STREET
BROOKLYN, N. Y. 11201

Sgt. Jones #1450
Supervisor



APPENDIX F

SAMPLE #4

New York City Transit Police Department
Juvenile Assistance Unit
300 Gold Street
Brooklyn, New York 11201

Date MARCH 29 1978

Dear Parent,

On MARCH 29, 19 78 your son/daughter JOHN JONES
reported to this department that his/her Reduced Fare Eligi-
bility Card, Serial number 971450 Type 2 was LOST.

A replacement card was issued to him/her, Serial Number
994500 Type 2 on MARCH 29, 19 78 at
Transit Police District Number 12. This replacement
card is provided as a service, to you and your child,
subject to the conditions stated on the back of the Reduced
Fare Eligibility Card. Any future replacements may require
a lengthy waiting period.

For further assistance contact the Juvenile Assistance
Unit - Telephone - 330-3155, Monday through Friday, from
9:00 AM to 5:00 PM.

JUVENILE ASSISTANCE UNIT
300 GOLD STREET
BROOKLYN, N. Y. 11201

Sgt. Jones #410

- 191 -

Supervisor

JUVENILE APPREHENSION REPORT

TP-4F

OFFENSE(S) CRIMINAL MISCHIEF P.L. 145.00		ALARM NO.	VIDED NO.	UOR NO.	UNIT REFERRAL JCPU	CASE STATUS REFERRED TO JOB?		
PLAC OF OCCURRENCE GUN HILL ROAD	POST 012060	SPECIFIC LOCATION S/B #2 TRAIN CAR # 8950			LINE 2	COUNTY 8x		
DIVISION <input type="checkbox"/> IND <input type="checkbox"/> HMT <input checked="" type="checkbox"/> INT		PCT OF OCCURRENCE 050		REPORTED		HOW COMP RECEIVED <input type="checkbox"/> IN PERSON <input type="checkbox"/> WRITTEN <input type="checkbox"/> PHONE <input checked="" type="checkbox"/> PICK UP		
TIME DAY DATE 11 54 10 WE 11 22 8 77		TIME DAY DATE 11 54 10 WE 11 22 8 77		COMPLAINANT'S NAME P.S.N.Y.				
VICTIM'S SEX <input type="checkbox"/> MALE <input checked="" type="checkbox"/> FEMALE		COLOR <input type="checkbox"/> HISPANIC <input type="checkbox"/> WHITE <input type="checkbox"/> BLACK	AGE	COMPLAINANT PERPETRATOR RELATIONSHIP <input type="checkbox"/> RELATIVE <input type="checkbox"/> FRIEND <input type="checkbox"/> STRANGER <input type="checkbox"/> OTHER				
WEAPONS USED (DESCRIBE)		NARCOTICS POSSESS <input type="checkbox"/> MARIJUANA <input type="checkbox"/> SYNTHETIC <input type="checkbox"/> OTHER						
WITNESS NAME OFFICER		ADDRESS HOME TEL NO BUSINESS TEL						
DETAILS OFFICER WHILE ON ANTI-CRIME PATROL OBSERVED BELOW DESCRIBED YOUTH BREAK THE PROTECTIVE GLASS ON FIRE EXTINGUISHER COMPARTMENT IN CAR 8950. YOUTH DID NOT HAVE AUTHORITY OR PERMISSION TO DO SO.								
1700 hrs. PARENT ROSALEE JONES present IDENTIFICATION VERIFIED 1735 hrs. Youth released to parent at DISTRICT 12								
ASSIST - P.O. JOHNS # 3672 CWAC JCPU - RECIDIVIST CONTROL No. 09947 WARRANTS - P.A.A. JONES - NO RECORD Youth Records - Rochester 1 prior - 31177 070Pct. - POTT LARGERY Memo Book No C 51307 PAGE 53								
JUVENILE APPREHENDED INFORMATION								
LAST NAME JONES	FIRST JOHN	STREET ADDRESS 130 EAST 226 STREET			FLOOR Pvt	APT NO N/A	ZIP CODE 10466	
RACE CO BK	HES PCT 047	SEX M	COLOR BLACK	AGE 14	D O B 060463	RELIGION P(C)JO	NAME OF GANG IF ANY NONE	ALIAS BOO
HEIGHT 5'7"	WEIGHT 120	EYES BRN	HAIR BLK	HAIR STYLE Lg. AFRO	COMPLEXION LIGHT	SCARS 1" OVER LEFT EYE(BROW)		
CLOTHING BLUE SWEATER JACKET, GREEN TEE SHIRT, BLUE PANTS, BLACK/WHITE SNEAKERS								
Date of Apprehension 11 54 11 WE 11 22 8 77		CHARGES (LIST AS IF AN ARREST CASE) P.L. 145.00 MISD CRIMINAL MISCHIEF						
PCT 047	PCT VOUCHER # NONE							
DESCRIBE VOUCHERED PROPERTY N/A								
MOTHER'S MAIDEN NAME ROAM, ROSALEE		FATHER'S NAME JONES, VINCENT						
MARRIED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		CITIZEN <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	SCHOOL & GRADE WALTON H.S. 10th	OCCUPATION STUDENT	EMPLOYER NONE	WHICH <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
APPREHENDING OFFICER RICERT, JAMES		RANK P.O.	SHIELD 3762	PASS NO 743801	COMMAND CWAC	SQUAD EOS	DUTY <input checked="" type="checkbox"/> ON <input type="checkbox"/> OFF	
INVESTIGATED BY (U.C.P.U.) P.O. MICHAEL HERBIES		RANK P.O.	NAME HERBIES	SHIELD 3992	UNIT JCAU			
APPROVED BY Lt. N. Smith		RANK Lt.	NAME N. Smith	SHIELD 98	UNIT D-12			

LOCATIONS DESIGNATED FOR INTERROGATION OF JUVENILES

LEGAL REFERENCE

When a member of the force determines that it is necessary to question a juvenile who has been taken into custody, the child must be taken to one of the specific locations designated by the Appellate Division of the First and Second Departments.

Members of the force will use the nearest Transit Police or New York Police Department facility approved for this specific purpose.

NOTE: If a juvenile is questioned at a location other than one listed below, any confession or admission made by the juvenile, even if he and his parents or guardians waive his rights, may not be admissible in court.

JUVENILE INTERROGATION LOCATIONS

The following facilities have been approved for interrogation of juveniles:

KINGS COUNTY
DISTRICT

30 Hoyt & Schermerhorn, IND

32 Franklin Ave., IRT

33 2493 Fulton Street

34 Stillwell Ave., IND, BMT

Transit Police Headquarters
370 Jay Street, Room 242

QUEENS COUNTY
DISTRICT

20 Roosevelt Ave., IND

23 Rockaway Pk. Beach
116 Street, IND

NEW YORK COUNTY
DISTRICT

1 59th Street, IND

3 145th Street, IND

4 Chambers Street, IND

BRONX COUNTY
DISTRICT

11 161st Street, IND

12 East 180th Street, IRT

TRANSIT POLICE DEPARTMENT
LOCATION

Commanding Officer's Office

Patrol Sergeant's Office

Borough Command Office

Command Post Office

Captain's Office

Lieutenant's Office

Commanding Officer's Office

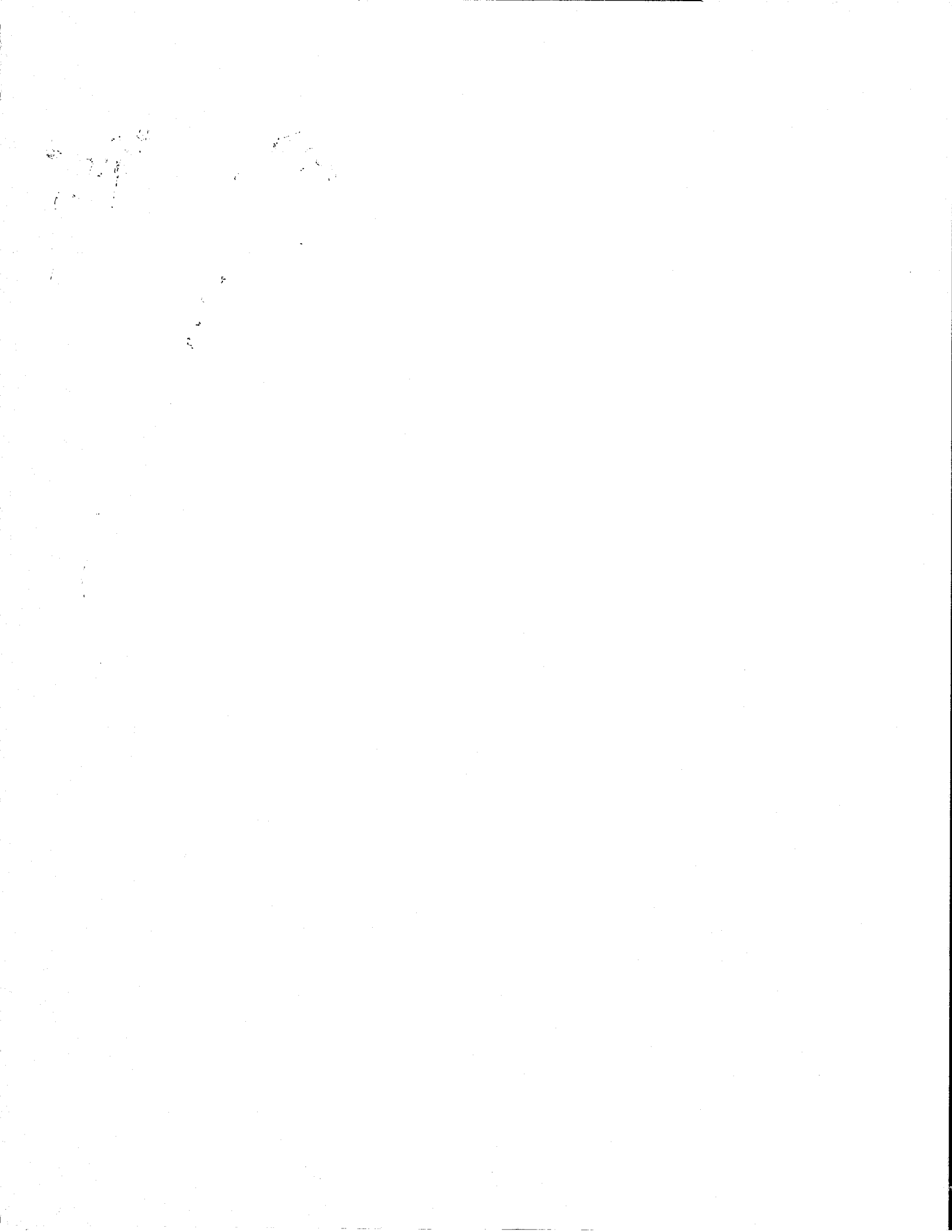
Youth Detention Room

Lieutenant's Office

Lieutenant's Office

Lieutenant's Office

Lieutenant's Office



END