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Federal Bureau of Investigation
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65921



Youth court in session.



A witness testifies during a court session.

Youth Court

One Way of Dealing With Delinquents

By JESSE SWACKHAMMER

*Chief of Police (Retired)
Village of Horseheads, N.Y.*

and CURTIS ROBERTS

*Patrolman
Village of Horseheads, N.Y.*

—A recidivism rate of less than 10 percent.

—Only two youths institutionalized out of 400 processed over a 3½-year period.

—A respect for and participation in the criminal justice system by the youth of the community.

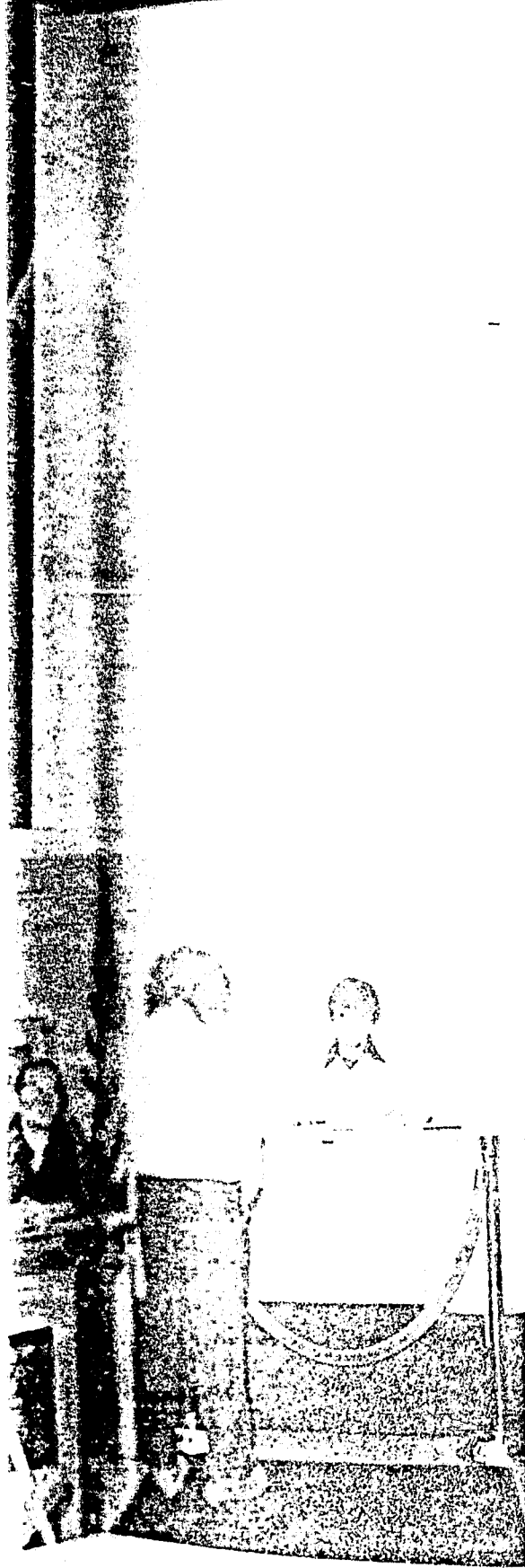
And all of the above at an annual cost of less than \$20,000. Sounds impossible? Not really. A viable program has been developed in our community. It took a great deal of volunteer time and enlightened community leadership to make the program successful. It uses volunteers and peer pressure, but most importantly, it works.

What Is Youth Court?

Youth court is a delinquency prevention and control program patterned after the family court process. It has young people between the ages of 10 and 19 serving as judges, law guardians (public defenders), facts attorneys (prosecutors), and clerks in court cases of their peers. It derives its jurisdiction from local legal authorities who have given their support to this program.

The court usually convenes on Wednesday evenings. Offenders are brought to the court and are given an opportunity to plead their cases. The proceedings are held in strict confidence, with only the offender, the juvenile aid officer, the youth court, and the offender's parents present. The sessions are directed at attempting to show the first-time offender that not only was his act a crime but it was also wrong, at obtaining the reasons behind the offender's actions in committing the act, and at assigning a meaningful sentence, if the offender is convicted.

A defendant receives sentencing from judge.





Jesse Swackhammer



Curtis Roberts



Chief Hendershott

No felony charges are handled by youth court. The primary offenses tried are petty larceny (shoplifting), criminal mischief, criminal trespass, and disorderly conduct.

It should be noted that in certain circumstances, the arresting officer has a great deal of latitude in determining whether a particular offense will be tried in youth court or family court. A youth caught inside a building could conceivably be charged with either burglary (a felony) or criminal trespass (a misdemeanor). If the charge is burglary, the youth automatically goes to family court. If, however, the charge is criminal trespass, the officer has the option of requiring the youth to appear in family court, or if he feels the youth should be given a second chance, of offering him and his parents the option of youth court. Most cases are first-time offenders for minor violations which, without youth court, would receive no attention.

The youth court is actually composed of four separate courts, each totaling 10 members. Each court consists of a head judge, two assistant judges, two law guardians, two facts attorneys, and two alternates.

To qualify for membership on the court, a youth must be between the ages of 10 and 19 and must volunteer for the program. He or she then goes through a 10-week, 20-hour training course, which is taught at least once a year by local qualified attorneys, judges, and teachers. The training is designed to give the youth a basic understanding of penal law, probation, family court, and the roles played by individuals within the criminal justice system. The course covers such topics as jurisdiction of the youth court, its advantages and disadvantages, ethics, courtroom procedures, and rules of evidence. An extensive part of the training involves participation in simulated hearings and role playing in mock cases.

At the end of the course, a comprehensive examination is given. Those who pass the examination are eligible to serve on the youth court. Selection of participating individuals is based strictly on grade achieved on the examination.

The minimum age is 16 years for judges and 14 years for attorneys. This avoids having a situation where a youth is given an assignment that he is incapable of handling.

Each of the four courts convenes monthly, so there is not an inordinate demand on the time of the volunteers. Having two alternates allows the court to convene in full session in the event one of the principal officers is unable to attend.

How It Works

The court has jurisdiction over youths, age 7 through 15. Referrals are made to the court only by police agencies. In our area, four separate police agencies—the N.Y. State Police, Chemung County Sheriff's Office, Elmira Heights, N.Y., Police Department, and the Village of Horseheads Police Department—make referrals to the court.

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The following is a typical case from inception to conclusion. A youth commits an offense and is apprehended by an officer of a participating law enforcement agency. He is taken to police headquarters, where his parents are contacted and required to pick him up. The arresting officer has the option of sending the youth to family court or if he feels the offender should have a second chance, he may offer the option of youth court. If he decides on this course of action, he will explain the function of youth court, and the parents and youth decide in which court they want to appear. The function of both family court and youth court is fully explained.

In the event the parents and the offender choose to go to youth court, they are given a court date. At least one of the parents must appear in court with the offender.

The case is referred to a juvenile aid officer to insure that the offender meets the eligibility requirements for youth court handling. At the court appearance, the offender is asked to plead guilty or not guilty before his peers. If the plea is guilty, the offender is questioned by the facilitating attorney in an effort to determine circumstances surrounding his act. The judge can also ask questions if he so desires. After hearing the facts, the court has several options. The disposition of the case can be:

- 1) Imprisoned.
- 2) Suspended judgment and assigned work hours.
- 3) Fine or sentenced to up to 30 work hours.
- 4) Conditional discharge and/or work hours.
- 5) Probation papers to be returned to the youth court, the juvenile aid officer or the program coordinator, or
- 6) Mandatory attendance at traffic and/or criminal court.

Most offenders are given work hours that are performed under the supervision of the youth court court order.

An attempt is made to make the punishment fit the crime. If, for example, a youth has been convicted of vandalism for spray painting the school halls, he might be sentenced to perform 20 hours of painting to correct the damage he has done. In other cases, an attempt is made to fit the punishment to some long-range career goal of the offender. A female, who expresses an interest in nursing as a career might be sentenced to a specific number of work hours at a home for the aged. In virtually all cases the

"A youth arrested . . . and referred to youth court has no criminal or juvenile delinquency record."

work sentence involves community service and/or community activity.

If the youth pleads not guilty, a facilitating attorney that is paid by the state of fees from the original complainant and the arresting officer are presented to the court. The offender may testify and may call witnesses. Very few facilitating attorneys are held.

The important fact of almost one parent in five sent to the court at one time or the other is both for the protection of the youth and for the empowerment of the parents. For many occasions, parents have reported that the fact that they are aware of the circumstances surrounding the offense with its court. They had previously attempted to talk to their children, but obtained only one or two work opportunities. Yet, when the youth was questioned by his peers in front of his peers, the same questions obtained much more complete and apparently honest answers. In some recent cases for a youth to answer questions from his peers, from from an adult, particularly a parent.

Effectiveness

Our community, like all communities, has the problem of dealing with the criminal element. Because of money and manpower constraints, minor offenses, particularly minor first offenses, have gone unreported and even sanctioned. There is no point in issuing an appearance ticket to family court for a bicycle violation if the court will be unable to consider the case for a year or two.

Children learn by experience. They quickly learn that they can "get away" with things. In other cases, the incidents get progressively more serious, and when a juvenile is ultimately caught and punished for a serious offense, he tends to feel that he and blame the system. In one way or another, a juvenile who has been told that he will be punished for doing so that things and yet when he does it there follows no real punishment. Why, then, is punishment being imposed and then taken away? Obviously, we want to do something to the youth so that the system will offer.

One of the major objectives of the youth court is to provide a justice system, which is fair and that deal with minor offenses that would never be considered by family court such as burglary, vandalism, assault, all through, and many. By applying the law consistently and fairly, we are able to hold the our youth at risk, and to respect for the law and the criminal justice system. For example, to date we have found that if a juvenile is warned of the possible punishment over a 150-day period, they will have been institutionalized, and the annual rate of recidivism is less than 10 percent.

The overall rate might well have been much lower than 10 percent except for one factor. A major part of the functioning of the court, there was, certainly in providing supervision for the required work hours, and in finding appropriate work to be performed. A relatively large number of youths who went through the procedure of that time later reappeared in the court for

NORTH CORRIE TOWN OF EMPLOYEES JUVENILE AID CENTER 217 North Main Street Montreal, New York 10013			
Date of Birth	Sex	Race	Age
Last Name	First	Initial	Place of the alleged offense
Address	Phone		
City	State	Zip	Date of offense
Sexual	Trade		Location
Weight			Violations
Height			Crime Information
Parent Address	Police Department		
Area			Offense
Date of capture			Arrested
			Arrested by and date of arrest
			Place of arrest and date of arrest

NORTH CORRIE TOWN

An early youth court summons

cases of the juveniles who kept out of the government afforded during the week ends. It appears that a very significant part of the court's success in this respect is due to the fact that the participants had no criminal record. The majority of participants that are identified as a significant factor in getting reports for the criminal justice system.

The role of the juvenile court system of the court was the primary focus of the program. The major emphasis was on the juvenile court system. The program was designed to provide a model for the juvenile court system. The program was designed to provide a model for the juvenile court system. The program was designed to provide a model for the juvenile court system.

Problems

Early court was characterized by a number of problems. The first problem was the lack of a clear definition of the program's goals. The second problem was the lack of a clear definition of the program's goals. The third problem was the lack of a clear definition of the program's goals. The fourth problem was the lack of a clear definition of the program's goals.

From the beginning, the court was a joint effort of the juvenile court and the family court. The court was a joint effort of the juvenile court and the family court. The court was a joint effort of the juvenile court and the family court. The court was a joint effort of the juvenile court and the family court.

The first step was a visit to the county prosecutor's office in an attempt to find the court staff for such a project. The support was quickly obtained. The next step was a visit to family court where the judge's support was obtained.

and a resolution by the town board upon the juvenile court case. The court was established with the support of the family court program. The court was established with the support of the family court program. The court was established with the support of the family court program.

There are two related decisions. The first decision was the decision to establish the court. The second decision was the decision to establish the court. The first decision was the decision to establish the court. The second decision was the decision to establish the court.

As the first case was to be heard in the juvenile court, the court was established. The court was established with the support of the family court program. The court was established with the support of the family court program. The court was established with the support of the family court program.

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A program of town court is a local court which is established by a town or town board. The court is established by a town or town board. The court is established by a town or town board. The court is established by a town or town board.

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At the outset, an executive board composed of police, teachers, attorneys, probation officers, and concerned youth and adults from the community was created. We were concerned about the effect these proceedings would have not only on the offenders but also on those who were participating. Perhaps because the participants were volunteers the sessions went extremely well. Although the executive board still exists and the juvenile aid officer is present in the courtroom, no supervision is required.

A jurisdictional problem arose because our village is located within the Town of Horseheads and our population is largely bussed in from other localities. It was decided that youth court would handle only offenses committed within the Town of Horseheads (even if the violators lived outside the town limits). This required close coordination between the school authorities, the town board, the involved police agencies, the Probation Department, and the family court. Although the jurisdictional problem appeared insurmountable, it was easily solved by the cooperation of those involved. Additionally, a private high school within the public school district participates in the program and furnishes candidates for the court.

One might think that having youths appear before their peers would result in a "rumor mill" going through the schools concerning those who appear before the court. During the training sessions, however, prospective court officers are firmly informed of the need for confidentiality and it is explained to them that no court proceedings may be discussed outside the court. If such discussions should occur, the responsible court officer would be dismissed. Since the first session, July 1, 1976, there has been no breach of confidentiality.

The use of the youth court was not immediately accepted by the police agencies involved. Acceptance of this program by older officers was not easily obtained and not all officers support it now.

The Village of Horseheads Police Department furnished the first defendants to the youth court. After a few months of successful operation and a great deal of public relations work, the other police agencies in the area began using the court as a method of dealing with juvenile offenders.

"The greatest advantage . . . has been the creation of an awareness for and appreciation of the criminal justice system. . . ."

Advantages

A youth arrested and referred to youth court has no criminal or juvenile delinquency record. Summonses are not numbered. Of three copies, the first is given to the offender, the second to the court, and the third is maintained by the coordinator. The court keeps no records, so the first two are destroyed after completion of the proceedings. The third is maintained until the youth turns 16, at which time it is destroyed.

Many youths who appeared before the court subsequently underwent the training course and became members of the court. This had a positive effect on the student community, making them aware that the court was not composed of "goody two-shoes types." Additionally, those youths now serving on the court understand the pressures that affect the offenders standing before them. Many times they are able to use knowledge of these pressures to good advantage.

The annual budget for this court is well under \$20,000. If one calculates the cost of institutionalizing even one offender, the court has paid its way many times over. Paid personnel for this system include a youth coordina-

tor, who supervises the work hours and counsels youths, and a part-time juvenile aid officer, who is paid for his appearance in court during his off-duty time. Secretarial work is done by town secretaries on an availability basis. There have been minor expenditures for training aids, but in the beginning these aids were obtained on a voluntary basis by concerned citizens. Subsequently, a \$26,000 Law Enforcement Assistance Administration grant was obtained to cover the initial operating budget. After the grant expired, the youth court was institutionalized by the town and funded through the town board.

The greatest advantage in the youth court has been the creation of an awareness for and appreciation of the criminal justice system by the youth of the community. They have an opportunity to become a part of the system and see how it functions. Indeed, as members of the court they make it function; they can appreciate the problems and the complexities that besiege our adult community. In some cases, they are made aware that there are no answers to problems which exist; however, they also become aware of the need to continue attempting to find solutions. FBI

Anyone interested in obtaining more detailed information on the Town of Horseheads Youth Court Project can obtain it by writing to:

*Town of Horseheads Youth Bureau
408 South Main St.
Horseheads, N.Y. 14845
Telephone: 607-739-0797*

END