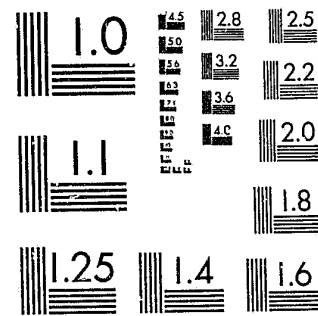


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 Boston University
School of Law

POLICE HANDLING OF JUVENILES:
FINAL REPORT SUBMITTED TO THE
STAMFORD POLICE DEPARTMENT

Center for Criminal Justice

95321

U.S. Department of Justice
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POLICE HANDLING OF JUVENILES:
FINAL REPORT SUBMITTED TO THE
STAMFORD POLICE DEPARTMENT

Prepared for
the Office of Juvenile Justice
and Delinquency Prevention

by
The Center for Criminal
Justice of the Boston University
School of Law

December 1980

The research described in this report was prepared under Grant JN-AX-0008 from the Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, U.S. Department of Justice. Points of view or opinions in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

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PREFACE

The research described in this report was prepared under Grant JN-AX-0008 from the Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, U.S. Department of Justice. Points of view and recommendations in this report are those of the authors and do not necessarily represent the official position or policies of the Stamford (Conn.) Police Department or the U.S. Department of Justice.

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There are many other people who contributed to our research efforts. In the Superior Court: Juvenile Matters we thank Miss Alice Andrews, Mr. John Borys, Miss Frances Eagan, Mrs. Joanne Goldberg, Mr. Gregory Pac, and Mrs. Barbara Stavenger, Ms. Patricia Kane, Mrs. Bernadette Koomararaswami, Mr. Milton Thomas, and Mr. James Rappaport. Joe Paquin deserves special mention for facilitating research in the court and allowing us use of the court for task force meetings. In the Stamford schools, we acknowledge the assistance of Dr. Robert Barry, Mr. Larry Doyle, Mr. Ed Friedlander, Mrs. Claire Friedlander, Mrs. Dick Harper, and the principals and administrative personnel in each of the Middle Schools and High Schools who were kind enough to consent to be interviewed. In the social service agencies, we thank Mr. John Brown, Mr. Ken Brown, Ms. Sue Carroll, Ms. Judy Graham, Commissioner Mark Marcus (D.C.Y.S.), Ms. Sharon Martin, and Mr. Tony Woods. We acknowledge the cooperation of the twenty-seven agency directors interviewed for our agency survey.

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CHAPTER I

INTRODUCTION TO THE POLICE HANDLING OF JUVENILES PROJECT

From October 1978 to September 1980, the Center for Criminal Justice of the Boston University School of Law worked with the Stamford Police Department and with relevant agencies and citizens within the Stamford community to develop policies relating to the police handling of juveniles. This study attempted to do the following:

- (1) determine both the desirability and the feasibility of implementing provisions of national juvenile justice standards that would guide police decisions on intervention, diversion, referral, and other aspects of the handling of juvenile problems and cases; and
- (2) Formulate local policies for police handling of juvenile problems that are based upon national juvenile justice standards but that also consider local objectives, priorities, and options.

In order to develop policies based on national standards, project staff reviewed and compared the various national juvenile justice standards for the police handling of juveniles, surveyed the statutory and constitutional issues relevant to processing juveniles through local juvenile justice systems, and analyzed data to determine current police practices.

An important part of the policymaking process was the involvement of police and citizen task forces. These groups assisted project staff by providing detailed information about the Stamford juvenile justice system;

offering suggestions, recommendations and criticisms; and reviewing project materials and recommendations.

The project has produced short-term and long-term recommendations on the police handling of juveniles in accordance with the national standards, as well as suggestions on how to implement these recommendations. With the assistance of Task Force members, the Project formulated policies in seven areas:

- police authority to intervene in selected juvenile problems and the form the initial intervention should take;
- how the Stamford Police Department should be organized to respond to juvenile problems;
- the options available to the Stamford Police once they have intervened and the relative priority they should assign to these options;
- the procedures to be used once the Stamford Police proceed formally with a case in the juvenile justice system;
- suggested changes in the juvenile record-keeping system in the Stamford Police Department;
- the relationship between the Stamford Police and other juvenile justice and youth-serving agencies; and
- the role of non-police agencies to which referrals are or should be made.

For each policy recommendation presented in this report, we discuss areas of agreement and disagreement among the sets of standards. This report to the Stamford Police Department, summarizing project work and recommendations, is the final product of this study. This chapter discusses the three major sets of national standards on the handling of juveniles and describes the work of the project.

National Standards

The national standards are collections of recommendations and guidelines for improving the efficiency and equity of the juvenile justice system. Continuing the work of the 1967 President's Crime Commission,¹ the standards are a response to problems of juvenile justice, the urban unrest of the 1960's, and claims of increasing juvenile crime. The purpose of these standards is to stimulate change in the juvenile justice system by presenting an array of short-term and long-term goals in such diverse areas as organization, intervention, processing, referral, and record-keeping in the various components--police, courts, schools, corrections--of the juvenile justice system. In formulating the standards, present laws and practices were examined to determine which basic principles should be reaffirmed, and which discarded. As a result, the standards have incorporated selected innovations, which can be translated into model acts, new legislation, and administrative rules.

In formulating policies for the police handling of juveniles, the project made use of juvenile justice standards developed by three separate groups: the Institute of Judicial Administration/American Bar Association Joint Commission ; the Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention; and the National Advisory Committee for Juvenile Justice and Delinquency Prevention.

The Institute of Judicial Administration/American Bar Association Joint

¹ President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington, D.C.: U.S. Government Printing Office, 1967).

Commission (IJA/ABA), which consisted of members of the legal, academic, corrections, and treatment communities, began their work in 1971. Organized into four representative drafting committees staffed by more than thirty reporters from law schools and universities, the Joint Commission prepared twenty-three volumes of standards, most of which have been approved by the American Bar Association for implementation.² These recommendations represent the official position of the ABA, and as such are designed to influence state legislators throughout the country.

The Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, organized in 1975, complemented the original standards and goals project of the National Advisory Commission on Criminal Justice Standards and Goals for adults in National Strategy to Reduce Crime published in 1973.³ The Task Force, composed of judges, prosecutors, attorneys, law enforcement, correctional and school officials, social service personnel, and other individuals directly involved in the juvenile justice system, considered existing state practices and the standards of other professional groups in order to develop models for state and local juvenile justice systems. These models or guidelines have been reviewed by the National Advisory Committee for Juvenile Justice and Delinquency Prevention, which has prepared a third set of standards.

The National Advisory Committee for Juvenile Justice and Delinquency

² All volumes except Non-Criminal Misbehavior and Abuse and Neglect were approved by the ABA.

³ This volume was a response to the President's Commission on Law Enforcement and the Administration of Justice, which called attention to the problem of crime in the United States and to the inadequacies of the criminal justice system. See Juvenile Justice and Delinquency Prevention Act 1974. 42 USC §56170.

Prevention was created by the Juvenile Justice and Delinquency Prevention Act of 1974 and began work in 1975. This Committee prepared recommendations based on an independent review of "existing reports, data, and standards concerning juvenile justice." The Committee proposed that professional groups in the juvenile justice and delinquency prevention area be encouraged to facilitate the adoption of standards and improve the administration of juvenile justice through training and accreditation programs. It also recommended that financial support be made available to provide technical assistance, continued research and evaluation, and information about the standards as well as support for their implementation. Unlike the other two standards-setting groups, the Committee was to remain in existence in order to implement its recommendations, to assess costs and benefits, and to consider modifications where necessary.

Philosophies

The philosophies of the IJA/ABA Standards and the NAC Standards differ. Simply stated, the IJA/ABA Standards emphasize the legal issue of due process for individual juveniles, while the NAC Standards stress the social issues of delinquency prevention and maintenance of the family, as well as the administration issue of coordination of juvenile-justice agencies.

IJA/ABA. The IJA/ABA Juvenile Justice Standards Project has outlined four major purposes in promulgating the IJA/ABA standards.⁴

1. to achieve uniformity in the law for greater fairness, efficiency, and predictability in the consequences of the same conduct, action, or behavior, regardless of jurisdiction;
2. to develop linkages within the system by: defining the roles of affected individuals and agencies; eliminating gaps and duplication in services; and coordinating the planning, operation, and monitoring of programs;

⁴ See IJA/ABA, Standards for Juvenile Justice: Analysis and Summary, (Cambridge, MA.: Ballinger, 1977), p. 3.

3. to re-examine accepted concepts and premises underlying the current laws in the light of objective findings derived from recent studies and other developments. Basic principles should be reaffirmed, revised, or replaced, as a result of taking a fresh look at the system;
4. to codify the relevant case law, administrative decisions, selected statutory innovations, and fundamental principles approved in the standards in a form readily translatable into model act or acts.

In developing the specific standards, the IJA/ABA project based its work on ten underlying principles:

1. Proportionality in sanctions for juvenile offenders based on the seriousness of the offense committed, and not merely the court's view of the juvenile's needs, should replace vague and subjective criteria.
2. Sentences or dispositions should be determinate.
3. The least restrictive alternative should be the choice of decision makers for intervention in the lives of juveniles and their families.
4. Noncriminal misbehavior (status offenses, PINS) and private offenses (victimless crimes) should be removed from juvenile court jurisdiction.
5. Visibility and accountability of decision making should replace closed proceedings and unrestrained official discretion.
6. There should be a right to counsel for all affected interests at all crucial stages of the proceeding.
7. Juveniles should have the right to decide on actions affecting their lives and freedom, unless they are found incapable of making reasoned decisions.
8. The role of parents in juvenile proceedings should be redefined with particular attention to possible conflicts between the interests of parent and child.
9. Limitations should be imposed on detention, treatment, or other intervention prior to adjudication and disposition.
10. Strict criteria should be established for waiver of juvenile court jurisdiction to regulate transfer of juveniles to adult criminal court.

These principles were derived from fundamental premises. The most important premise was that court-prescribed treatment and services are not inherently beneficial to the juvenile or other respondent and should be restrained. Thus the IJA/ABA rejected the rehabilitative model of the juvenile court, regarding treatment and services as secondary to the primary goal

of justice for juveniles, their families and the communities.⁵ Of major importance here were the concepts of relating the severity of a disposition to the seriousness of the offense and of prescribing maximum penalties for specific offenses.

A second premise was that fair proceedings could be ensured only through procedural safeguards, legal representation, and written decisions subject to judicial review; court officers must be held accountable for their actions and there must be an end to closed and unregulated hearings and procedures. While supporting confidentiality of and limited access to juvenile records, the IJA/ABA advocated opening the judicial process to greater scrutiny and review and curtailing the exercise of official discretion.

IJA/ABA also supported juvenile court handling of all service of habitual offenders and would impose strict restraints on the transfer of juveniles to adult criminal court. In addition, the IJA/ABA Standards supported the principle of family autonomy and the avoidance of state intervention in most family matters, while recognizing that conflicts between parental and juvenile interests are possible.

In essence, the IJA/ABA Standards rejected the view that delinquency prevention through treatment is the principle function of the juvenile justice system; they also doubted the reliability of predictive behavior judgments.⁶ As a result, the IJA/ABA rejected alternative sets of standards that merely codify the better features of the existing system and urged the

⁵ IJA/ABA, Standards for Juvenile Justice: A Summary and Analysis, op. cit., p. 23.

⁶ Ibid, pp. 265-267.

adoption of the entire set of IJA/ABA Standards to preserve the philosophical integrity of their approach.

NAC. The NAC Standards outlined five major goals that directed their development:

- 1) Reduce juvenile violence by isolating or supervising those whose behavior poses a threat to the lives and safety of others.
- 2) Reduce the number of juveniles who repeatedly commit delinquent acts by identifying those who can be helped and those who cannot.
- 3) Provide due process for all children by removing discrepancies based on race and class.
- 4) Integrate and coordinate the present fragmented juvenile justice and delinquency prevention system.
- 5) Provide protection for children who need it.

A number of themes guided the development of standards based on these goals: maintenance of the family unit by providing it with sufficient resources to deal with its own problems; court jurisdiction under the Families with Service Needs (FWSN) concept over truancy, running away, disregard of parental authority, use of intoxicating beverages, and "delinquent acts" by children under 10 years of age; limiting state coercive intervention to cases of endangered children cases in which specific dangers to a child have been identified; delinquency prevention through service delivery to potential career criminals; diversion when effective alternative services and due process guarantees exist; use of the least coercive disposition, with institutionalization as a last resort; the extension of due process considerations to juvenile justice; equipping the juvenile justice system to deal with the small number of violent and repeat delinquents; more minority representation at all decisionmaking levels; consistent policies to foster coordination among agencies; improved research geared problem

solving; and increased allocation of resources to juvenile justice.⁷

NAC outlined sets of general and specific priorities for state and local action based on these goals and themes. General priorities are to

- improve programs for preventing juvenile delinquency;
- design policies and programs to increase family stability;
- improve planning and coordination of agencies;
- implement better research and data bases;
- allocate sufficient resources for effective reform;
- use least coercive intervention; and
- implement effective rehabilitation and correctional programs.

Specific recommended priorities are to

- establish family courts;
- formulate a precise definition of delinquency;
- implement FWSN;
- adopt Task Force Standards for Endangered Children; and
- implement Family Counseling and Family Crisis Intervention Programs.

The primary emphases of the NAC Standards are on maintaining and strengthening the use of the juvenile justice system for the prevention of future delinquency; minimizing state intervention in familiar and juvenile matters; and coordinating more closely juvenile justice agencies based on system-generated data.

NACJJD. The NACJJD Standards are based on a survey of other

⁷ See National Advisory Committee on Criminal Justice Standards and Goals, Juvenile Justice and Delinquency Prevention, Report of the Task Force on Juvenile Justice and Delinquency Prevention, (Washington, D.C.: U.S. Government Printing Office, 1976) pp. 12-14.

standards, which they adopted or modified without formulating new prescriptions. As a result, no philosophy has been established for them. The NACJJDP standards do state

that by proposing criteria for the many discretionary decisions that occur throughout the adjudication process and by recommending that the facts and reasons underlying such decisions be enumerated, these standards are intended to make the decision-making process more open, comprehensible, and accountable and to eliminate, to the greatest extent possible, discrimination in the administration of juvenile justice against juveniles on the basis of race, ethnic background, religion, sex, or economic status.⁸

Although there are differences among the standards produced by the three groups, the three sets agree in their general perspective: the juvenile justice system may cause a juvenile great harm and actually prevent successful rehabilitation. Consequently, formal processing within the system should be minimized and surrounded with stringent safeguards for the juvenile. The standards agree that defining the proper roles of individuals and agencies within the system will lead to less duplication of some services and a recognition that other services are seriously deficient.

The standards also agree on the role of the police. For example, the standards recommend that the police employ the least restrictive alternatives available when dealing with juveniles.

This theme is reflected, for example, in the proposals relating to narrowing the scope of juvenile codes, to diverting many juvenile problems to other community

⁸ Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice, Standards on Adjudication and General Implementation (1976) pp. 2-3.

resources, and to setting the highest priority to releasing juveniles instead of detaining them in custody.⁹

Increased diversion of juveniles away from the formal juvenile justice process is the central goal of each of the standards.

Furthermore, all the standards emphasize that police departments should formulate administrative policies to guide officers' discretionary decisions; some of the major recommendations involve structuring discretion of both patrol and juvenile officers. Concern with the present system "is not that police do refer or divert most of the juvenile cases before they become court issues; it is that most police actions are taken on an ad hoc basis by individual officers and are not guided either by departmental policies or joint policies with other juvenile justice agencies.¹⁰ The same can be said of referral or diversion practices of most other agencies as well, such as prosecutor and probation agencies.¹¹

In support of this approach, the standards recommend that the police establish juvenile bureaus to handle juvenile problems and juvenile diversion, and that the police receive special training in the proper use of diversion and other alternatives that are less restrictive than arrest. The

⁹ See IJA/ABA, Standards Relating to Police Handling of Juvenile Problems, (Cambridge, MA.: Ballinger, 1977) p. 31.

¹⁰ Ibid., p.32.

¹¹ For example, the national standards argue that at the present time, diversion, referral, and adjudication decisions are and can be made at various times and stages in the juvenile justice process by police officers, prosecutors, court intake personnel, and juvenile court judges, among others. The standards assume that there is little coherence within or among these agencies or persons today on the way in which these decisions are made. Police agencies in most jurisdictions probably serve as the primary source of referral and diversion of juvenile problems away from the juvenile court.

standards also stress that the police should evaluate their own performance and accountability.

This project developed policies by first examining those standards that relate to the role of the police in the juvenile justice system. This included standards developed specifically for police agencies, standards for the way the police work with other components in the juvenile justice system (e.g., the courts, social agencies, schools), and standards addressing particular issues relevant to the police (e.g., record-keeping).

It is important to stress that the philosophical differences among the policy drafters are not reflected in the recommendations in this report. Although we are mindful of the different philosophies, we have not hesitated to draw upon all three sets of standards for recommendations. In the area of handling juveniles there is a remarkable degree of agreement on what are appropriate procedures and conduct for the police.

Project History

In 1978, the National Institute for Juvenile Justice and Delinquency Prevention awarded the Center for Criminal Justice of the Boston University School of Law a grant to work with the Stamford Police Department to develop policies relating to the police handling of juveniles.¹² Project work in Stamford formally began in October 1978.

¹² "Policymaking Relating to Police Handling of Juveniles," funded by the United States Department of Justice, LEAA, under Grant JN-AX-0008. At the same time, the Center worked with the Charlestown District of the Boston Police Department. See Center for Criminal Justice, Police Handling of Juveniles: Final Report Submitted to the Boston Police Department (December, 1980).

Task Forces

One of the first activities undertaken (November 1978) was the formation of a Police Task Force, comprised solely of Stamford Police Department personnel, and a Citizen Task Force, comprised of citizens and representatives from juvenile justice agencies. Both groups were responsible for advising Project Staff members, helping staff members gain access to data, and formulating policy recommendations.

The Police Task Force consisted of the Chief of the Stamford Police Department, two Deputy Chiefs, the sergeant who commanded the Youth Bureau, the Youth Services Supervisor, four patrol officers and the Chief's administrative assistant.¹³ These members were selected by the Chief and the Chief's administrative assistant, who was responsible for handling departmental memoranda and other communications concerning the project. In the early stages, Task Force members were helpful in providing their own assessment of the community's juvenile problems, and in identifying agency personnel to be interviewed, identifying data sources, and suggesting research strategies.

The Citizen Task Force consisted of the Supervisor of Probation in the

¹³ Originally, the Task Force had only one patrol officer, who had formerly served in the Youth Bureau. In February 1979, the Task Force was expanded to include two patrol officers who had never worked in the Youth Bureau. This was to acquaint other patrol officers with our work, to learn patrol officers' perspectives on juvenile problems, and to gain the acceptance of patrol officers for recommendations the Task Force might make. A Deputy Chief serving on the Task Force contacted the two area commanders, who each selected an officer from his respective division according to his own criteria. At this time, a fourth patrol officer, one who had formerly served in the Youth Bureau, was also added to the Task Force.

Superior Court: Juvenile Matters, the Director of Pupil-Personnel Services in the Stamford Public Schools, a representative from the Stamford Youth Planning and Coordinating Agency (SYPCA), and six Stamford citizens, two of whom were clergy who had previously shown concern about Police Department activities. These members were suggested by a number of sources: the Stamford Police Chief, other officers on the Police Task Force, the Mayor's office, other Stamford residents, and by project staff.

Police and Citizen Task Forces met separately throughout the project, although each was kept informed of the other's activities. Each group met eight times during the project. At the meetings, project staff presented issues to be addressed, drafts of recommendations, or findings from data. After this short preliminary presentation by project staff, Task Force members were free to offer whatever advice, criticism or comment they wished. This format of open exchange allowed their perspectives to be incorporated into project work. Project staff also frequently contacted Task Force members individually. This was useful for addressing specific problems: gaining access to data, understanding a specific procedure or document, and contacting other individuals.

The most important work of the Task Forces was to review the final policy recommendations presented in this report (Chapter III) to the Stamford Police Department. The development of these policies is discussed in detail below.

Selection of Priority Problems

Based upon their initial review of the national standards of the police handling of juveniles, project staff determined that the project

should address these questions and related issues:

- 1) How is the Stamford Police Department organized to address juvenile issues and maintain juvenile records?
- 2) How do patrol and Youth Bureau officers presently deal with juveniles and juvenile offenders?
- 3) What type of interaction takes place between the Stamford Police Department and the court and other local youth-serving agencies?
- 4) What services for juveniles are presently available in Stamford?
- 5) To what extent should the Stamford Police Department utilize diversion to community agencies rather than court referrals in its exercise of authority over juveniles?

One strategy employed by project staff to focus research and emphasize the national standards and their application to the Stamford community was to select a small number of "priority juvenile problems": that is, juvenile offenses that were troublesome to the Stamford Police either because of the frequency of their occurrence or because of particular legal or social issues that complicated their handling by the police.¹⁴

To identify these priority juvenile problems accurately, data were collected and analyzed from serial reports filed by patrol officers, reports filed by officers assigned to the Youth Bureau, and Department reports submitted monthly to the Federal Bureau of Investigation. Further, with the assistance of the Police Task Force, a questionnaire for patrol officers was developed and distributed.

The questionnaire asked officers to indicate those juvenile activities that, from their perspective, were especially serious for the community, frequently occurring, or troublesome for them. The questionnaire was based

¹⁴ See Appendix A of this report.

on the F.B.I.'s official crime categories (that is, most of the activities were violations of the criminal law), even though police officers spend more time on non-crime related matters.

The questionnaire was filled out by patrol officers on a voluntary basis. Thirty-six police officers completed the questionnaire, which asked them to rate how serious they believe each of 22 juvenile-related problems to be in Stamford and how much trouble each problem gave them when they encountered it on patrol. The officers rated the problems on a scale of 1 to 5 for both seriousness and troublesomeness. Serious and troublesome were not defined. The scores for each problem for all officers were averaged.

The information gathered may not have been representative of all officers' views but it did provide useful insights. For example, some problems reported as very "serious" were not reported as very "troublesome" (e.g., muggings/purse snatchings or disrespectful attitudes toward the police). On the other hand some problems rated low on seriousness were rated higher on troublesomeness (e.g., family problems with stubborn children). There were not enough responses to determine whether perceived problems varied from one neighborhood or police zone to another. The questionnaire results, with the information from serial reports, other police and court records, and interviews, were used to determine the priority juvenile problems in Stamford.

Project staff, with the assistance of officers in the Youth Bureau, also developed an activity checklist to record the flow of cases in and out of the Youth Bureau for a limited time. Finally, project staff interviewed representatives of non-police agencies suggested by Task Force members, and developed a questionnaire that was distributed to students in the Stamford

middle schools and to some high school students.

Using the information collected, we presented preliminary results of our analysis and recommended to the Police and Citizen Task Forces the selection of the following juvenile-related problems for more intensive study:

- vandalism;
- shoplifting;
- drug use;
- disorderly conduct;
- family problems with stubborn children; and
- truancy.

In addition, two problems, more general in nature than the other offenses, were included: female offenders and repeat offenders.

Project Research

To understand more about which juvenile problems the Stamford Police encountered most frequently, project staff continued to collect and analyze several types of information from a number of sources (police, court, youth-serving agencies, and schools) even after they had selected the priority problems. The results of this research were distributed to all Task Force members for review and comment. Data were used extensively to develop policies based upon the national standards.¹⁵

¹⁵ Results of this research are reported in Appendices B, C, D and E of this report.

Police Data

Project Staff analyzed FBI monthly arrest reports for Stamford juvenile-related patrol officers' and Youth Bureau reports for five months, and twenty years of Youth Bureau Annual Reports to detect changes in the nature of reported offenses and changes in officers' workload over time (1958-1978). Staff were able to map the ways in which the Stamford Police Department processed juvenile cases.

Court Data

In order to understand the relationship between the police and the Superior Court: Juvenile Matters, project staff interviewed a number of court employees, including probation officers, attorneys who represent juveniles, and the director of the district juvenile detention center.

The court provided aggregate statistical data on referrals to the Stamford court for the priority problems, and disposition information on all referrals made by the Stamford Police Department during the five-month period.¹⁶ Consequently, project staff were able to track selected cases from the initial police involvement to court disposition.

Youth-Serving Agencies

Staff completed extensive interviews with 27 local youth-serving agencies to obtain detailed information on

- their relationship to the police and the courts;
- agency response to priority problems;

¹⁶ See Appendix C of this report.

- their assessment of police practices in regard to juveniles; and
- data they had that might be useful for the project.

Further, we identified agencies willing to become part of a referral network for the police and expressing an interest in providing in-service training or screening for the police.

Based on these interviews, staff prepared a summary report of agency views on deficiencies in juveniles services, their perception of police and court performance, and recommendations for improving police performance.¹⁷ A draft copy of the report was distributed to all surveyed agencies in December, 1979. They were asked to read the report carefully and check the accuracy of our findings and conclusions, but only two agencies chose to respond.

School Personnel

Project staff met with middle and high school principals to explain the project and ask for their cooperation in ascertaining the views of school personnel. Permission was granted to meet with personnel in each middle and high school to discuss their perception of the school system's role in the police handling of juvenile problems. Project staff interviewed school personnel from October, 1979 to March 1980, focusing on the following topics:

- How do school personnel formally or informally handle the problems of vandalism, theft, use or sale of drugs, disorderly conduct, and truancy?
- What is the relationship between the schools and the Stamford

¹⁷ This summary is contained in Appendix E to this report.

Police Department? For what offenses are police called? Who is responsible for contacting the police?

-- Are there written procedures in the schools for handling juvenile problems?

The findings and recommendations were distributed to the principals and two members of the central administration and are included in this report.

Student Survey

Project staff wished to learn the viewpoint of Stamford juveniles and were helped in doing this by the school system's granting permission to survey students in the Stamford schools.¹⁸ A total of 321 students in two middle schools completed a questionnaire that consisted of three types of questions:

- 1) students' knowledge of the Stamford Police Department, Juvenile Court, legal rights and law violations;
- 2) students' evaluation of selected offenses; and
- 3) students' anonymous self-reporting of offenses they or their friends had engaged in during the previous three months.

Responses to the "knowledge questions" indicated that

- most students understood that engaging in vandalism, shoplifting, and smoking marijuana are crimes;
- students were less knowledgeable about "status" offenses (truancy from school, running away from home, and being "incorrigible") than they were about any other kind of offense;
- students had little knowledge of specific legal procedures.

Responses to a question in the second group suggested that students perceived most juvenile problems in a moralistic way and were not able to

¹⁸ These findings are discussed in Appendix D of this report.

distinguish between the seriousness of offenses in general and the seriousness of offenses actually committed by Stamford juveniles.

Of the 321 students, 109 agreed to complete the self-report questionnaire dealing with the commission of offenses during the previous three months and the extent of contact with the police for commission of these offenses. These 109 reported little contact with police for committing these offenses.

We also met with the Mayor's Youth Advisory Council, which consisted of thirty students from the four local high schools, to solicit their opinions and perspectives on juvenile problems and on the ways in which they are handled by the police. We gave them a questionnaire similar to that given to police officers and discussed their perception of priority juvenile problems in Stamford.

Legal Research

After an examination of relevant scholarly literature, model codes and proposed standards, project staff considered the pertinent statutory and constitutional issues. This research enabled staff to make a more detailed presentation of those issues that were related to the particular problems selected for in-depth study in the community. For example, project staff described in detail Connecticut statutes on handling delinquents, status offenders and abused or neglected children, statutes that were being revised at the time. Further, legal staff explained how changes in current law may affect police and court practices.

Description of Police Department

Easily accessible quantitative data on the Stamford Police Department were assembled, including data on personnel, budget and the like. The Stamford Police Department's central files were searched to locate any written statements of police or procedure-- such as rules and regulations, orders, and training materials-- that directly or tangentially pertain to the handling of juveniles. At our request, a police officer in the Stamford Police Department prepared a recent organizational history of the Department.

Community Profile

Project staff collected extensive quantitative information on the Stamford community. These data and supplementary information gathered from interviews were incorporated into a short narrative description of Stamford. See Chapter II.

Recommendations

Project staff prepared (December 1979) a draft outline of issues and questions developed from the various sets of standards on the police handling of juveniles. Each subheading in the standards was treated as a separate topic; where possible issues relevant to Stamford were posed as questions to be addressed by project staff through discussion with the Task Forces and review of information gathered.

Using the information gathered from records, surveys and interviews, staff members prepared drafts of policy recommendations on each issue in this outline for consideration by the Police and Citizen Task Forces (May 1980). Each policy recommendation contained the following:

- a background statement outlining the positions of the three sets of national standards on the particular issue(s);
- the findings of the project's research as they applied to the issues(s) being addressed;
- a set of recommendations for the Task Forces to review; and
- a short discussion of the project staff's reasons for offering the recommendations.

We stressed that these were preliminary recommendations and that it had always been our understanding that the Citizen and Police Task Forces could reject, alter, or augment them. Additional policies were distributed in July and August 1980. Between May and September 1980, project staff met with Task Force members four times to discuss the policies and recommendations.

CHAPTER II
PROFILE OF STAMFORD

Introduction

Located on Long Island Sound in Fairfield County, Connecticut, the city of Stamford lies 37 miles northeast of New York City and 21 miles southeast of Bridgeport. It is the state's fifth largest city, with a population in 1975 of approximately 105,000 people, and a geographic area of 39.9 square miles, larger than that of any of the four other major cities in the state. Stamford has more than 17.2 miles of waterfront on Long Island Sound. Many Stamford residents commute to New York City or adjoining urban areas. Two major highways, as well as frequent trains, link it with New York.¹ In the past two decades, Stamford has emerged as a suburban and commercial center particularly attractive to corporations moving their headquarters from New York.

For decades Stamford was considered a one-industry town, home of the renowned lock manufacturer, Yale and Towne Company. That enterprise moved elsewhere in 1959, but subsequently many different kinds of industry entered the area. Stamford is noted for its industrial research laboratories in the chemical, electrical, optical, electronic, and pharmaceutical fields.

¹ Consequently, Stamford's crime problem is affected by persons living outside its geographic borders and by opportunities for easily disposing of stolen goods outside the state.

Products include postage meters, electric shavers, foods, drugs, chemicals, cosmetics, dies, rubber, and electronics. Over 45 major companies have settled in Stamford during the past ten years, and several major corporations have their headquarters there: General Telephone and Electronics (GTE), Singer Company, Continental Oil, Xerox, Champion International, Combustion Engineering, and Olin.

The northern half of the community is suburban and affluent in character, with a minimum lot size of one half to three acres. In this half there are many schools and shopping centers, and a heavy concentration of churches. The southern half is urban, less affluent (with the exception of property bordering on Long Island Sound), and more heavily populated by ethnic and minority groups, particularly Irish, Italian, black and Spanish-speaking.

Population

During the first half of the twentieth century, the population of Stamford quadrupled, reaching 74,293 in the 1950 census. This trend continued during the 1960's, during which time the total population grew 17 percent (to 93,000) and the black population, attracted primarily by new employment opportunities, increased by 80 percent. In 1970, the population was 109,000, with blacks accounting for 12 percent (13,000) and Spanish-speakers 3.8 percent.²

² In 1970 Stamford had a foreign-born population of 12,810 (11.8 percent). Italy was the most common country of origin, with 3,052 or 23.8 of the total foreign-born population. Next were the United Kingdom (8.7 percent), Poland (7.7 percent), and Germany (6.4 percent). Of the 96,038 native persons, 70,340 were of native parentage and 25,698 were of foreign or mixed parentage.

Between 1970 and 1975, there was a decline in total population of 3.6 percent (from 109,000 to 105,000). Blacks continued to represent approximately 13 percent, while the Spanish-speaking group grew to 7 percent. Recent projections (September 1980) by the Stamford planning board indicate an increase in total population to approximately 113,000. However, this estimate conflicts with early census returns (total count only), which show that the population has declined to 98,500.

One-third of the total population of Stamford is under 18 years of age. Between 1970 and 1979 the number of young people less than 16 years of age declined by 30 percent, while the number of youths (ages 16 and 16) is estimated to have increased slightly (by 4 percent). (See Table II-1.)³

City Government and Finances

Stamford is divided into twenty voting districts, each district sending two representatives to the city council. There is a mayoral form of government.

General revenues totaled \$95 million in 1976-77, with 26 percent coming from the federal government and the balance almost exclusively from property taxes. While the per capita income of Stamford is one of the highest among Connecticut's seven largest cities, the revenue the city raises is the lowest. Three other cities have higher property taxes. General expenditures totaled 90 million in 1976-77.

A \$240 million downtown redevelopment program is transforming the heart

³ Tables referred to in this chapter appear at the end of it.

of the city into a complex of ultra-modern commercial and living structures, including the Stamford Town Center shopping mall (also known as the "Superblock"). The mall will contain close to one million square feet of shopping space, with about 100 shops sandwiched between two large department stores. Seven levels of parking for 4000 cars will be available. When completed it will be Connecticut's largest shopping center. The superblock is projected to be ready to open by August 1981, with additional work continuing until 1985.

The development of the mall, as well as Stamford's continuing corporate growth, will increase the work force, the flow of vehicular traffic, and the use of mass transit. Currently, plans for constructing a new railroad station are under way and it is estimated that by 1985 25 percent of commuters to Stamford will use the train.

Employment

In 1970, the civilian labor force totaled 49,509.⁴ By 1979 (June) this figure had risen to 64,890, of whom 32.6 percent were in manufacturing.

	<u>1970</u>	<u>1979</u>	<u>Percent Change</u>
Manufacturing	14,880	21,190	+42.4%
Non-manufacturing	33,440	43,700	+30.7%
Total	48,320	64,890	+34.3%

It is estimated that the new superblock will provide 2500-3000 new jobs and that the continued expansion of Stamford's 22 acre "corporate compound"

⁴ In 1970, the percentages by occupation of employed persons 16 years old and over were as follows: clerical workers were the largest group (21.7 percent), followed by professional and technical (18.6 percent), operatives except transport workers (11.5 percent), managers and administrators (11.4 percent), and craftsmen and foremen (11.4 percent).

(the Stamford Forum) will result in an additional 6000 people working in the downtown area.

Schools

Stamford's public school system has a good reputation. The level of expenditure per pupil is relatively high.⁵ The system serves more than 14,000 students in three comprehensive high schools, four middle schools, and 17 elementary schools. The parochial school system has a total enrollment of over 3,500 students in one high school, one middle school, and nine elementary schools.⁶ The vast majority (97 percent) of all children age 5-17 are in school.

In the past 10 years, the school population has declined from approximately 20,500 students to the current total of 14,000. Recent projections by the school department suggest that by 1989 the total figure will decline to 10,282: that is, the public school population (kindergarten to grade 12) should decline by about 26 percent between 1980 and 1989. The grades above 7 should show the steepest decline, and percentage declines are expected to be greatest between 1980 and 1985. (See Table II-3.)

⁵ It was \$2,456 in 1979. In 1974-75, 41 percent of the city's \$89 million budget went to education, while general expenditures excluding capital outlays were \$715 per capita (based on 1973 population).

⁶ There are other schools based on religious principles: St. Basil's College and Preparatory School, maintained by the Catholic Ukrainian Byzantine Rite; and the Bi-Cultural Day School, a coeducational Hebrew school. In addition, there are four private schools, a vocational school operated by the State Board of Education, and a branch of the University of Connecticut currently serving over 500 students.

	K-6	7-8	9-12	K-12
1980 to 1985	-18%	-28%	-24%	-22%
1986 to 1989	+ 7%	- 6%	-21%	- 4%
1980 to 1989	- 9%	-39%	-43%	-26%

Police Department

The Stamford Police Department currently (September 1980) has an authorized strength of 286 full-time paid personnel and 86 part-time personnel (85 school crossing guards and 1 psychologist). The number of sworn police officers is 240. Table II-4 lists all sworn personnel by rank.

Figure II-1 is an organizational chart of the Department. Under the Chief of Police there are a deputy chief of administration/support services and a deputy chief of operations. An internal affairs division, which investigates citizen complaints against the police and any alleged charges of corruption within city agencies, reports directly to the Chief. The patrol and major investigation units are under the command of the deputy chief of operations.

The major investigations division (i.e., the Detective Bureau), in addition to conducting investigations referred from the patrol division, also contains specialized units to investigate major crimes, burglary and gambling. This division is staffed primarily by officers drawn from the patrol division and assigned to major investigations for an indefinite period of time. The Department is gradually phasing out the rank of detective.⁷

The Youth Bureau, established in the late 1940's, falls under the major investigations division. The Bureau consists of two sergeants, one of whom

⁷ Currently the Department lists only four detectives.

is Commander of the unit, two patrol officers, and a Youth Supervisor. In order to assure a private means of communicating with juveniles and to comply with the requirement that all juvenile records be kept separate from the Records Division, the Youth Bureau is not housed at police headquarters.

The Department recently expanded its headquarters and the Youth Bureau will be moved back there in early 1981. The new facility contains a separate wing for the Youth Bureau, with its own entrance and its own detention area, away from public scrutiny and contact with adult offenders. Juvenile records will continue to be maintained apart from the central records system.

Among the seven largest cities in Connecticut, Stamford ranked sixth in the number of police officers per 10,000 population in 1978. It also ranked sixth in the number of serious (Part I felony) crimes per 10,000 population reported to the police. (See Table II-5.) But Stamford has fewer officers per square mile than do these other cities. During the last five years the Police Department has increased its personnel by 1.9 percent. The workload during that same period has increased significantly:

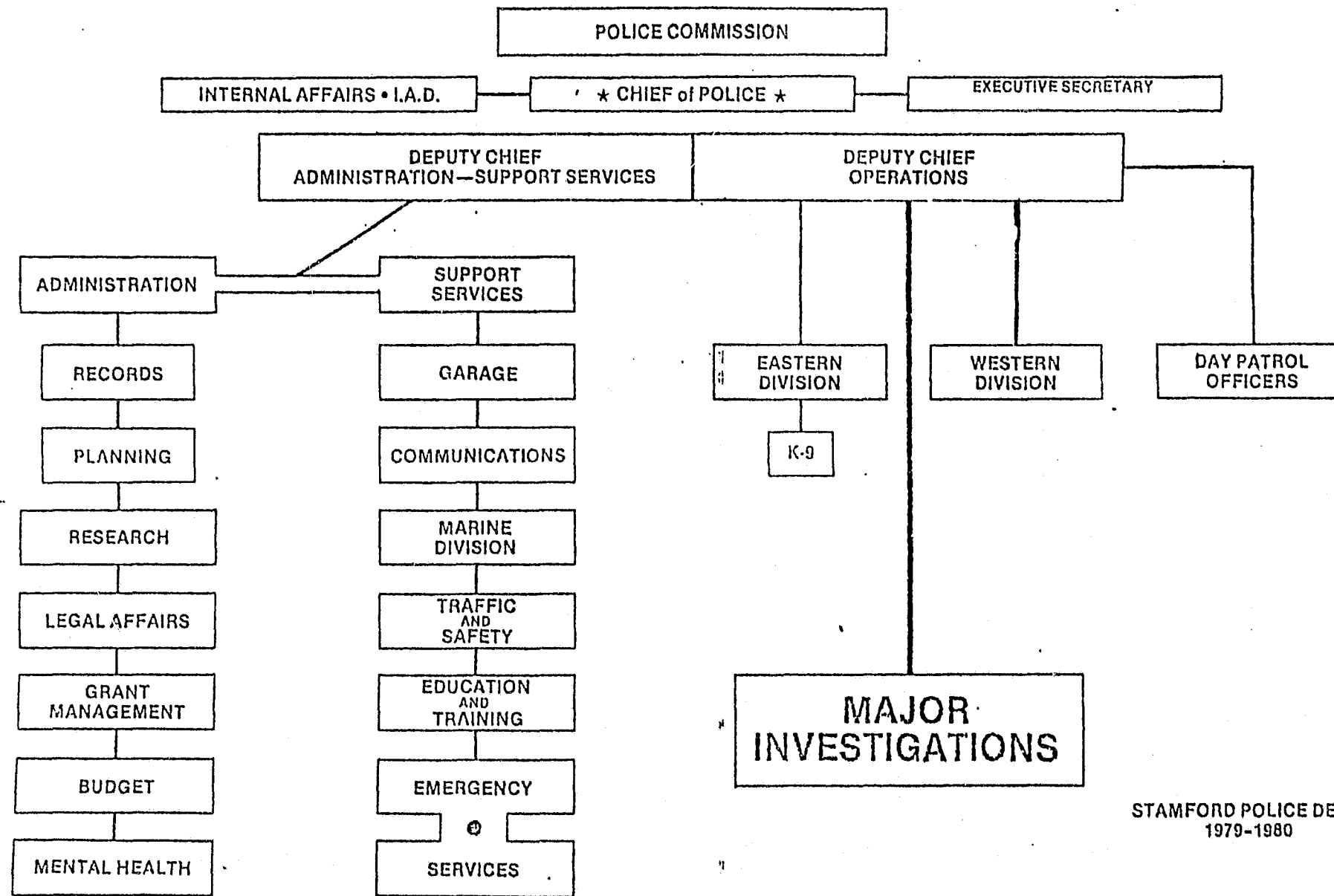
Complaints	+39.8%
Arrests	+37.3%
Detective cases	+51.1%

The increase in crime the Stamford Police had to deal with in the period 1972-1976 was not significantly higher than national averages.

	National FBI 1972-1975	Stamford 1972-1976
Murder	+ 10.7%	0.0
Rape	+ 20.8	- 38.4
Robbery	+ 24.1	+ 27.7
Aggravated Assault	+ 27.7	- 4.9
Break & Entry	+ 38.6	+ 19.7
Larceny	+225.2	+332.6
Motor Vehicle Theft	+ 13.5	+ 32.8

FIGURE II-1

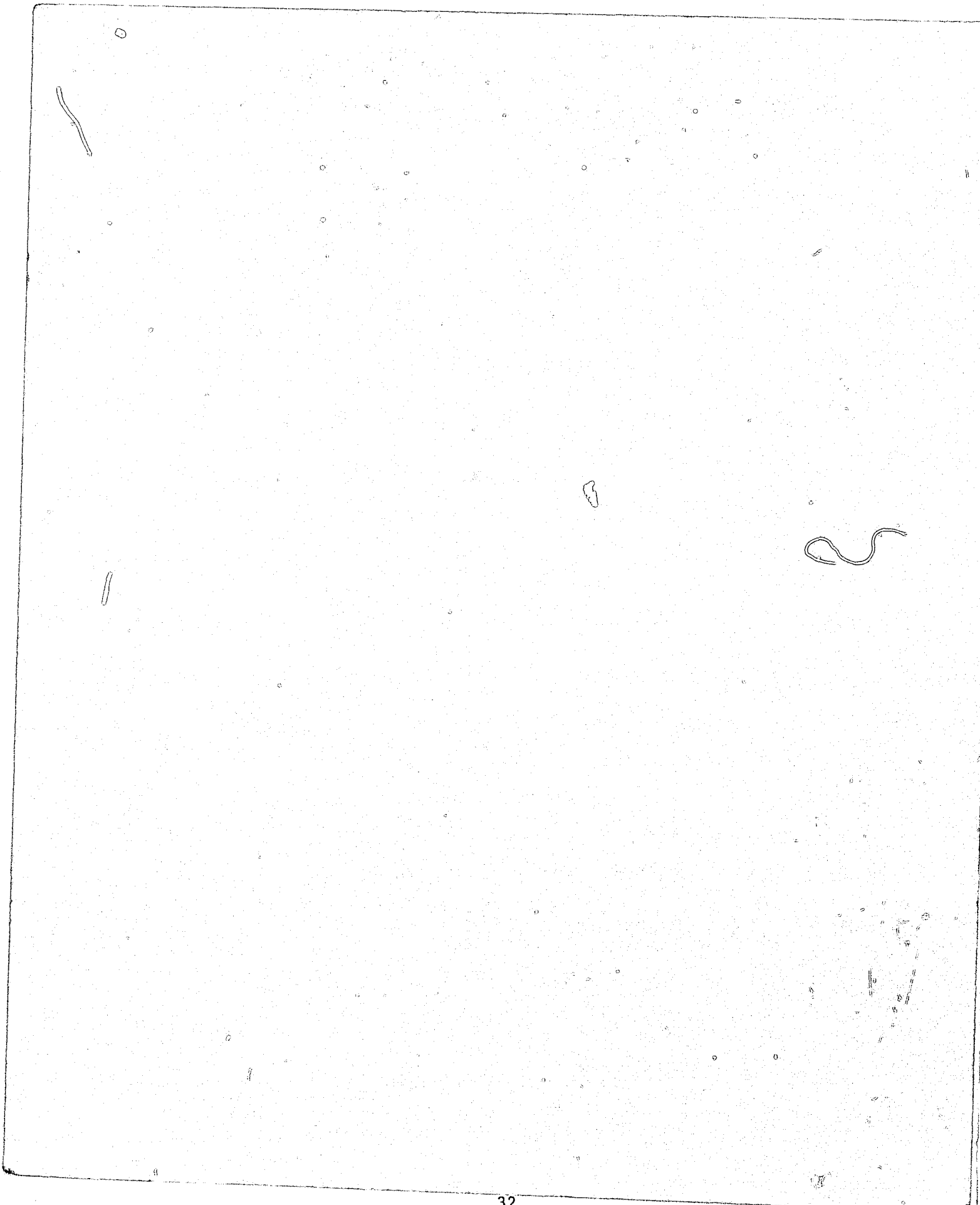
ORGANIZATION OF THE STAMFORD POLICE DEPARTMENT



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STAMFORD POLICE DEPT.
1979-1980

Source: Stamford Police Department.



The city is divided into two areas for patrolling: an east and west division, each division under the command of a captain. Accountability and personal service by officers permanently assigned to specific areas are emphasized. Each division is geographically subdivided into posts, with posts one to three in the western division, and posts four through seven in the eastern division.

The Department expects that the continued redevelopment of the downtown area will lead to an increase in calls for service. The greater flow of pedestrian and vehicular traffic alone will necessitate more stringent police enforcement of traffic laws. Further, since the small downtown stores will be open in the evening, the need for a visible police presence has been suggested. The Department expects that additional commercial office space will lead to more attempts at burglary.

TABLE II-1
 NUMBER OF CHILDREN UNDER AGE 16 AND
 YOUTHS AGES 16 AND 17: STAMFORD, 1970-1979

Age	Year		
	1970	1979	Percent Change
under 16	35,390	24,700	- 30%
16-17	4,019	4,200	+ 4%

Source: U.S. Department of Commerce, Bureau of the Census(1970).

TABLE II-2
 INCOME AND REVENUE PER CAPITA:
 STAMFORD, 1976-1977

City	Income Per Capita (1975)	General Revenue Per Capita (1976-77)		
		Total	Own Source	Property Tax
Stamford	6,988	679	502 (74%)	448 (66%)
Bridgeport	4,786	879	501 (57%)	442 (48%)
Greenwich	10,289	943	754 (80%)	641 (68%)
Hartford	4,201	1370	766 (56%)	616 (45%)
New Haven	4,486	998	499 (50%)	439 (44%)
Norwalk	5,978	702	498 (71%)	463 (66%)
Waterbury	4,566	687	419 (61%)	385 (56%)

Source: ICMA, Municipal Yearbook 1980.

TABLE II-3
 MEDIAN ENROLLMENT PROJECTIONS: STAMFORD
 PUBLIC SCHOOLS, 1980-1989

Year	Grade Levels			
	K-6	7-8	9-12	K-12
1980	6793	2296	4914	14003
1981	6408	2152	4752	13312
1982	5994	2132	4414	12540
1983	5651	2014	4129	11794
1984	5544	1785	3982	11311
1985	5533	1642	3736	10911
1986	5698	1478	3506	10682
1987	5799	1455	3259	10513
1988	5972	1443	2914	10329
1989	6120	1388	2774	10282
Percent Change 1980-89	- 9%	-39%	-43%	- 26%

Source: Stamford School Department, 1979.

TABLE II-4
 NUMBER OF FULL-TIME AUTHORIZED PERSONNEL
 IN THE STAMFORD POLICE DEPARTMENT:
 AUGUST 12, 1980

Rank	Number	Percent of Total
Chief	1	0.4
Deputy Chief	2	0.7
Captain	5	1.7
Lieutenant	12	4.2
Sergeant	37	12.9
Detective	4	1.4
Patrol	182	63.6
Civilian*	26	9.1
Other Sworn**	17	5.9
Total	286	100.0

* Includes clerical workers, traffic aides, and clerk/matrons.

** Includes the Youth Service Supervisor, dispatcher and various technical support positions.

Source: Stamford Police Department, 1980.

TABLE II-5

REPORTED CRIME AND NUMBER OF SWORN OFFICERS
IN THE STAMFORD POLICE DEPARTMENT: 1979

City	Total Crime Index	Total Part I Crimes Per 10,000 population	Number of Sworn Officers	Number of Sworn Officers Per 10,000 population	Number of Police Per Square Mile
Stamford	5,120 (5)	488 (6)	240	22.6 (6)	6.2
Bridgeport	12,467 (3)	890 (3)	402	28.7 (2)	23.1
Greenwich	2,117 (7)	353 (7)	146	24.3 (5)	—
Hartford	18,594 (1)	1,441 (1)	394	30.5 (1)	22.6
New Haven	17,524 (2)	1,402 (2)	399	27.9 (3)	21.7
Norwalk	5,067 (6)	658 (5)	146	18.9 (7)	—
Waterbury	7,335 (4)	692 (4)	266	25.1 (4)	9.0

Note: Number of sworn officers per 10,000 population is for the year 1976, except data for Greenwich and Norwich which are for 1975.

Source: U.S. Department of Justice, Federal Bureau of Investigation, Uniform Crime Report, 1979 and the Stamford Police Department.

CHAPTER III
FINDINGS AND RECOMMENDATIONS

Introduction

This chapter contains the policy recommendations presented to the Stamford Police Department Task Force and the Citizen Task Force. Each policy recommendation contains

- a background statement outlining the positions of various sets of national standards on the issues discussed;
- the findings from research as they apply to the issues being addressed;
- recommendations; and
- project staff's reasons for offering the recommendations.

Chapter IV addresses the questions of implementing the recommendations.

The three sets of national standards referred to in these recommendations are

Institute for Judicial Administration/American Bar Association (IJA/ABA), Standards Relating to Police Handling of Juvenile Problems (1977)¹

National Advisory Committee on Criminal Justice Standards and Goals (NAC), Juvenile Justice and Delinquency Prevention, Report of the Task Force on Juvenile Justice and Delinquency Prevention (1976)

The Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice (NACJJDP), Standards on Adjudication and General Implementation

¹ The IJA/ABA Standards consist of 20 approved volumes, several of which we have drawn upon for recommendations.

Plan (September, 1976) and Report of the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice (March, 1977).

A. POLICE ORGANIZATION

A-1. THE NEED FOR A CENTRALIZED YOUTH BUREAU

All national standards agree that police agencies should establish specialized juvenile units (see IJA/ABA, Std. 4.1; NAC Std. 7.1; and NACJJDP, Std. 2.251). They vary only in the criteria they offer to determine the appropriateness of a centralized juvenile unit as the IJA/ABA commentary (Std. 4.1) states

The organization of police work with juveniles must necessarily vary depending on the size of the police department, the kind of community in which it is located, and the amount and quality of resources available in the community. It is obvious that departments consisting of very few officers are not likely to develop features of internal division of labor encountered in large metropolitan organizations. Moreover, the department serving an affluent retirement community will need to distribute its capacities differently from one serving a lower class industrial town.

All the standards suggest that as a minimum one officer be assigned the principal responsibility for handling juvenile cases, even if the assignment is not on a full-time basis. However, they also assume that, wherever possible, a centralized bureau is the best organizational vehicle for the police handling of juvenile problems, and that "departments capable of staffing bureaus specializing in work with juveniles should consider the adequate staffing of them as a matter of the highest priority."

The IJA/ABA Standards provide no criteria for assessing a community or police agency's need for a centralized juvenile unit, beyond these

general statements. By comparison, the other national standards provide more specific criteria, recommending that, in general, every police agency with more than fifty or seventy-five sworn officers establish a juvenile investigation unit (see NACJJDP, Std. 2.251, and NAC, Std. 7.1).

The commentary to all the national standards offers two basic reasons for establishing a specialized juvenile unit in a police agency. First, handling juvenile crime involves procedures and resources that are sufficiently different from those in the adult criminal justice system to warrant specialization. Second, the kinds of criminal and non-criminal activities encountered in youth-related work can best be dealt with by skilled and sympathetic youth specialists.

A national evaluation of police juvenile units reports that many of the departments surveyed have units specializing in the handling of juveniles. Of the 125 departments responding to a question about juvenile specialization, 89 percent had a centralized juvenile unit, 6 percent had juvenile officers but no juvenile unit, while 5 percent had neither a unit nor juvenile officers. The study noted that in jurisdictions with a population of over 100,000 there was likely to be a juvenile unit.²

In the Stamford Police Department, there is a long-established juvenile unit (Youth Bureau), organized in the late 1940's in order to establish direct contact with youths in the community who were truants, delinquents, or runaways. At that time, the Youth Bureau consisted of a sergeant and two patrol officers; today, it consists of two sergeants, two patrol

² See Roberta Rovner-Pieczenik, National Evaluation of Police Juvenile Units, (Washington, D.C.: Police Foundation, 1978).

officers, and a Youth Supervisor. Compared to surrounding communities, Stamford is one of the larger jurisdictions (in square miles and population) but has fewer juvenile officers than jurisdictions of comparable size. (See Table III-1.)

At the time of this study the Bureau was housed separately from police headquarters to reduce embarrassment and thus facilitate communication with young people, and to comply with the requirement that juvenile records be kept separate from the central records division.

Our research in the Stamford Police Department, other juvenile justice and youth-serving agencies, and the Stamford school system was undertaken to determine whether a centralized juvenile unit was the appropriate organizational vehicle for the police handling of juvenile problems in that community.

Findings

1) The performance of the Youth Bureau and its members over the years in accomplishing some tasks and achieving some goals has been quite satisfactory. The current members of the Youth Bureau have established strong ties to some youth-serving agencies. Some members of the present unit are knowledgeable about laws and legal procedures as they apply to juveniles and are sensitive to the needs of juveniles. This was recognized and acknowledged by school, court, and youth-serving agency personnel whom we interviewed. There was certainly no indication, from any information we gathered from any source, that the work of the Youth Bureau would warrant dismantling that unit.

2) There was a consensus among the directors of youth-serving agencies we

TABLE III-I

COMPARISON OF JUVENILE UNITS IN STAMFORD AND SURROUNDING COMMUNITIES: 1980

City/Town	Total Population	Size of Jurisdiction	Police Department		Juvenile Bureau				Number of Juveniles Referred	
			Full time Sworn Officers	Full time Civilians	Centralized Yes	Centralized No	Number of Officers	Number of Civilians		Ranking Officer
New Caanan	20,000	22.0 sq.mi.	43	5		X	1	n.a.	n.a.	--
Darien	23,000	14.9 sq.mi.	44	5		X	1	n.a.	n.a.	--
Westport	30,000	19.9 sq.mi.	69	11		X	1	0	n.a.	--
Fairfield	59,000	32.0 sq.mi.	98	7	X		3	n.a.	n.a.	--
Greenwich	65,000	48.0 sq.mi.	145	57	X		6	0		217
Norwalk	80,000	23.0 sq.mi.	146	29	X		6	1		432
Stamford	110,000	39.2 sq.mi.	232	16	X		5	0	Sgt.	343
Bridgeport	145,000	17.0 sq.mi.	380	37	X		9	1	Lt.	564

Source: Stamford Police Department and Superior Court: Juvenile Matters

interviewed that they need a centralized youth bureau to contact regarding juvenile cases and related matters.³ The city of Stamford has an extensive network of youth services, of which the Stamford Police Department's Youth Bureau is an integral part. In the absence of this centralized unit, a youth-serving agency might have difficulty contacting an individual patrol officer who knew or had referred a juvenile. Agencies would have no single source or authority to contact for questions, information, and decisions. According to the directors, some members of the Youth Bureau have established excellent informal relationships with some of the agencies.

3) Middle and high school personnel we interviewed generally agreed that a Youth Bureau staffed with well-trained, temperamentally suited personnel in adequate numbers is highly desirable.⁴ Generally, officials will call a Youth Bureau officer to handle serious problems at school and as a rule these officers act very professionally. Some school officials perceived the officers in the present Youth Bureau to be overworked and others saw them as not qualified for the tasks at hand. Students recognized that the Youth Bureau is a special unit in the Police Department that handles the problems of young people.⁵

4) Juvenile court personnel favored a centralized unit because they believe that such specialization contributes to better handling of juvenile problems. In their experience, patrol officers lacked familiarity with

³ See Appendix E for a report of these findings.

⁴ See Recommendation D-1 in this Chapter

⁵ See Appendix D of this report.

juvenile law and procedures and in general did not perceive working with juveniles as real police work. Also, as a practical matter, it was easier to contact an officer in a small, centralized unit than one in the patrol division.

5) The Citizens Task Force with which we worked strongly believed that the Stamford Police Department, if it was to act in the best interests of the community and its young people, should retain and upgrade the present juvenile unit.

Recommendations

1) We recommend that the Stamford Police Department retain a centralized Youth Bureau with responsibility for handling all juvenile-related matters: criminal and non-criminal, serious and non-serious, in both divisions of the city. An exception to this is cases involving an adult and a juvenile. Here we recommend that the Youth Bureau have joint responsibility with the Detective Bureau.

2) To strengthen the unit's position organizationally in its relations with patrol officers and with other central units, the Department should a) assign an officer with the rank of lieutenant or higher to command the Youth Bureau, this officer to report directly to the Deputy Chief of Operations; and b) in accordance with the provisions of the Charter of the City of Stamford and the rules and regulations of the Civil Service Commission, consider promoting and/or installing a qualified officer familiar with operations of the Youth Bureau to fill that position.

3) We recommend, depending on the availability of officers, that six

TABLE III-2

NUMBER OF JUVENILE UNIT OFFICERS BY
NUMBER OF SWORN OFFICERS IN A DEPARTMENT

Full-Time Sworn Officers in Department	Full-Time Sworn Officers in Unit				
	1-5	6-10	11-15	16-20	21+
Under 200 (N=13)	39%	54%	8%	0	0
200-399 (N=41)	24%	39%	20%	10%	7%
400-599 (N=14)	7%	21%	29%	29%	14%
600-799 (N=10)	30%	10%	20%	10%	30%
800 + (N=17)	0	2%	12%	0	76%

Source: Adapted from R. Rovner-Pieczenik, National Evaluation of Police Juvenile Units, (Washington, D.C.: Police Foundation, 1978).

to eight officers be assigned to work in the Youth Bureau.⁶ This group should include at least one Spanish-speaking officer and one female officer and should reflect as closely as possible the racial and ethnic composition of the juvenile population of Stamford.

4) We recommend that the Stamford Police Department consider the routine rotation of officers assigned to the Youth Bureau. Under conditions of adequate staffing, assignment to the Youth Bureau should normally be for no less than 18 months and no more than three years, so that officers may acquire and apply knowledge of that unit's operation. Rotation of officers should be staggered to assure operational continuity.

Assignment to the Youth Bureau will provide younger officers with valuable administrative and community experience and impart to them interpersonal skills necessary to upgrade the level of police services in the Stamford community. To this end, an assignment to work in the Youth Bureau should be seen not as permanent, with fixed and lasting duties and responsibilities, but rather as one step in an officer's career in the Stamford Police Department.

5) Adequate full-time clerical assistance should be provided to Youth Bureau officers. There is a pressing need for a person to type and file reports, maintain juvenile records, answer the phone, and receive citizens seeking assistance from sworn personnel in the Youth Bureau.

⁶ About half the departments with less than 200 sworn officers studied by Rovner-Pieczenik, op. cit., reported having 6 to 10 full-time officers in their juvenile unit. (See Table III-2).

Discussion

The recommendations are in keeping with all national standards and reports of national commissions. However, the criteria the standards supply are not helpful. More compelling is the fact that the organizational alternatives to a centralized youth bureau are not workable. For example, if certain patrol officers or officers of a higher rank were to be designated as juvenile specialists, with an equal number of juvenile specialists assigned to each division, problems of coordination and jurisdiction undoubtedly would hamper the effectiveness of their activities.

A second alternative, abolishing the present juvenile unit and giving patrol officers sole responsibility for handling juvenile cases and related matters, would not be acceptable. In general, patrol officers' handling of juvenile cases has been criticized both inside and outside the Department, especially as that performance pertains to their knowledge of and respect for the legal rights of juveniles. Without an extraordinary and costly effort to educate all patrol officers on the legal rights of children, the Department would find it impossible to observe the legal rights of children and experience difficulties in processing cases through the juvenile justice system.

Further, without a centralized unit or officers designated as juvenile specialists, the legal requirements associated with the need to maintain separate records for juveniles apprehended by the police might not be met.⁷ Unless civilian or patrol officers were assigned the responsibility of maintaining the present centralized record-keeping system, that system,

⁷ See Recommendation III-C-3.

which is not totally adequate, would deteriorate further.

Finally, the position of the Youth Bureau in the Stamford Police Department must be strengthened. By assigning an officer with at least the rank of lieutenant and having the unit report directly to the deputy chief, the prestige, influence, and importance of the unit will be clear to other members of the Department.

A-2. SELECTION PROCEDURES FOR YOUTH BUREAU OFFICERS

National standards agree that officers selected to work as youth specialists should be of the highest possible calibre (see generally IJA/ABA Std. 4.2 and 4.5; NAC Std. 7.6; and NACJJDP Std. 2.253). Selection should be made from among experienced line officers and based on "demonstrated aptitude and expressed interest" (see NACJJDP Std. and IJA/ABA Std. 4.5A). Commentary to National Advisory Committee Standard 7.6 calls for improved selection of juvenile officers:

In assigning people to the juvenile unit, a commanding officer should personally interview each candidate, and the candidate should undergo a written examination specifically designed for the position.

Further, each applicant should be given an oral interview with a selection board composed of police command officers and individuals from other juvenile justice system components and public youth service agencies. Where permissible, a validated psychological test administered by the department should be required of all officers being considered for appointment to the juvenile unit (see NAC Std. 7.6).

That commentary further details primary and secondary criteria for evaluating candidates:

Candidates for police juvenile officers should possess the following basic qualifications:

- 1) General police experience in the patrol service, with demonstrated competence;
- 2) Above-average intelligence and a desire to learn;
- 3) Desire to work with juveniles; and
- 4) Basic understanding of human behavior.

Secondary criteria for the selection of police juvenile officers should include:

- 1) Formal education, generally a college degree in the social or behavioral sciences, law enforcement, or criminal justice;
- 2) Ability to communicate with a broad range of people, from very young children to highly sophisticated professionals;
- 3) Ability to write effectively; and
- 4) Basic investigative skills, including interrogation and interviewing, and an ability to make effective courtroom presentations.

Other factors to be considered in selection include age, character, personality, temperament, emotional maturity, ability to make rational decisions, patience, ability to work with minimum supervision, and a good police department record and reputation (see NAC Stnd. 7.6 at pages 256-7).

These recommendations are similar to, although more specific than, those proposed by other standards.⁸

Another common thread in the standards is that police agencies should not limit career opportunities for officers assigned to the juvenile unit. NACJJDP Stnd. 2.253 states that "officers should be able to pursue careers as juvenile specialists with the same opportunities for promotion and advancement as other officers, and should receive compensation commensurate

⁸ One apparent difference among the national standards is that the IJA/ABA standards place more emphasis on formal higher education as a criterion for selecting juvenile specialists.

with the duties and responsibilities of the job performed."

Findings

1) The Stamford Police Department has no formal procedures for selecting officers for the Youth Bureau. In the past, assignments were made entirely at the discretion of the Chief of Police. Due to the low status of the Youth Bureau, decisions to assign officers to the Youth Bureau were often based on other considerations than the qualifications needed for the important task of working with juveniles.

2) There are no career tracks associated with being an officer in the Youth Bureau. The average length of assignment of the officers now in the Youth Bureau is 6 1/2 years. There are two sergeants presently in the Bureau who attained this rank prior to their Youth Bureau assignment. One former Youth Bureau officer recently became a detective, but it is not clear that his assignment in the Youth Bureau furthered his promotion in any way. Doing a good job in dealing with juveniles has not necessarily led to either a long-term assignment in the Youth Bureau or promotion within the Stamford Police Department.

3) As far as we could ascertain, promotional examinations generally do not include questions on laws or procedures pertaining to juveniles.

4) There were no outside agencies or professionals who formally or informally review an officer's qualifications and ability to work with juveniles before he or she is appointed to the Youth Bureau.

Recommendations

- 1) We recommend that the Stamford Police Department develop written criteria for evaluating officers' potential for successfully serving in the Youth Bureau. These criteria, which need not be extensive, could include an expressed or demonstrated interest in working with juveniles, knowledge of juvenile laws, and a good Police Department record and reputation.
- 2) In the future, selection of officers should be based on merit and on an officer's desire to engage in youth-related work. Applications for Youth Bureau positions should be accepted from all who wish to serve. An officer should be assigned to the Youth Bureau only with his or her consent, and the Bureau should never be the first assignment of a patrol officer recruited by the Stamford Police Department.
- 3) All civil service promotional examinations should include a section on laws and procedures that pertain to juveniles.
- 4) In addition, we recommend that an officer selected to serve in the Youth Bureau be interviewed by representatives of youth-serving agencies and community groups to determine an officer's willingness and ability to work with juveniles.⁹

Discussion

Including material on juvenile law and procedures in promotional examinations would be a good method for improving the ability of the entire

⁹ This interview would not be binding on the Police Department but could be a source of valuable information and advice.

Stamford Police Department to handle juveniles. Not only will it ensure that Youth Bureau officers have knowledge of this important area; it will also help officers who never serve in the Youth Bureau but who must advise and direct the patrol officers under them. Moreover, it will communicate to all officers the importance that the Department attaches to juvenile matters. The Stamford Police Department should also communicate to its officers the idea that assignment to the Youth Bureau will be a positive consideration in future assignments and promotions.

A-3. RECRUIT AND IN-SERVICE TRAINING

A central theme of all the national standards is that police departments should develop written policies to aid decision-making at all levels and to avoid the arbitrary use of discretion (see IJA/ABA Stnds. 2.5C, 4.2, 4.4, and 5.1A & B with commentary; NACJJDP Stnds. 2.221, 2.222, 2.223, 2.246 and 0.421; and NAC Stnds. 2.2, 4.2, and 7.9). All the standards likewise concur in recommending that patrol officers, as well as youth specialists, be given specialized training in handling youth problems (see IJA/ABA Stnds. 4.2 and 5.1; NACJJDP Stnds. 0.421 and 2.253; NAC Stnd, 7.7). The standards vary only in the amount of detail they provide.

The commentary to IJA/ABA Standard 4.2 suggests that police training "should involve the study of those academic disciplines that all types of youth workers find useful in their respective vocations." Other sections mention the appropriateness of recruit and in-service training but do not specify how much or what kind of training is appropriate (see IJA/ABA Stnds. 4.2, 4.5 and 5.1).

By comparison, NAC Stnd. 7.7 asserts that

State law enforcement training commissions should establish statewide standards governing the amount and type of training in juvenile matters given to police recruits and to preservice and inservice juvenile officers. Training programs should include the following elements:

- 1) All police recruits should receive at least 40 hours of mandatory training in juvenile matters;
- 2) Every police department and/or State or regional police training academy should train all officers and administrators in personal and family crisis intervention techniques and ethnic, cultural, and minority relations;
- 3) All officers selected for assignment to juvenile units should receive at least 80 hours of training in juvenile matters either before beginning their assignment or within a 1-year period;
- 4) All police juvenile officers should be required to participate in at least one 40-hour in-service training program each year, either within the department or at regional, State and/or national schools and work shops;
- 5) Where feasible, cities should exchange police juvenile officers for brief periods of time so those officers can observe procedures in other jurisdictions; and
- 6) Community, regional, or State juvenile justice agencies should periodically conduct interdisciplinary inservice training programs for system personnel, and police juvenile officers should actively participate in such programs. Community juvenile justice agencies also should exchange personnel on an interdisciplinary basis for brief periods of time to enable such personnel to familiarize themselves with the operational procedures of other agencies.

As noted, the difference among the standards is only the degree of specificity; all agree on the appropriateness of both recruit and in-service training in handling youth problems.

Findings

1) The Stamford Police Department has no written policies to guide patrol or Youth Bureau officers' handling of juveniles. The 1955 Rules and Regulations Manual has a one-page section on the Youth Bureau that outlines

its general functions and command structure. Other sections outline the duties of various ranks of officers and investigative and administrative procedures, but there is no special section in the manual dealing with juvenile officers or juvenile procedures that might serve as training materials. Furthermore, we were told that orders, memoranda, and written procedures relevant to the police handling of juveniles do not exist.

2) Stamford police recruits attend training at the Connecticut Police Academy at Meriden. The standard police recruit training course, which all officers must take, is 480 hours long, with 400 of these hours at the academy and remainder in the field. The juvenile program consists of approximately five hours on police/juvenile interaction, three hours of juvenile law, two to four hours of related subjects (e.g., abuse/neglect and crisis intervention) and a half day at Long Lane School, a school for delinquent juveniles committed to the Department of Children and Youth Services.

3) The recruit training provided by the Stamford Department itself includes lectures on juvenile procedures by the commanding officer of the Youth Bureau and the Juvenile Probation Supervisor for the Superior Court: Juvenile Matters in Stamford.

4) There is currently no extensive in-service specialized training offered Youth Bureau officers by the Stamford Police Department. The Connecticut Police Academy sponsors about 100 in-service training seminars a year, either at the Academy or regionally, but only a few of these are related to handling juveniles. Professional groups, such as the Fairfield County Youth Officers Association, sponsor frequent seminars for youth

officers on legal and procedural issues. Some members of the Stamford Youth Bureau usually attend such seminars.

5) The Director of Training at the Connecticut Police Academy reports that programs can readily be developed in response to an individual department's or region's training requests.

Recommendations

1) The recommendations of this project should serve as the basis for written policies concerning Youth Bureau and patrol officers' handling of juveniles and should be incorporated into their training program.¹⁰

2) All Stamford police recruits should receive at least 20 hours of training in juvenile issues. The Stamford Police Department appears to meet this recommendation at the present time. We would urge training in several important areas if they are not currently part of the curriculum:

- Services for juveniles available in the Community and how police officers can utilize these services;
- Procedures for intra-departmental case referrals¹¹ and the handling of companion cases that involve adults and juveniles;
- Alternative procedures to arrest (e.g. contacting parents, informal referrals);
- Relations with school officials and school issues;
- Issues of privacy and record-keeping for juvenile cases;

¹⁰ Lack of resources makes it difficult for the Stamford Police Department to address the issue of patrol and Youth Bureau officer training at this time. Nevertheless, we offer recommendations as long-range goals that the Department should pursue.

¹¹ See Recommendation A-4 in this Chapter.

-- Effect of the Family with Service Needs Act on the handling of status offenders (e.g., concept of limited custody);

-- Exclusionary rule for juveniles;

-- Juvenile procedures; and

-- Other specific departmental policies on handling juveniles.

3) Officers selected for Youth Bureau assignments should receive 20 hours of training beyond that given police recruits. This training should include the following:

-- Crisis intervention;

-- Adolescent psychology;

-- Introduction to court and probation personnel and procedures;

-- Introduction to social service and community placement personnel and facilities; and

-- Introduction to school personnel and resources.¹²

4) In-service training for patrol officers should include a review of material on juvenile matters, as suggested in Recommendation A-2. Questions on juvenile procedures on promotional examinations should also increase officers' familiarity with juvenile law and procedures.

5) The commanding officer and one other juvenile officer should attend all outside seminars on juvenile matters and be responsible for communicating, through memos or presentations, pertinent information to other Youth Bureau officers and if appropriate to the commanders of the patrol

¹² If more than 5 years have elapsed since the officer selected for Youth Bureau assignment joined the Department and completed recruit training, the officer should also repeat the 20 hours of recruit training on juvenile issues. This training should be completed shortly after assignment to the Youth Bureau.

divisions. This seminar assignment should not be considered the permanent assignment of any one juvenile officer, but should be rotated regularly among all juvenile officers.

Discussion

While the standards recommend 40 hours of recruit training on juvenile issues and an additional 40 hours of training for Youth Bureau officers, we believe that 20 hours for each are a sufficient and more realistic goal. This judgment is based on the amount of information on juvenile justice officers need.

A-4. THE TRANSFER OF CASES AMONG DETECTIVES, PATROL AND YOUTH BUREAU OFFICERS

IJA/ABA Standards suggest that patrol officers should handle cases that are resolved informally by a single encounter, or they should arrest juveniles when appropriate but "in cases in which dispositions require more protracted work...transfer them to the juvenile officer or juvenile bureau" (see IJA/ABA, Stnd. 4.3). Although the commentary states a preference for patrol officers who are generalists, all responsibility for juvenile cases should be transferred to juvenile officers.

Project staff analyzed two types of reported contact among Youth Bureau officers, detectives and patrol officers: a) when officers refer a report (i.e., problem) to the Youth Bureau for a follow-up investigation; and b) when patrol officers report having contacted a Youth Bureau officer as an action taken at the scene of an investigation (i.e., either calling a youth officer to the scene or bringing the juvenile to the Youth Bureau),

Findings

1) The unwritten policy for patrol officers' handling of juveniles is as follows. When a call is received for police service, a uniformed patrol officer will usually arrive at the scene first. Once it is established that a person under the age of sixteen is involved in criminal misconduct and the officer has concluded that additional police involvement is necessary, one of two courses of action may be taken. The officer may release the juvenile, write a serial report detailing the incident, and request that the Youth Bureau initiate a follow-up investigation to determine whether a court referral is necessary. Or, if the incident is serious and the officer believed that immediate action is required, he or she will turn the juvenile over to Youth Bureau officers. If one is not available, the youth is detained until one is available.¹³ After a patrol officer forwards a serial report to the Youth Bureau or gives custody of the juvenile to the Youth Bureau, his or her role in the case usually ends.¹⁴

2) The decision to refer a serial to the Youth Bureau is made by the patrol officer, subject to review by his or her immediate supervisor. We have no way of determining how often a supervisor reversed a patrol officer's decision.

3) When a detective investigating a case discovers that a juvenile is involved, the case is not automatically transferred to the Youth Bureau. For example, during the period we analyzed, all reports of burglary were sent to the Detective Bureau's burglary unit, even those involving a juvenile.

¹³ See Recommendation B-3 for a discussion of detention practice.

¹⁴ Juvenile procedure requires that a parent or guardian be present during the questioning of a juvenile. For this reason, more waiting is involved in a juvenile case than in an adult case. Most patrol officers would rather leave a juvenile with a Youth Bureau officer and avoid the waiting.

Some of these serials describe incidents in which both an adult and a juvenile were involved; in other cases the suspect's age was not initially known to the patrol officer who referred the case to the detective. These detective reports were eventually referred to the Youth Bureau for follow-up investigations and possible court referral.

4) Fourteen percent of all patrol officers' serial reports involved a juvenile-related offense (1208/8387). Twenty percent of these serials were referred to the Youth Bureau for a follow-up investigation (237/1208), an average of forty-seven serials per month (see Figure B-1 in Appendix B).¹⁵ Incidents of disorderly youths, theft, vandalism, assault and incorrigible juveniles were the ones most often referred by patrol officers to the Youth Bureau for follow-up investigation (see Table B-28).

5) Twenty-seven percent of the 237 serial reports referred to the Youth Bureau resulted in a follow-up investigation, indicating that the Youth Bureau exercised considerable discretion in following up patrol officers' serial reports (see Table B-27). The following factors may have explained this:

- Patrol officers' serial reports were only one source of juvenile cases investigated by Youth Bureau officers, who must designate some case investigations as priorities. For example, we were told that direct calls for service from citizens (the source of twenty-nine percent of the Youth Bureau reports) received priority treatment.¹⁶

¹⁵ Tables and Figures appear in the Appendices (A through E) unless otherwise noted.

¹⁶ An analysis of 20 years of Youth Bureau statistics indicates that in 1958 police information (e.g., serials) was the primary source of case investigations for the Youth Bureau. From 1958 to 1968, there was a continuous upward trend of relying on police information. However, beginning in 1969 this reliance declined. See Figures III-1 and III-2.

-- Manpower problems contributed to a lack of follow-up of serials. For example, in May 1978, the percentage of serials followed up was significantly higher than in December 1978, a time when two officers were transferred out of the Youth Bureau (see Table B-27).

-- The decision to follow up a case was based on the seriousness of the incident, the juvenile(s) involved, and whether the complainant or responding officer requests a follow-up. It was suggested to us that youth officers were more likely to follow up on juveniles who had come to their attention previously. However, if an incident was serious enough (e.g., assault, burglary), the offender's prior police contact made little difference.

-- Some serials lacked basic information (e.g., suspect identification) necessary to conduct an investigation. Some Youth Bureau officers suggested that the report-writing skills of patrol officers needed improvement. Data collected by project staff showed that officers often neglected to include the age and race of suspects in their reports. Although youth officers could theoretically return a serial to a patrol officer for additional information, we were told that this was rarely done.

-- Some types of serials (e.g., bicycle thefts, disorderly or suspicious juveniles) are referred by officers in order to bring a particular problem to the attention of the Youth Bureau, but not necessarily to request that they follow up the problem.

6) Of the priority problems, Youth Bureau officers were most likely to follow up on patrol reports of assaults and incorrigible juveniles.¹⁷ Disorderly youths, thefts and vandalism were problems most frequently referred by patrol officers and they had an almost equal chance of being followed up (see Table B-28).

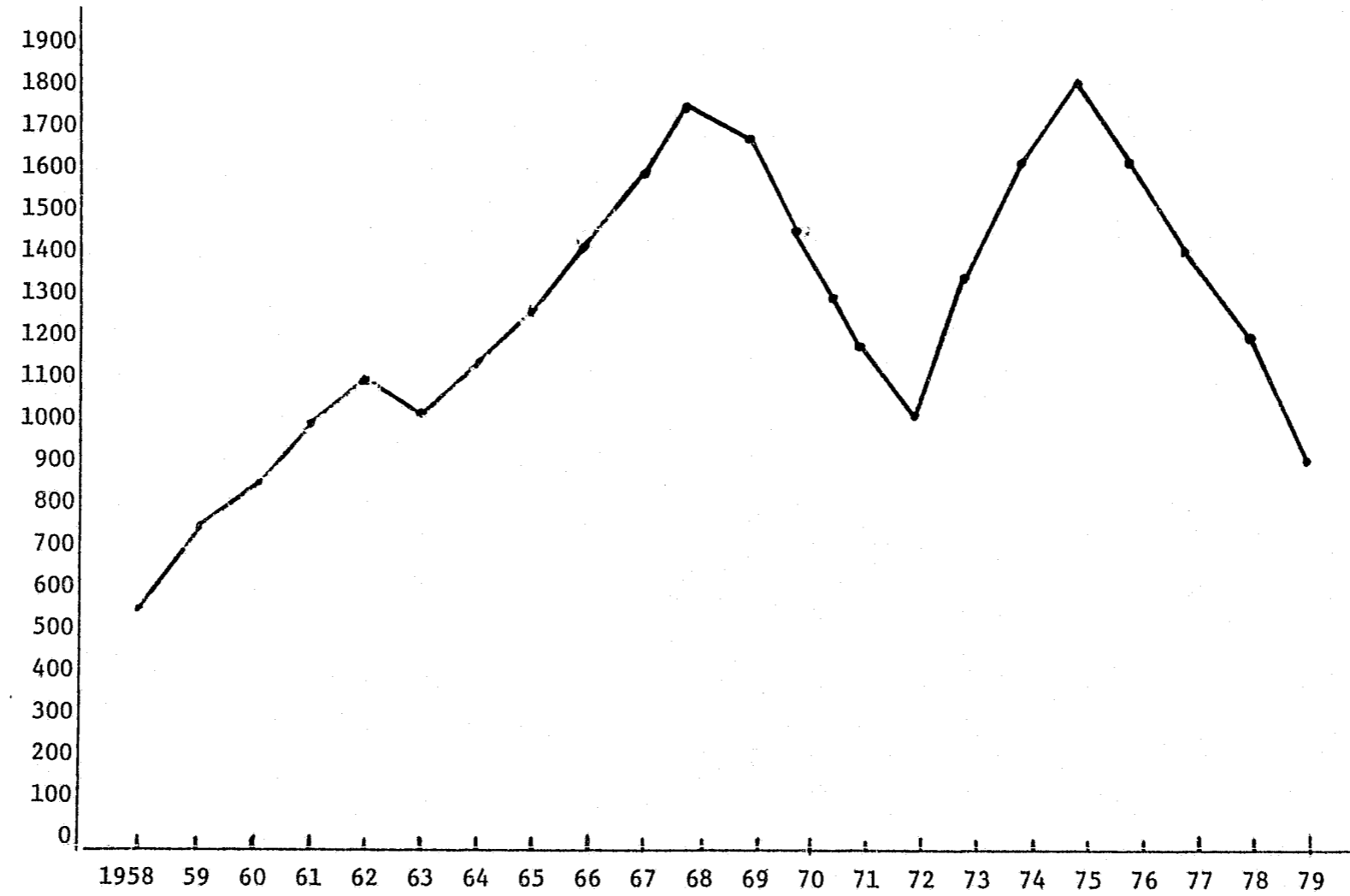
7) In general, Youth Bureau follow-ups of detective reports were more likely to produce court referrals than follow-ups of patrol reports. Of all

¹⁷ Reports of a missing child were almost always followed up by Youth Bureau officers. We were told that these cases usually involved an incorrigible juvenile who had run out of the house in the heat of a dispute with his or her parents.

FIGURE III-1

COMPLAINTS INVESTIGATED BY THE
YOUTH BUREAU: STAMFORD, 1958-1979

62

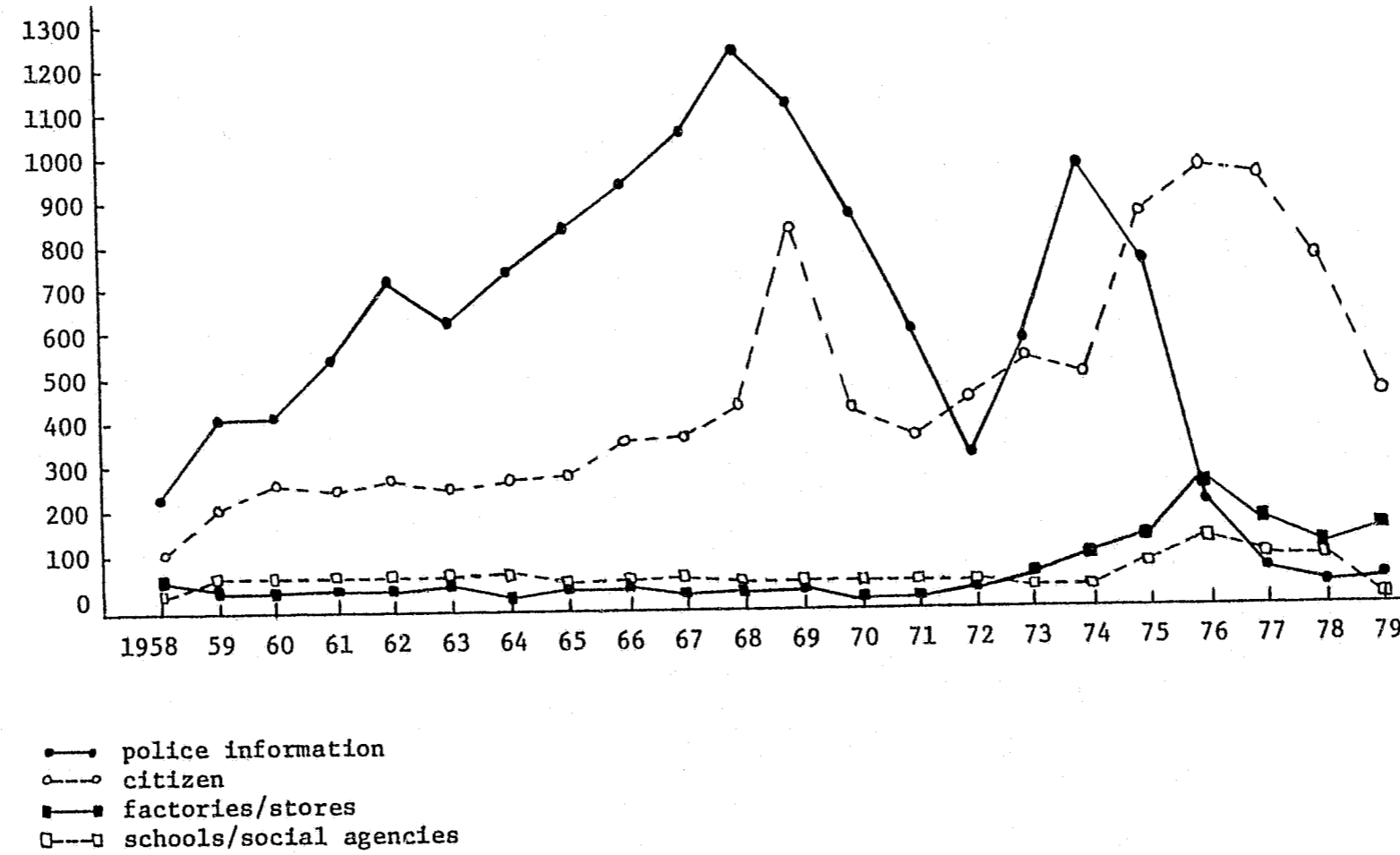


Source: Stamford Police Department

FIGURE III-2

SOURCE OF COMPLAINTS INVESTIGATED BY THE
YOUTH BUREAU: STAMFORD, 1958-1979

63



patrol serials referred to the Youth Bureau (N=65), 29.2 percent (N=19) resulted in the Youth Bureau's referring the case to court (see Table B-29). Of all detective reports referred to the Youth Bureau, 51.4 percent resulted in court referral (see Table B-30).

8) Patrol officers' reports of assaults were most often followed up (7 of 21, 33 percent), but they were not likely to produce referrals to court (see Figure B-2). By contrast, three of the four assault cases referred by detectives resulted in court referrals. Serial reports of disorderly youths and incorrigible juveniles (Figures B-3 and B-4) were frequently investigated but produced fewer court referrals. On the other hand, incidents of theft and vandalism had lower follow-up rates but higher court referral rates.¹⁸ (See Figures B-5 and B-6.)

9) Only those police reports that were followed up by the Youth Bureau were logged in on the Youth Bureau blotter. Consequently, there was no record of a report entry into the Youth Bureau unless it was officially acted upon (i.e., it generated a follow-up report). (See Table B-19.)

10) Patrol officers very rarely reported contacting a Youth Bureau officer as a part of an initial investigation.

Recommendations

1) The Department should develop guidelines for screening serials. All serial reports involving juveniles should be referred to the Youth Bureau. Each report would be screened by the Youth Commander, who would

¹⁸ Six of those eight referrals to court were incidents of shoplifting.

decide whether a follow-up investigation was appropriate. Further, the Youth Bureau should develop written criteria for screening these serials based upon present practices and the recommendations of this study, and should circulate these to all commanding officers.

2) All serial reports and detective reports referred to the Youth Bureau should be logged in the Youth Bureau blotter regardless of how the Youth Bureau disposes of them. If it is decided that the report does not require follow-up, the reason for this disposition should be entered on the blotter.

3) The Department should clarify the role of Youth Bureau officers in juvenile cases in which an adult is involved and the Detective Bureau has taken charge of the case. We recommend that joint responsibility for such cases be established as soon as it is clear that a juvenile is involved.¹⁹

¹⁹ See also Recommendation A-1.

B. EXERCISE OF AUTHORITY

B-1. THE EXERCISE OF POLICE AUTHORITY AND CONSIDERATIONS OF RACE, SEX,
AND ECONOMIC STATUS

The national standards urge that race, sex, national origin, religious belief, cultural difference, or economic status should not determine how police exercise their authority. Such biases should be overcome by fostering impartiality in all aspects of police operations through policies, training, personnel practices, and by the promulgation of adequate guidelines governing the use of discretion. (See IJA/ABA, Stnd. 2.1; NAC, Stnd. 4.2; NACJJDP, Commentary to Stnd. 2.21.)

Findings

1) We cannot address adequately the issues of racial and sexual discrimination by patrol officers who handle the juvenile problems we selected to study.²⁰ Data on race and sex of juveniles were not always included in the serial reports filed by patrol officers.²¹ It was not practical or possible for us to observe extensively patrol officers' handling of juveniles. The information available provided no evidence of discrimination by patrol officers. We have more information on the subsequent referral of cases,

²⁰ These problems include assault, truancy, stubborn children, disorderly youths, selling or using drugs, shoplifting/theft and vandalism.

²¹ See the community agency survey (Appendix E), in which some agency personnel claimed some police officers were prejudiced. But these statements were not specific enough to carry much weight, especially in the light of other information we collected.

especially shoplifting cases, to Superior Court:Juvenile Matters by the Youth Bureau.

2) The number of blacks that the Youth Bureau referred to Superior Court:Juvenile Matters was disproportionate to the number of black juveniles residing in Stamford (see Table C-5). In 1978-1979, while only 13.6 percent of the juvenile population was black, 47.1 percent of the juveniles referred to juvenile court were black (see Table C-4).

3) An equal number of whites and blacks were referred for more serious offenses: assaults, robbery, and burglary-trespass. Whites were more often referred for less serious offenses: family problems, vandalism and using marijuana (see Table C-16).

4) Juveniles from more affluent sections of Stamford constituted a very small percentage of juveniles referred to Superior Court:Juvenile Matters (see Tables C-7 and C-8).

5) Most juveniles referred for shoplifting were young black males apprehended in the Caldor department store.

6) A variety of factors might explain the number of referrals for shoplifting to the Stamford Juvenile Court: a) the elaborate security measures of the department store (Caldor) from which most shoplifters were referred; b) the policy of Caldor to prosecute all shoplifters; and c) the automatic processing of referrals by a Stamford Police Department officer who also served as liaison with the store.

7) We have no evidence that there was any discrimination by officers

of the Youth Bureau of the Stamford Police who made referrals to Superior Court: Juvenile Matters.²² In all our conversations with personnel from youth-serving agencies, schools and courts, we heard no charges of discrimination on the part of officers in the Youth Bureau who made referrals.

Recommendations

1) To improve its understanding of the practices of its patrol officers, the Stamford Department should require that patrol officers fill out completely and accurately that portion of serial reports that describes the sex, race, and age of all suspects, victims, and witnesses they contact.

2) If the Stamford Police Department adopts an alternative to arrest (e.g., letters of warning), careful records of the age, sex and race of juveniles to whom such letters are sent should be maintained.²³

B-2. POLICE AUTHORITY TO QUESTION AND DETAIN JUVENILES

The standards suggest that juvenile codes clarify the authority of the police to intervene in problems involving juveniles. "Intervene" is defined by the Commentary to NACJJDP Standard 2.11 as

²² Discrimination could be claimed if it could be shown that, with shoplifting as an example, more whites than blacks were apprehended and then released rather than referred to Juvenile Court by Stamford Police or store agents. This information was not available to us. We do know that some juveniles apprehended for shoplifting were warned and released but we do not know their age, sex, or race (see Recommendation III-C-1).

²³ See Recommendation B-5 on alternatives to arrest.

the moment at which a public official makes contact with a juvenile, because he or she is in danger of or is being harmed by others, is engaging in conduct harmful to him or herself, or is engaging in conduct which harms others.

The standards suggest that the police authority to intervene in criminal cases should be quite separate from the authority to intervene in non-criminal cases, and proposes that guidelines be formulated to aid the police in making these intervention decisions. (See IJA/ABA Stnd. 3.2; NAC Stnd. 5.6; and NACJJDP Stnds. 2.231 and 2.232.)

The standards agree that the police should intervene when a juvenile has committed a delinquent act, but only when it is an act that would be a crime if committed by an adult (see IJA/ABA Stnd. 2.3 of Juvenile Delinquency and Sanctions; NAC Stnd. 5.6; and NACJJDP Stnd. 2.21). The standards recommend flexibility for the police, allowing them to solve these juvenile problems through informal resolution, use of a citation or summons, protective custody, mandatory temporary referral, or by referral to the juvenile court (see IJA/ABA Stnd. 2.5; NAC Stnd. 5.6; and NACJJDP Stnd. 2.21).

Questioning and detaining a juvenile on the street is the most common form of police intervention. The Commentary to NACJJDP Stnd. 2.21 suggests that such intervention should be based on a "reasonable suspicion" that the juvenile has or is about to engage in a criminal act, has engaged in certain forms of non-criminal misbehavior,²⁴ or is in need of protection. The IJA/ABA and NAC Standards do not explicitly require the police to have a "reasonable suspicion" before intervention, but they do assume that the

²⁴ For further discussion as to which forms of non-criminal misbehavior justify police intervention, see Recommendations III-B-6 and III-B-7.

CONTINUED

1 OF 5

constitutional protections available to adults will apply to the questioning and detention of juveniles (see IJA/ABA Commentary to Stnd. 3.2; and NAC Stnd. 5.6).

Police authority to question and/or detain a juvenile in Connecticut is restricted by Constitutional and statutory mandates. While the law in Connecticut puts few restrictions on a police officer's ability to approach and question a child, certain precautions must be taken before any statement made by a juvenile may be admissible in a delinquency case.²⁵

Any admission, confession or statement, written or oral, by a child shall be inadmissible in any proceeding for delinquency in the juvenile court against the child making such admission, confession or statement unless made by such child in the presence of his parent or parents or guardian and after the parent or parents or guardian and child have been advised (1) of the child's right to retain counsel, or if unable to afford counsel, to have counsel appointed on the child's behalf, (2) of the child's right to refuse to make any statements and (3) that any statements he makes may be introduced into evidence against him (see P.A. 75-183).

No extrajudicial statement, admission, or confession of a respondent made to any person shall be admitted into evidence unless the person offering the statement demonstrates to the satisfaction of the court that the child, before making the statement and while in the presence of his parent, was informed and comprehended that he had a right to counsel, that he need not make such a statement, and that if he did make such a statement, it could be used against him in future legal proceedings (see Rules Sec. 1112).²⁶

The constitutional case ruling on stopping and questioning a person on the street is Terry v. Ohio, 392 U.S.1 (1968). This case holds that an officer must have a "reasonable suspicion" that the persons he wished to

²⁵ The F.W.S.N. legislation separates status offense from the court's delinquency jurisdiction and therefore will remove this protection from status offense cases unless supplemental legislation is passed.

²⁶ "Any person" has been interpreted to mean law enforcement official.

stop on the street has engaged or is about to engage in a criminal act. Further, unless the officer has a reasonable suspicion that the person stopped is armed and dangerous he or she may not frisk the individual prior to arrest. However, when a juvenile is detained beyond the time necessary for a threshold inquiry, it may become an arrest. An arrest is a seizure of the person, within the meaning of the Fourth Amendment, and as such may take place only if reasonable.

According to Connecticut Law (Sec. 17-65), police officers may arrest a child with or without a warrant only when the child is caught in the act, on speedy information, or in other cases in which arrest appears to be imperative. Most juvenile cases will be brought into the system without arresting and physically detaining the juvenile because referring the case to juvenile court is sufficient. If a juvenile is detained (arrested) by police officers, probable cause to believe that the juvenile is delinquent is necessary before an arrest can take place. The police or other arresting official must have evidence of delinquent activity and that the particular juvenile being arrested is the person who committed the act.

Connecticut also has a statute that allows police to question and transport truants (see Recommendation B-1).

Findings

1) Persons interviewed stated that there were few police officers who did clearly understand the differences between adult and juvenile procedure. Recently there was a meeting of court and police personnel in an attempt to clarify some recurring procedural problems.

2) While recent legislation clarifies police officers' authority to intervene when they encounter status offenses (see Recommendation B-7), it fails to address the applicability of Connecticut's exclusionary rule (§75-183) to these children once status offenders are no longer considered delinquents.

Recommendations

The Stamford Police Department's manual should be updated and should contain a separate section juvenile law and procedure. Specifically, the manual should include sections that

- describe proper procedure for (a) arresting juveniles, (b) interrogating juveniles, (c) transporting juveniles, (d) searching juveniles, and police authority in the schools;
- describe and define the terminology of juvenile criminal procedure; and
- provide an overview of juvenile court procedure.

B-3. POLICE CUSTODY OF JUVENILES

All three standards would authorize the police to take an alleged delinquent into custody, a procedure analogous to arresting an adult. The police would also be authorized to take into custody children involved in non-criminal misbehavior and those in danger of harming themselves, but the standards urge that this authority over juveniles involved in non-criminal behavior be carefully defined and limited (see IJA/ABA Std. 3.2 and Commentary; NAC Std. 5.6; and NACJJD Std. 2.231 and 2.232).

The standards suggest that the Constitutional protections available to adults upon arrest should be available to all juveniles taken into

custody. These protections should include informing juveniles of their Miranda rights, including the right to counsel, and perhaps also informing them of their right to refuse consent to search.

Two of the standards agree that the right to counsel should attach at the earliest possible time: when a juvenile is taken into custody, or when the intake process begins (see IJA/ABA Std. 2.4 of Counsel for Private Parties, and NACJJD Std. 3.132). The NAC, on the other hand, would make counsel available at intake in cases when the juvenile is not to be detained, and at the judicial detention hearing when the child has been removed from home (see NAC, Std. 16.7). Thus, the NAC Standards differ by not requiring the appointment of counsel when a juvenile is taken into custody, but they suggest that states adopt a more stringent exclusionary rule. According to the commentary to Standard 12.3, a juvenile should not be able to waive a constitutional right "without prior consultation with an attorney." This commentary makes clear that it does not impose a rigid ban on police interrogation of juveniles, but it

does require the police to choose between questioning the youth immediately without being able to use the resulting statements (or other evidence derived from such statements) to prove the government's case in court, and postponing questioning until the youth's parent or attorney appears. ... This restriction on the admissibility of statements is meant to apply to statements made to officials during the process of a delinquency case, even if the youth is not in

²⁷ Miranda rights consist of warning the suspect of his or her right to remain silent, that anything the suspect says may be used against him or her in a court of law, the right to be represented by an attorney and if the suspect cannot afford an attorney, appointing an attorney to represent him or her.

²⁸ The protection afforded by the other Miranda warnings are discussed in Recommendation B-4 which addresses the questioning of juveniles.

custody. This would include statements made to the prosecutor, a probation officer, or social worker involved in such stages of the case as intake, plea negotiations, consent decree, or predisposition study. It would not apply to statements made after a family court decision ordering a juvenile transferred for criminal prosecution (see NAC, Stnd. 12.3).

In addition to these Constitutional protections, the IJA/ABA Standards would require police to inform juveniles of their right to refuse consent to a search. Consent to search is voluntary only after a juvenile has been given such a warning. Any evidence obtained in an involuntary search would be inadmissible in court. Since the police are not required to inform adults of their right to refuse consent to search, this requirement would expand the protection given to juveniles beyond that given to adults (see IJA/ABA, Commentary to Stnd. 3.2).

In Connecticut, if there is probable cause to believe that statutorily defined delinquent conduct has occurred and that a particular juvenile is responsible, that juvenile may be arrested by police officers. The police may admit a juvenile to a state detention facility maintained exclusively for juveniles on their own authority if the admission is accompanied by a referral. The decision to release or further detain an arrested juveniles is the responsibility of the probation officer, who is notified by the detention admissions officer when the arrest is made. If the probation officer decides that detention is appropriate, the juvenile may remain in detention

²⁹ Most Constitutional protections applicable to adult criminal proceedings relating to arrest, search and seizure, and eyewitness identification are applicable to juveniles. See, e.g., In Re Gault 387 U.S. 1 (1967).

or be released to the custody of the parents.³⁰

Detention following arrest and prior to any judicial hearing is limited to 24 hours unless the probation officer files a petition alleging delinquent conduct. Once the petition is filed by the probation officer, the judge must sign within 24 hours an ex parte order of detention or the juvenile will be released. This order of detention can be issued without a hearing unless one is requested by the juvenile, the parents, or their attorney, and allows the court to hold the juvenile for up to ten days.³¹ At the end of the ten days, a detention hearing is held, in which the court reviews any evidence relevant to the issue of detention, including written reports and social records. The court can then decide to release, or to detain the juvenile for no longer than 15 days (from the date of admission or until the adjudicatory hearing, whichever is shorter). Unless it renews the order, the juvenile will be released to the custody of the parents or guardian.³² A juvenile held in detention prior to adjudication cannot be held

³⁰ The factors to be considered in deciding whether to detain include determining whether there is a) a strong probability that the juvenile will run away; b) a strong probability that the juvenile will commit or attempt to commit other offenses injurious to him or herself or to the community before court disposition; c) reasonable cause to believe that the juvenile's continued residence in his or her home pending disposition will not safeguard the best interests of the juvenile and the community because of the serious and dangerous nature of the act or acts set forth in the attached delinquency petition; d) a need to hold the juvenile for another jurisdiction; or e) a need to hold the juvenile to assure his or her appearance before the court, in view of his or her previous failure to respond to the court process (see Rules Sec. 1030). Another factor informally acknowledged by police and court authorities is the willingness of parents to take back their child. For a discussion of police liability in these matters, see Appendix E.

³¹ Rules Sec. 1107.

³² Rules Secs. 1030, 1032.

in a jail or other correctional facility where adults are or may be confined.³³

Connecticut's new Family with Service Needs Act gives police officers authority to transport truants, runaways and stubborn children to their homes or to a temporary shelter if the children agree. This Act also gives police emergency powers to take such juveniles into protective custody for up to six hours. This legislation is reviewed in Section A.3.c. In addition, Connecticut law allows police to exercise emergency custody if a juvenile has suffered abuse resulting in physical injury, malnutrition, sexual molestation, or other such maltreatment.

Findings

1) Patrol officers were most likely to exercise custody³⁴ when the problem was drugs (see Table B-24). This finding should be viewed with caution because there were only seven drug incidents. Custody was also exercised frequently in incidents of assault or theft, and least exercised in incidents involving vandalism, disorderly conduct, or incorrigibility.

³³ §46b-131.

³⁴ We consider police custody of a juvenile to have occurred in those situations where patrol officers reported they

- a) took the juvenile home or to his or her parents;
- b) called the Youth Bureau to the scene;
- c) transported the juvenile to the Youth Bureau; or
- d) "arrested" the juvenile.

We consider police custody of a juvenile to have occurred in those situations where Youth Bureau officers reported they

- a) took the juvenile home or released the juvenile to his or her parents; or
- b) took the juvenile to the State detention facilities.

2) In general, Youth Bureau officers were more likely than patrol officers to exercise custody of a juvenile (see Table B-25). Incidents of theft, assault, drugs and vandalism were most likely to involve the exercise of custody of the juvenile by Youth Bureau officers.

3) Temporary detention of a juvenile at Stamford Police headquarters may occur when patrol officers arrest a juvenile and need to contact a juvenile officer to continue processing the case. A juvenile holding room, physically separate from adult holding cells, is used for this purpose. However, no record of the frequency of this practice was available.

4) The State juvenile detention facility in Bridgeport was used sparingly (Table B-26). Only ten percent of all Youth Bureau cases (18 of 177) resulted in the juvenile's being placed in detention.³⁵ Fourteen juveniles accounted for these eighteen cases (see Table B-26). Two juveniles were detained more than once, on separate charges; a chronic runaway, was detained four times; and the fourth was detained once for assault and once for robbery. Twelve of the fourteen detained juveniles were males; eight were black and six white. Aside from the four juveniles referred for family problems (runaways), detention was used primarily in cases involving assault, robbery, or burglary (see Table B-26).

³⁵ This finding is in part attributable to the following factors:

- a) The police and court prefer to release a delinquent to the parents if the home environment is suitable and the juvenile is not a danger to the community.
- b) The facility can hold only 18 youths and is used by other cities in the Juvenile Court District beside Stamford.
- c) The trip to Bridgeport is time-consuming for the police, as it is 50 miles round trip.

Recommendations

1) We recommend that the Stamford Police Department continue the practice of releasing a juvenile to the parent(s) whenever possible. Further, a written policy to this effect should be included in the procedures manual for officers.

2) The Stamford Police Department should require officers to state, in their reports, the length of time a juvenile was in their custody. Further, a record should be kept of juveniles detained in the holding room at police headquarters. This practice will become particularly important when the Family With Service Needs Act is in effect.³⁶ The police will then be allowed to keep a status offender in custody for a maximum of six hours. In all juvenile cases a notation of the length of custody is relevant because unsuccessful attempts to contact parents are suggestive of a home situation that may contribute to the police decision to recommend detention.

B-4. NOTIFYING PARENTS OF A JUVENILE IN POLICE CUSTODY

The standards suggest that the police follow certain procedures when a juvenile is taken into custody. First, they agree that the police should give the juvenile Miranda rights. The police should also immediately notify the parents that their child has been taken into custody (see IJA/ABA commentary to Stnd. 3.2; NAC Stnd. 5.6; and NACJJDP Stnds. 2.242, 2.243).

³⁶ See Recommendation B-8.

All the standards require the police to provide the parents with additional information. The NACJJDP Standards would require the police to inform parents of the rights to which their child is entitled (see NACJJDP Stnds. 2.242, 2.243). The IJA/ABA Standards would require that Miranda warnings also be given to the parent (see IJA/ABA Stnd. 3.2).³⁷ The NAC Standards would require the parents to be notified only of the acts for which the juvenile may be charged, the seriousness of the potential charges, and the possible penalties (see NAC Stnd. 5.8).

Certain procedures should be followed when a juvenile is interrogated, and all the standards stress that care must be exercised to assure the voluntariness of waivers and confessions. The IJA/ABA Standards recommend the presence of counsel during the questioning of a juvenile, and would not allow the juvenile to waive the right to remain silent without the advice of counsel. If counsel is waived, the waiver must be made in counsel's presence (see IJA/ABA Stnd. 3.2 and Commentary). The NAC simply concludes that a juvenile should not be allowed to waive any rights without the advice of counsel, even if counsel has been waived (see NAC Stnd. 5.8). The NACJJDP Standards require that a juvenile be informed of his or her right to have counsel and that a parent or guardian be present at questioning (see NACJJDP Stnd. 2.247).³⁸ In sum, the standards are less concerned with the presence

³⁷ The IJA/ABA Standards recognize the difficulty of requiring the police to give Miranda rights to the parents of a juvenile, particularly when parents refuse to come to the police station or are hard to reach. In spite of this reality, the standards recommend that the police should give parents Miranda warnings.

³⁸ However, these Standards would not invalidate a statement obtained in the absence of a parent.

of a parent at questioning than they are with the presence of counsel.³⁹

Contrary to the Standard's suggestions, Connecticut has chosen to exclude any statement made by a juvenile unless that juvenile was informed while in the presence of his or her parent of the right to counsel and the right to remain silent (see P.A. 75-183 and Rules Sec. 1112).

Findings

1) Youth Bureau officers are more likely than patrol officers to contact a juvenile's parents for one of the problems we selected to study (see Table B-20). The Youth Bureau's contacting parents more frequently is explained in part by the investigative role of Youth Bureau officers and the greater likelihood that a suspect will be questioned by a Youth Bureau officer.

2) Police contact with suspects at the patrol level is not necessarily an important factor in deciding whether to contact a parent. Table B-20 shows that, although patrol officers make contact with juvenile suspects on the scene, very few of these contacts result in contacting parents.

3) Parents are usually present during the Youth Bureau's questioning of a juvenile. When the juvenile is observed committing the crime (e.g., shoplifting), the parents' presence is not required, as a prima facie case in support of the referral can be made without the juvenile's statement. However, in such cases parents are informed that their child is in custody

³⁹ The IJA/ABA Standards indicate that, because of possible conflict of interest or the coercive nature of such advice, the advice of a parent should not suffice to insure a valid waiver of a juvenile's rights (see IJA/ABA Commentary to Std. 3.2).

and are asked to come to the Youth Bureau. If they cannot, they are asked to give permission for such questioning.

4) Interviews with persons familiar with juvenile court procedure elicited numerous comments to the effect that some police officers did not adequately protect juveniles' rights. Concern was expressed that these officers sometimes failed to adequately inform the juveniles of their rights or that they questioned them without the presence of their parents. This led to inadmissible statements.

5) At least one meeting was held in the last year between court and police personnel to clarify proper procedure when questioning a juvenile.

Recommendations

1) Offering in-service and recruit training and completing an updated juvenile procedure section for the Stamford Police Manual are probably the best ways of adequately informing both recruits and current police personnel of the differences between juvenile and adult procedure.

Discussion

Contrary to national standards, Connecticut statutes require the presence of parents rather than attorneys before any statement made by a juvenile may be used in court. This requirement accords with efforts to keep the juvenile justice system from becoming a miniature criminal court. While in some cases parents' interests conflict with the best interests of the juvenile, this is uncommon. Further, in the vast majority of cases the parents will probably be more concerned and better informed than appointed counsel

in doing what is best for the child.

B-5. POLICE RESPONSE TO SELECTED JUVENILE PROBLEMS

The national standards would limit the areas in which police intervention in juvenile problems is appropriate (see IJA/ABA Stnd. 2.5; NAC Stnds. 4.3, 5.2; NACJJDP Stnds. 2.11, 2.12). "In many instances, the police should 'leave kids alone' and should refuse to intervene in certain situations" (see Commentary to IJA/ABA Stnd. 2.4). This is in keeping with the overall philosophy of implementing the least restrictive alternative in dealing with juvenile problems, as discussed in other recommendations. The standards aim at keeping the juvenile outside the formal juvenile justice system whenever possible, as long as this is consistent with such other concerns as public safety and protection of the juvenile.

Discussions with Stamford Police Department personnel suggested that some juvenile crimes and activities in Stamford are more troublesome than others. To identify with factual information the juvenile-related problems that required more intensive study, staff members of the Center for Criminal Justice collected and analyzed data from 1255 reports filed by patrol officers and 313 reports filed by Youth Bureau officers, for May 1978 and from December 1978 to March 1979, as well as monthly reports submitted by the Department to the Federal Bureau of Investigation. We also analyzed responses to questionnaires completed by officers in the Stamford Police Department and students in two Stamford middle schools. Based on the information collected, the following juvenile-related problems ("priority problems") were selected for more intensive study:

- vandalism;
- shoplifting;
- assault;
- drug use;
- disorderly conduct;
- family problems with stubborn children; and
- school truancy.

The following are the legal descriptions of each of the "priority" problems in the State of Connecticut.

Vandalism: Conn. Gen. Stat. §§53a-115-117. Vandalism will usually fall within the statutory definition of criminal mischief, of which there are three degrees of seriousness. The principal element of all three degrees is intentional damage to another's property.

Shoplifting: Conn. Gen. Stat. §§53a-122-125. Shoplifting is a form of larceny. Larceny is divided into four degrees, based primarily on the value of the property or service taken.

Assault: Conn. Gen. Stat. §§53a-59-64. Assault requires that actual harm be caused by the act and also a certain state of mind on the part of the actor at the time of the act (i.e., the harm must not be justifiable). There are three degrees of assault, based on the intent of the actor, the degree of injury, and the possession of a firearm.

Drug Use: Conn. Gen. Stat. §§19-480-485. Drug control laws in Connecticut are divided into three major categories, prohibiting 1) illegal manufacture or distribution; 2) illegal manufacture or distribution by non-drug dependent persons; and 3) illegal possession. The punishments authorized by statutes are categorized by the type of substance involved, the amount, and whether there has been a previous conviction for a drug law violation.

Disorderly Conduct: Conn. Gen. Stat. §§53a-181-183. Disorderly conduct is a misdemeanor included in breach of the peace, a more serious misdemeanor. Breach of peace includes public fighting, assault, threatening a crime against person or property, public exhibition or posting of indecent or abusive matter concerning another person, using obscene language in a public place, and creating a hazardous or physically offensive condition in a public area by committing an unprivileged act.⁴⁰ The statute for disorderly conduct prohibits fighting, threatening behavior, making unreasonable noise, disrupting lawful public assemblies or traffic, and congregating in a public area after being officially and reasonably ordered to disperse.

Family Problems with Stubborn Children and Truancy: Conn. Gen. Stat. §§46-120-148. Any person less than sixteen years old who is beyond the control of his or her parent or guardian, who is habitually truant from school, or who is continuously and overtly defiant of school rules may be found delinquent. Connecticut law does not currently distinguish status offenses from criminal offenses; both are subject to the coercive intervention of the criminal justice system.⁴¹

Findings

1) According to descriptions in patrol serial reports, patrol officers were not confronted with a small number of identical problems occurring repeatedly; rather, they were confronted with a multitude of different types of problems, each occurring infrequently. For example, many different kinds of events qualified for the labels "disorderly conduct" or "vandalism" (see Table B-7).

2) Most priority problem incidents were reported to patrol officers during the evening shift (3-11 P.M.). However, just over one-third of the

⁴⁰ The statutes proscribe this behavior in terms that appear to be sufficiently specific to withstand Constitutional scrutiny.

⁴¹ See Recommendation B-8 for a discussion of proposed changes in this law.

vandalism incidents (34.2 percent) were reported during the day (see Table B-12).

3) Incidents of disorderly conduct constituted the bulk of patrol officers' workload with juveniles (51.9 percent), while the Youth Bureau handled fewer of these kinds of incident (16.0 percent). On the other hand, patrol officers handled fewer incidents of larceny/theft (13.8 percent) involving juveniles than do Youth Bureau officers (38.2 percent). Shoplifting episodes comprised most (74.6 percent) of the Youth Bureau's 142 reports on larceny/theft. Patrol officers were more likely to encounter incidents of a parent having problems with an incorrigible child and incidents of vandalism (see Table B-5).

4) While most Youth Bureau reports described incidents involving persons who were juveniles (ages 11-16), patrol officers reported encountering an older group of suspects: youths aged 16-18.⁴² The proportion of older youths was especially large for vandalism and disorderly conduct episodes (see Table B-1).

5) With the exception of vandalism, patrol officers reported encountering juvenile suspects at the scene in at least 50 percent of the serial reports they file; in just over 25 percent of the vandalism episodes, officers reported contact with juvenile suspects (see Table B-16).

6) In their serial reports patrol officers most frequently reported that no further action was required or necessary; the small number of

⁴² Patrol officers frequently described in writing the person or persons contacted as "a youth" or "youths." These written descriptions, plus reports in which an actual age was given, constituted the basis for this tabulation. Without more exact information it may be argued that the number of youths (vs. juveniles) was exaggerated.

reported drug offenses was an exception. Patrol officers very rarely reported contacting a Youth Bureau officer or a juvenile's parent as part of an initial investigation. When Youth Bureau officers made contact with a juvenile suspect, they usually contacted the suspect's parents (see Table B-17).

7) Patrol officers referred 19 percent of their reports involving priority problems to the Youth Bureau for follow-up investigation. Patrol officers were most likely to refer incidents of larceny/theft (36.8 percent), assault (30.6 percent), and drug use (30.0 percent) to the Youth Bureau. Patrol officers reported that no action was taken or that no action was required on about 20 percent of the reports they forwarded to the Youth Bureau for follow-up investigation (see Table B-18).

8) Twenty-seven percent of the patrol serials referred to the Youth Bureau received a follow-up investigation⁴³ (see Table B-27). Among all the patrol reports for priority problems referred to the Youth Bureau, youth officers most frequently followed up those of thefts, incorrigible juveniles, disorderly youths, and assaults (see Table B-28). Patrol officers' reports of incorrigible juveniles were the primary source of Youth Bureau investigations of this problem (i.e., five of the eight Youth Bureau reports for incorrigibility were follow-ups of patrol serials).

9) Youth Bureau officers referred fifty-five percent of their cases to the Superior Court: Juvenile Matters (174 of 313). Thefts constituted approximately half (52.4 percent) of such referrals for the priority problems. A closer look at the theft category reveals that 83.0 percent of

⁴³ Patrol serials were not the only source of Youth Bureau investigations; Youth Bureau officers also received direct requests for service from citizens and the police dispatcher.

these referrals were for shoplifting. Assaults accounted for 10.3 percent of all referrals, followed by vandalism (6.3 percent), family problems (5.2 percent), using marijuana (2.9 percent), and disorderly youths (2.9 percent). (See Tables C-13 and C-14.)

10) About 85 percent of the referred males were between the ages of thirteen and fifteen; fourteen-year-olds were referred most often (see Tables C-2 and C-3). By a small margin, whites constituted the majority (52.9 percent) of those referred (see Table C-4). The number of non-whites referred was disproportionate to their number in the juvenile population; recent projections by the City of Stamford for 1980 indicate that non-white juveniles comprise only 20 percent of the age group 5-19 (see Table C-10).

11) Sixty-four percent of the cases referred to Superior Court: Juvenile Matters involved juveniles who had had no previous police referral. Of the juveniles who had previous referrals (36 percent), fifteen percent had one, another fifteen percent had between two and five, and six percent had more than five (see Table C-10).

12) Shoplifting accounted for sixty percent of all referrals of non-whites and 32 percent of all referrals of whites (see Table C-18). Eighty percent (61 cases) of the shoplifting cases involved juveniles with no previous referrals (see Table C-25). One police officer in the Youth Bureau accounted for 94.8 percent (73 cases) of all shoplifting cases referred to the court (see Table C-26).

Recommendations

- 1) The Stamford Police Department should consider assigning at least

one additional Youth Bureau⁴⁴ officer to the evening shift (3-11 P.M.). Data indicate that most juvenile problems designated as priority problems occurred during this shift. The lack of contact between the patrol division and the Youth Bureau may be explained, in part, by the understaffing of the Bureau and the consequent unavailability of a youth officer during the most active hours for patrol officers.

2) Patrol officers should receive instruction or detailed information on how to handle family problems with stubborn children. In particular, they should be informed that police referrals for incorrigibility are not acted upon by the court and that the parents should be advised to go to court to initiate such proceedings. No purpose is served by referring such serial reports to the Youth Bureau for follow-up investigation unless criminal activity is suspected.

3) All patrol serial reports mentioning juveniles should be referred to the Youth Bureau even if, in the judgment of the patrol officer's supervisor, a Youth Bureau investigation is not required and even if a patrol officer reports that no action was taken or necessary at the scene.⁴⁵

4) The Stamford Police Department should promulgate written procedures to guide decision-making in dealing with minor criminal misconduct and nuisance behavior. More specifically, these polices should outline

⁴⁴ Currently only one Youth Bureau officer is assigned to this shift.

⁴⁵ These would include serials containing information about stolen property, e.g., bicycles.

alternatives to arrest for some common types of problems.⁴⁶ Alternatives to arrest should be explained as options, and such police responses as home or stationhouse warnings should be reviewed for their appropriateness and feasibility.⁴⁷

5) Referring juveniles apprehended for committing a particular criminal offense to juvenile court should not be the sole responsibility of any one officer in the Youth Bureau. All officers in the Youth Bureau should be available to investigate all types of cases and refer juveniles apprehended to Superior Court: Juvenile Matters. The appropriateness of making a referral (based on the Stamford Police Department's policy) should be left to the discretion of the responding officer(s), subject to review by the commanding officer of the Youth Bureau.

Discussion

A Youth Bureau officer is required during the night shift, as that is

⁴⁶ It is not clear whether a police department in the State of Connecticut may officially authorize non-arrest for some minor criminal conduct. While there are arguments against such an authorization, it appears to be an option that is available to police with little likelihood of serious repercussions. See Recommendation C-2.

⁴⁷ For example, the Stamford Police Department might consider adopting a policy of selective non-intervention for shoplifting, a problem that comprises most of the Youth Bureau's caseload. The Department might consider a policy of not referring juveniles apprehended for shoplifting if (a) the juvenile has no prior referrals for shoplifting or any other crime; (b) the juvenile willingly and satisfactorily identifies himself or herself to the private security officer, the store merchant, or an officer of the Stamford Police Department who has responded to a call for assistance; and (c) all merchandise allegedly taken is either returned to or recovered by the store merchant. Officers claimed that juveniles who were caught stealing a small amount for the first time and whose parents cooperated were not referred.

when many juvenile problems occur.

Police investigations of referrals for incorrigibility do not make sense given the court's preference for having a parent appear in person to initiate a referral. Unless criminal activity is suspected, the police should counsel parents either to take their case to the court or to seek help at a local agency.

More creative approaches for handling minor criminal misconduct are needed. For example, among all cases referred to Superior Court: Juvenile Matters, the number of juveniles referred for shoplifting far exceeds the number of referrals for any other crime. Most of these juveniles had no prior referrals and the most frequent disposition of such shoplifting cases was dismissal.

B-6. POLICE AUTHORITY TO QUESTION AND DETAIN STUBBORN CHILDREN

In Connecticut, stubborn children, truants, runaways, and juveniles who engage in "immoral conduct" are subject to juvenile court jurisdiction.⁴⁸ These offenders are known as "status" offenders because they are offenders by virtue of their legal status as children: their offenses would not be considered crimes if committed by adults.

Until recently most states, including Connecticut, did not distinguish between status offenders and delinquents (i.e., juveniles who have committed an act that would be a crime if committed by an adult). Juveniles who were

⁴⁸ Connecticut has recently enacted legislation to alter significantly the power of the police and juvenile court to intervene in the lives of status offenders (discussed in Recommendation B-8). Truancy is discussed in Recommendation B-7.

truant, runaway, stubborn, or had engaged in "immoral conduct" could be adjudicated delinquent. Because status offenses were included within the statutory definition of definition of delinquency, police could stop and question a juvenile who was stubborn and take him into custody in the same manner as if he or she were a suspected felon.⁴⁹

Under Connecticut law police officers are justified in arresting a juveniles if they have probable cause to believe that he or she has committed an act that brings him or her within the jurisdiction of the juvenile court. By statute, the police can arrest a juvenile without a warrant when the juvenile has been caught in the act of delinquency, the police are acting on the "speedy information" of others, or "when the use of such process appears imperative" (§46b-133).

The very broad language of the Connecticut statute does little to restrain the police from detaining status offenders (see §46b-133). For example, if a police officer approaches a juvenile who the parents claim is stubborn, the officer can take the juvenile into custody if he or she admits to the offense, if the officer is acting on speedy information of others, or if other circumstances make custody seem imperative.⁵⁰

These broad powers of intervention for non-criminal misbehavior, which will be in effect until the recently passed Connecticut legislation is

⁴⁹ There are very few restrictions on an officer's stopping and questioning juveniles or adults in public places, but Connecticut by statute has created an exclusionary rule. An officer may approach and question a juvenile but the juvenile's statements may not be used in evidence in a court proceeding unless the juvenile's parents were present and adequately informed of the juvenile's rights (see P.A. 75-183). See also Recommendation B-8 in this chapter.

⁵⁰ Police may also obtain arrest warrants for stubborn children and other status offenders.

implemented, are quite clearly contrary to the recommendations proposed by national standards (see section A.3.c). Although these standards disagree on specific changes, they all agree on two basic goals: a need to define more carefully which juvenile conduct merits coercive intervention, and that voluntary services should be the favored means of dealing with status offenses.

Findings

1) Reports of stubborn children constituted 5.1 percent of all juvenile serial reports written by patrol officers (60 of 1174) and 2.6 percent of all Youth Bureau reports (8 of 313).

2) An analysis of the patrol officers' serial reports (Tables B-3, B-12, B-16 to 18) shows that

- most stubborn children patrol officers encountered were male (62.7 percent);
- most of the incidents (61.7 percent) occurred on the evening shift (3-11 P.M.);
- patrol officers were very likely to make contact with the juvenile on the scene (77.3 percent of the time);
- patrol officers were more likely to report having taken no official action on the scene (90.9 percent of the time) than to "warn the juvenile" (4.2 percent) or involve the Youth Bureau immediately (4.6 percent); and
- 18.3 percent of all patrol serials reporting stubborn children were referred to the Youth Bureau for follow-up investigation (11 of 60).

3) Patrol officers ranked family problems with stubborn children as the third most troublesome juvenile problem they were called upon to handle. Their reasons for considering this problem troublesome were of two sorts:

- a) parents were uncooperative and usually the officers must deal with the same juveniles; and
- b) officers repeatedly were not trained to deal with these problems, they did not know when to intervene, and they did not have written policies to guide their decisions (see Table A-9).

4) An analysis of Youth Bureau reports (Tables B-3, B-12 and B-16) showed that

- most stubborn juveniles Youth Bureau officers encountered were female (75.0 percent of all cases);
- 87.5 percent of these incidents were investigated during the evening shift (3-11 P.M.);
- Youth Bureau officers made contact with the juvenile at the scene in 4 of the 8 cases;
- in two of seven cases (for which we have data) the juvenile was diverted to a social agency; in two other cases, the juvenile was warned, and in the remaining three cases no action was taken.

5) From January 1978 to July 1979, the Youth Bureau made only two referrals to the Superior Court: Juvenile Matters for stubborn children. The Superior Court: Juvenile Matters in Stamford has requested that the police not refer juveniles for incorrigibility because the nature of the offense requires the parents to document a pattern of disrespectful behavior. Consequently, the Court has asked the police, when they encounter such complaints, to instruct the parents to come to Court to initiate a referral. At that time, the Court intake officer can determine the seriousness of the problem and whether it justifies Court intervention.

6) We have been told that parents of stubborn children will request that their child be referred to the Court on a breach of peace charge rather than incorrigibility when they "act out." (The former is easier to

prove than the latter.) However, we do not know the extent of this practice.

Recommendations

See Recommendation B-8 in this chapter.

B-7. POLICE AUTHORITY TO HANDLE TRUANTS

A description of police authority, based on Connecticut law, to intervene in cases of truancy can be found in the preceding section. An analysis of how recent legislation will change police authority follows in Recommendation B-8.

In addition to the authority of police officers to stop and detain truants included in delinquency jurisdiction (see Recommendation B-6), there are several statutes that authorize police intervention for truancy.

By statute, police officers may stop any child found on the street during school hours and send or bring such child to school (Sec. 10-2000). If a police officer seeks to arrest a child for truancy, a warrant obtained from a judge of the Juvenile Court is required. The parent or guardian of the child must be notified of the time and place of any subsequent hearing (Sec. 10-202).

This statutory authorization to arrest, which is inconsistent with Connecticut's new legislation, will be replaced by that act (see Recommendation B-8).

Findings

1) No reports of truancy were written during the period for which we analyzed patrol officers' serial reports. (See Table A-6 in Appendix A.)

2) When asked which juvenile problems were the most serious for the Stamford community, patrol officers ranked truancy fifth of the 22 problems

on the list (see Table A-7).

3) Patrol officers also reported truancy as one of the more troublesome problems for them to handle. They claimed that (a) the parents were uncooperative; (b) they were dealing with the same juveniles most of the time; (c) the community was too tolerant of the problem; and (d) there were no written policies to guide their decisions. (See Table A-9.)

4) From January 1978 to July 1979, the Youth Bureau made nine referrals to the Superior Court: Juvenile Matters for truancy, more than the six referrals made by the Stamford school system for the same problem.

5) Although the police may refer a juvenile for truancy, it is the practice of the Superior Court: Juvenile Matters to dismiss at intake all police referrals for truancy. The reason given is that it is more appropriate for the schools to refer truants, as only they can provide the documentation required for such cases by legislation regarding special education. Every truant who is referred to Juvenile Court must undergo an evaluation by the school system's planning and placement team (P.P.T.); this evaluation takes six to eight weeks to complete. If the P.P.T. determines that the student has a particular problem, the school is required to set up an individual educational program for him or her. If the evaluation shows no identifiable problem, the student is referred to the guidance counselor. If the student can be shown to be a chronic truant, the case is referred to the head social worker of the school system, who decides whether the case is to be referred to the Juvenile Court.

6) We surveyed 327 middle school students and found that their

understanding of truancy and its relationship to the law was vague. Most students considered truancy a serious problem, but less **serious** than other problems. For example, 21.6 percent reported that truancy was a "very serious problem" in the schools, while 52 percent report truancy as being "kind of serious" in the middle schools. When asked if truancy was a violation of the law, 51 percent of the 327 students responded incorrectly or did not know the legal status of the problem. Of the 109 middle school students who completed a self-report questionnaire, 29 (26.6 percent) reported that they "skip school a lot." Only 3 of those 29 students reported having contact with the police for commission of that offense. (See Tables D-4 to D-6 in Appendix D.)

7) Middle school and high school personnel claimed they did not usually involve the police in truancy cases. In 1978, the school system made slightly more referrals to the Court for truancy (six referrals) than the police (four referrals). However, in the first six months of 1979, the police made five referrals for truancy, while the school system made none. Several reasons were offered for this. The middle and high school personnel we interviewed reported that truancy was not a big problem during this last school year, in part because of the efforts of community workers in the schools, who keep "on top" of the problem. The school system's impatience with the Court's lack of response to truancy referrals, and the amount of time and documentation required to prove a truancy case, may have contributed to the decision not to refer juveniles.

Recommendations

See Recommendation B-8 in this chapter.

B-8. THE FAMILY WITH SERVICE NEEDS ACT

Public Act 79-567 has modified Connecticut procedure for handling status offenders. This section discusses the impact of this recent legislation, beginning with a review of national standards that illustrate the options from which Connecticut has chosen to draft its Families with Service Needs Act (P.A. 79-567).⁵¹

Advocates of reform of the juvenile justice system disagree about the propriety of coercive state intervention into the lives of status offenders. Because many courts have treated status offenders in much the same manner as, or even more severely than, delinquents, some commentators have urged that status offenses be removed from juvenile court jurisdiction. These commentators insist that such problems are best dealt with by the school, the parents, or social agencies. Other commentators argue that jurisdiction over status offense should be retained because society needs an agency of last resort.

The IJA/ABA Standards would eliminate juvenile court jurisdiction over all acts of misbehavior, ungovernability, or unruliness that do not violate the criminal law (see IJA/ABA Stnd. 1.1, Noncriminal Misbehavior).⁵²

⁵¹ Although passed a year and a half ago, this law has an implementation date of July 1, 1980. However, the General Assembly's Judiciary Committee approved House Bill 5703, which amended last year's Families with Service Needs legislation. This bill would postpone the effective date of the FWSN Act to July 1981. If the amendment to this law does take effect, a juvenile will be considered delinquent if he or she violates a court order on a status offense and will be subjected to the same sanctions as a delinquent.

⁵² The IJA/ABA Non-Criminal Misbehavior volume has not yet been approved by the A.B.A.'s House of Delegates. It remains a tentative draft and has provoked strong dissenting opinions.

However, they would give police limited custodial power over runaway children, children whose physical safety is in "substantial and immediate" danger, juveniles in conflict with their families, and juveniles in need of emergency medical services (see Stnd. 2.1, 3.1, 5.1, and 6.1). Police intervention in such cases would be permitted when a juvenile is in danger of harming himself or herself. In these cases, the police could take a juvenile into "limited custody," but custody is strictly limited to a maximum of six hours (see Stnd. 2.1).

In contrast to IJA/ABA recommendations, NACJJDP and NAC Standards suggest legislative reform to correct specific problems in the current system. Although some differences do exist between NAC and NACJJDP Standards, they agree on the desirability of three major modifications. First, both suggest legislative amendment to sharpen the focus of what juvenile conduct merits court intervention.⁵³ Second, both would expand court jurisdiction to include all persons who have a legal responsibility for a juvenile.⁵⁴ Third, both suggest that exhaustion of voluntary services should precede juvenile court intervention unless these services are "unreasonably refused" (see NAC, Stnd. 10.2 [2] and NACJJDP, Stnd. 3.112).

⁵³ These standards suggest that replacing such language as truant, stubborn, or incorrigible with such language as "a pattern of repeated unauthorized absences from school" or "repeated disregard or misuse of lawful parental authority" will aid in narrowing court jurisdiction over status offenders (see NAC Stnd. 10.5; NACJJDP, Stnd. 2.12 and 3.112).

⁵⁴ According to NAC and NACJJDP Standards, status "offenses" often are caused by family problems and cannot be solved if only the juvenile is subjected to coercive intervention. The juvenile, parents, guardians, and public service providers with a legal responsibility to the juvenile would be brought into the court's jurisdiction when a juvenile commits a status offense. A court could order all these persons directly and enforce its order by its contempt power (see NAC, Stnd. and NACJJDP, Stnd. 3.112).

IJA/ABA recommendations assume that voluntary services will be more effective than services forced upon the juvenile. For that reason, they suggest removing status offense jurisdiction from the juvenile court. While NAC and NACJJDP standards agree that voluntary services are more effective than coerced services, these commentators believe that there are currently insufficient services to justify removing status offense jurisdiction from the juvenile court. Thus they would retain court jurisdiction over status offenses to serve status offenders as an agency of last resort.

Findings

The Family with Service Needs Act (F.W.S.N.) modifies the authority of both the police and the courts to intervene in the lives of juveniles. This legislation creates three major changes. First, status offense jurisdiction is separated from delinquency jurisdiction. Second, the scope of personal jurisdiction in the court is expanded to include jurisdiction over both the juvenile and "adult persons owing a legal duty" to the juvenile. Third, authority to detain a juvenile falling under F.W.S.N. jurisdiction in a secure facility is severely curtailed.

Separation of status offense and delinquency jurisdiction will not have major effects on police powers to intervene.⁵⁵ The new legislation gives police statutory authority to choose whether to intervene or to take a status offender home. Police do this now, but police officers' fears

⁵⁵ Separating status offense jurisdiction from delinquency jurisdiction and at the same time removing almost all power to incarcerate status offenders may lead to differences in due process requirements for these court proceedings. In addition, statutory protections such as the juvenile exclusionary rule (§17-66d), which makes some statements inadmissible in delinquency cases, may no longer apply.

that they may risk increased civil liability for such actions should be allayed.

The second major modification, which increases the scope of the court's jurisdiction over persons, will not significantly alter a police officer's power because referrals to court will come by summons rather than by arrest. The police will not ordinarily arrest the parents or guardians of status offenders without a court order. However, in appropriate cases, arrest will be an available alternative.

The third major change, in the authority to detain a juvenile in a secure facility, will, unlike the first two, significantly alters police practice and curtails police power to intervene in the lives of status offenders. Currently status offenders, typically runaways, may be detained in a secure facility after a police officer determines that probable cause exists to believe that the juvenile is delinquent (i.e., runaway) and that imperative circumstances exist to take the juvenile into custody. Connecticut's new F.W.S.N. Act allows a court to order detention in a secure facility prior to August 1, 1980.⁵⁶ After that date, no status offender may be detained in a secure facility. The most significant changes for the police are (1) that they no longer will be able to detain a child for more than six hours unless criminal charges are filed; and (2) secure detention will not be available to police officers for status offenders (e.g., runaways).⁵⁷

Police officers express the concern that this legislation "ties their hands." Some also believe that the F.W.S.N. may lead to an increase in

⁵⁶ See Footnote 25 of this recommendation.

⁵⁷ Unresolved is the question of whether detaining a juvenile for this six-hour period constitutes an arrest.

the number of minor criminal delinquent charges brought against juveniles. They claim that it is sometimes necessary to detain status offenders who are associating with more serious offenders (e.g., drug dealers or pimps). They believe that the new act, by removing their power to detain these juveniles, may force them to return a juvenile in danger to the street. Several officers have suggested that in these circumstances they would charge a juvenile with disorderly conduct or breach of peace rather than release the child.

Another concern of police is that the legislation is based on the assumption that voluntary services will be available 24 hours a day, which they consider an unrealistic assumption.

Recommendations

1) We recommend that a meeting be planned for police, court personnel, and members of all youth-serving agencies in the Stamford area before the F.W.S.N. Act is implemented. The agenda for this meeting should include the following:

- identification of all existing area resources for handling status offense problems;
- identification of needed resources that are not presently available for problems frequently encountered; and
- formalizing of procedures for referrals to all youth-related resources.⁵⁸

2) Youth Bureau officers should be informed of problems, resources, and appropriate tactics for police intervention in families with service needs.

⁵⁸ Persons hired by the State of Connecticut to implement the F.W.S.N. Act ("Networkers") could coordinate this meeting.

3) After the implementation of the F.W.S.N. Act, the Stamford Police Department should monitor statistics of encounters with juveniles, and of referrals to the Court, for significant changes in police practices in regard to handling minor criminal misconduct, offenses for which "status offenders" might be charged.

4) The Stamford Police Department should develop procedures to cope with changes created by the F.W.S.N. Act, specifically procedures for handling status offenders when no Youth Bureau officer is available.

Discussion

The recent Connecticut legislation, while not adopting all the recommendations of the NAC, makes substantial changes in the authority of police to intervene in the lives of status offenders, based in part on the recommendations of the Standards. There is concern among officers statewide that, without detention or the threat of it, the system will not work. The curtailment of police power to "hold" status offenders suggests that the police must be aware of all available youth services and be able to refer juveniles to these services efficiently. Hence, we recommend (1) an area-wide meeting with youth service agencies, and (2) procedures to expedite cases.

C. ADMINISTRATIVE POLICIES AND PRACTICES

C-1. POLICE DIVERSION

In the literature on police diversion of juveniles, there is a lack of agreement on the definition of the term diversion. According to Dunford

The definition of diversion most consistent with both the President's Commission recommendations and those of LEAA's National Advisory Commission on Standards and Goals (1973: 3.1), indicates that diversion is a process of referring youth to existing community treatment or prevention programs in lieu of further juvenile justice system processing at any point between apprehension and adjudication.⁵⁹

This definition presumes that a receiving agency offering some form of youth development or delinquency prevention service exists, and that these services are an appropriate response to the juvenile's problem. "Diversion" differs from "screening": screening provides no referral, no service or treatment, and no follow-up, while diversion implies all three. Diversion is considered a substitute for further official processing and adjudication, rather than an alternative to screening. The above definition also indicates that referral is made to an agency independent of the formal juvenile justice system.⁶⁰

The overriding theme of all the national standards is that police should not refer juveniles alleged to have committed minor criminal offenses to the formal juvenile justice system. The IJA/ABA Standards recommend that police agencies formulate administrative policies to guide individual police officers in handling juvenile problems that do not involve serious crimes (see IJA/ABA Stnd. 2.5). These policies would direct the police

⁵⁹ Franklyn W. Dunford. "Police Diversion: An Illusion?", Criminology 15, November, 1977, p. 336.

⁶⁰ Other definitions do not require that referral be made to an outside agency, but provide for referrals within or from the juvenile justice system. See Paul Nejelski. "Diversion: The Promise and the Danger", Crime and Delinquency 22, October 1976, p. 393.

to avoid the formal juvenile justice process unless there is no alternative, or unless implementing the least restrictive alternative to resolve the problem is not feasible.

All the standards suggest the police use alternative dispositions, some of which are not available to adults, to protect juveniles from the harsher aspects of the criminal justice system (see NAC Police, Stnd. 4.5). These alternatives include a) release at the point of initial contact; b) release accompanied by an official report detailing the incident; c) release to the parent or guardian, accompanied by an official reprimand; and d) referral to a rehabilitative program.

The NACJJDP Standards also recommend that law enforcement agencies divert juveniles accused of less serious criminal offenses to community agencies (see NACJJDP, Stnd. 2.221). They recommend guidelines for law enforcement officers to prevent their making decisions on an ad hoc basis.

All the standards recommend that community adjustments by the police be limited to release and referral, so that police departments are not creating "police probation" (see NAC, Stnd. 5.7; NACJJDP, Stnd. 2.241 and IJA/ABA, Stnd. 4.2 and commentary). There is no legal basis for such probation nor are the police adequately equipped to function as probation officers. If a community adjustment is made, the officer should record the details in a report.

Findings

1) Police data and surveyed Youth Service agencies were analyzed to understand whether juveniles in Stamford were being diverted, and to assess the availability of facilities to treat problems for which juveniles may

be diverted. Youth Bureau records indicated that about one third (34.2 percent) of all juveniles contacted or apprehended for committing a priority problem could be claimed to have been diverted.⁶¹ However, Youth Bureau reports indicated that, for all problems we studied considered together, in most cases either no action was taken (25 percent), or the juvenile was transported home or the parents were contacted (72 percent). We interpreted this to mean that in most instances diversion took the form of non-intervention or informal warnings and that very few, if any, juveniles about whom reports were written were referred to outside agencies (See Table B-19).

2) Personnel in most youth-serving agencies with whom we spoke did not report any formal relationship with the Stamford Police Department.⁶² Typically, agency personnel either came into contact with officers informally, usually with officers in the Youth Bureau, or had no contact at all with the Stamford Police. There was no indication that these agencies were receiving many juveniles who could be classified as diverted.

3) Most youth-serving agencies believed that police officers are capable of screening juveniles for diversion, but they must be given the proper training and may need some outside assistance.

⁶¹ The category "diverted" is our own, constructed for the purpose of quantifying the narratives contained in Youth Bureau reports. See Appendix B, Formal Police Contact with Juveniles.

⁶² See Appendix E, Survey of Youth-Serving Agencies.

Recommendations

1) The Stamford Police Department should not take responsibility for formally screening juveniles who have committed minor criminal offenses or for referring them to youth-serving agencies.⁶³ This is not meant to discourage officers from suggesting to juveniles and their parents or guardians that they contact an agency for assistance. It is meant to keep officers from contacting an agency without the knowledge and approval of the juvenile and the parents or guardian.⁶⁴

2) Youth Bureau reporting forms should be revised to include categories that will indicate whether a juvenile was released, warned, returned to parents or family, or informally referred to a youth-serving agency.

Discussion

We do not recommend implementing a formal police diversion program in Stamford that would entail the police's screening and referring juveniles to youth-serving agencies. The juvenile caseload of the Stamford Police Department, and the nature of the available treatment programs, argue against this. The number of juveniles apprehended by the Stamford Police Department and its Youth Bureau does not justify hiring a person qualified

⁶³ Possible exceptions are juveniles who are arrested for the possession of drugs or alcohol and who are believed to be capable of benefitting from participation in an alcohol or drug treatment program. But these juveniles could be referred informally.

⁶⁴ See also Recommendations C-3 and C-4 on record-keeping.

to screen and refer juveniles.⁶⁵ Furthermore, we do not believe that the treatment services offered by the Stamford youth-serving agencies, in most instances, are appropriate alternatives for juveniles committing the selected criminal offenses we studied. Family counseling and drug and alcohol treatment programs are services Stamford youth-service agencies offer most frequently. These services are not designed to help those whose primary problem, as seen by the police, is engaging in criminal conduct. The determination that a juvenile apprehended for a violation of the criminal law, however minor that violation, requires psychological counseling or medical treatment (other than emergency treatment) is best left to probation officers in the Juvenile Court (if the charge warrants Court intervention).

C-2. THE REFERRAL OF JUVENILES TO SUPERIOR COURT: JUVENILE MATTERS

Background

Because of the serious harm that can be done to juveniles simply by being referred to the formal juvenile justice process, all the standards urge that the police be allowed to make such referrals only when certain criteria are met. The IJA/ABA Standards state that such referrals should not be made unless

-- serious or repeated criminal conduct is involved; or

⁶⁵ It is our impression that former CETA workers who held the job title "case screener" in the Stamford Police Department were performing secretarial and administrative tasks not related to screening juveniles for diversion or referral to Superior Court: Juvenile Matters. On the caseload of the Youth Bureau, see Recommendation C-5 and Appendix B, Formal Police Contact with Juveniles.

-- less serious criminal conduct is involved and lesser restrictive alternatives...are not appropriate (see Stnd. 2.3.).

In addition, the IJA/ABA Standards suggest that administrative policies be formulated to structure these decisions and to provide guidance to officers in the handling of juvenile problems (see Stnd. 2.5C).

The NAC and NACJJDP Standards agree with the IJA/ABA Standards that only serious delinquent offenses should be referred to juvenile court; however, these Standards are more specific. The NAC lists the offenses that qualify as "serious delinquent offenses," so that police officers will know exactly what kind of behavior warrants referral (see Stnd. 5.11). Generally, the NAC requires referral of

- 1) more serious delinquents for whom the persistent use of other redirecting efforts has failed; and
- 2) certain probation and parole violators.

The types of delinquent behavior that require referral are the following:

- 1) All delinquent acts that if committed by an adult would be felonies, except those first offenses in which the circumstances may mitigate the offense (see Stnd. 5.10);
- 2) All delinquent acts involving weapons, including unlawful possession and unlawful use, or threatened use against another;
- 3) All serious gang-related delinquent acts in which the alleged delinquent is engaged in violence, recruiting, intimidation, etc.;
- 4) All delinquent acts involving aggravated assaults and batteries, especially those against law enforcement personnel;
- 5) All delinquent acts committed by juveniles on community supervision (probation or parole), or those with a case pending, if the delinquent act for which they are taken into custody is within the scope of Items 1 to 4 above; and
- 6) All delinquent acts committed by juveniles whose three most recent police actions (within the preceding 12 month period) were disposed of as community adjustments.

In addition, there are certain other cases in which a referral to juvenile court may be necessary:

- 1) The juvenile has been selected for a diversion program but refuses to participate; or,
- 2) The police determine that the juvenile has no effective parental supervision or that the juvenile's parents are engaging in criminal conduct (see Stnd. 5.11).

This Standard also requires the chief executive of the department to formulate guidelines for referral to intake, and that such guidelines be well understood by the police intake officers (see Stnd. 5.11).

NACJJDP Standards 2.221 lists the factors the police must consider before referring a delinquent to intake.⁶⁶ The offense must be a crime or a major traffic offense if committed by an adult. (The Commentary to this Standard notes that a major traffic offense would include any traffic offense committed by a juvenile too young to obtain a license.) The police officers, "in determining whether referral would best serve the interests of the community and the juvenile," must consider whether there is probable cause to believe that the juvenile is delinquent and thus subject to the jurisdiction of the family court; it must also consider

- 1) Whether a complaint has already been filed;
- 2) The seriousness of the alleged offense;
- 3) The role of the juvenile in that offense;
- 4) The number and nature of the juvenile's previous contacts with the law enforcement agency and the family court, and the results of those contacts;
- 5) The juvenile's age and maturity; and

⁶⁶ See NACJJDP Stnd. 2.22 concerning referral to intake for noncriminal misbehavior.

- 6) The availability of appropriate persons or services outside the juvenile justice system willing and able to provide care, supervision, and assistance to the juvenile (see Stnd. 2.221).

This Standard also states that a juvenile "should not be referred to the intake unit solely because he or she denies the allegations or because the complainant or victim insists." Like the other standards, this Standard suggests that guidelines be written to aid and educate police in making these referral decisions (see Stnd. 2.221).

The authority of a police officer to divert a juvenile from the formal juvenile process is also discussed in the national standards (see NAC Stnd. 5.7 with Commentary). Connecticut law states that "police officers... shall arrest...any person for any offense in their jurisdiction, when such person is taken in the act or on the speedy information of others" (see C.G.S. §54-1f). This implies that a police officer who fails to arrest someone whom the officer has witnessed engaging in a criminal act or who fails to arrest on speedy information is acting contrary to this statute. Connecticut case law makes it clear that a police officer has "both a right and a duty to conduct an investigation and, if necessary, make an arrest without a warrant" (see State v. Plumer A.D., 241 A.2d 198 [1967]).⁶⁷ No statutory authority exists that specifically authorizes a police officer or police department to divert or not refer a juvenile complaint. However, there is no statute or case law that specifically denies a police

⁶⁷ This reading of the law of arrest is consistent with those of national authorities that state that a "police officer's decision whether to use authority to make a warrantless arrest is an exercise of discretion." (6A C.J.S. Arrest §16.)

department this power.⁶⁸

Under state statute, anyone can refer a juvenile to court. Since the court has no criminal investigatory power, the preferred procedure is that the complainant first contact the police, who will decide whether to make a court referral. There are two major exceptions to this: cases involving truancy, in which the preferred procedure is for the school to refer, and cases involving incorrigible juveniles, in which the preferred procedure is for the parent to contact the court to initiate the referral.

The laws of Connecticut that define the powers of the courts over juveniles involved in minor or major criminal offenses indicate that the court, probation or "other officer" may choose to refer a juvenile to a youth service program and forego further formal court processing.

Upon the arrest of any child by an officer, such officer shall immediately turn him over to the probation or other officer appointed for juvenile matters. The court or such probation or other officer may turn such child over to a youth service program created for such purpose, if such course is practicable. Such child shall be cared for in the manner provided in section 466-131. Connecticut General Statutes Annotated §46-133.

If releasing a juvenile to a youth service program is impracticable, section 466-131 states that the officers indicated can detain the juvenile if certain conditions are met.

⁶⁸ Several statutes could be interpreted as addressing the issue of choosing not to arrest or not to refer a juvenile. §54-1f can be interpreted to mandate arrest in all cases of law violations, but that interpretation runs contrary to current police practices. §17-65 can be interpreted to make referral of a juvenile mandatory in all arrest situations. While both these interpretations are arguable, it seems clear that neither statute anticipated the problems posed by juvenile diversion and neither specifically addresses these issues.

Findings

1) Court referrals from the Stamford Police were almost always initiated by the Youth Bureau. Some patrol officers made referrals, but this was rare and most were inappropriate and dismissed at intake (e.g., a juvenile was out late but there was no reason to believe that the juvenile committed a crime).

2) The Stamford Police Department Manual (1955), in its discussion of proper arrest procedures, states that

A Police Officer should bear in mind that frequently a polite warning to person guilty of very minor offenses will be sufficient, and to arrest in such cases would not serve the best interests of the public peace, unless such violations were wilful and repeated (p. 58).

When suggesting proper Department procedure for juvenile offenders the Manual further states that

Whenever a Juvenile case is brought before any Commanding Officer, and in his judgement the offense involved is of a minor nature, and the case can be consistently kept out of Juvenile Court, such Commanding Officer may release the offender with a reprimand, but shall file with the Youth Bureau a Referral for disposition (pp. 60-61).

3) The following types of offenses were generally referred to the Court by the Police Department:⁶⁹

- thefts;
- assaults;
- burglary-trespass; and

⁶⁹ For an analysis of court referrals, see Appendix C, Processing Delinquency Cases in Connecticut.

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-- vandalism.

5) Discussions with court personnel revealed that Youth Bureau officers generally did not make court referrals of certain types of cases:

- If the juvenile was a first offender and the case was minor;
- If the case was somewhat serious, but the juvenile expressed regret for his or her actions;
- If the charge involves drinking in public or drug use and the parents agreed to provide private treatment for the child and appeared to have the means to do so; and
- If the complainant was satisfied with restitution. However, restitution usually involved the parents' providing money to "make the victim whole" rather than the juvenile's earning it.

Recommendations

1) The police should consider the seriousness of the alleged offense in determining whether to refer the juvenile to Superior Court: Juvenile Matters. All delinquent acts that if committed by an adult would be felonies should require referral except first offenses in which the circumstances may mitigate the offense. Delinquent acts involving weapons, including unlawful possession and unlawful use, or threatened use against another, should be referred to court. Aggravated assaults and batteries,

⁷⁰ Thefts constituted a disproportionate number of the referrals; a breakdown of all thefts indicated that Shoplifting IV and Larceny IV, the least serious types of larceny, constituted 82.7 percent of all theft referrals. Among second charges listed on referrals, thefts were again ranked highest (27.3 percent), although they did not constitute a disproportionate number of second charges listed. Of thefts listed as the second charge, the more serious degrees of larceny account for 75 percent (Larceny II: 25 percent, Larceny III: 50 percent). This was in contrast to the disproportionate number of Shoplifting IV's listed as first charges. We suspect that most of the Larceny IV referrals were in fact Shoplifting IV cases. One department store in Stamford accounted for almost all the referrals for shoplifting. See Appendix C.

especially against law enforcement personnel or people older than sixty, should be referred to court.

2) The role of the juvenile in the alleged offense should be considered in deciding whether to refer the case to Superior Court: Juvenile Matters: certain circumstances dictate that an observer be treated differently than a key participant.

3) The number and nature of contacts the juvenile has had with law enforcement personnel should also be considered in making the referral decision. Delinquent acts allegedly committed by juveniles on probation or parole or by juveniles with a case pending should be referred to court. The availability of appropriate persons or services outside the formal juvenile justice system willing and able to provide care, supervision, and assistance to the juvenile should be considered, as should the age and maturity of the alleged offender.

4) Official guidelines should be developed by the Department to formalize these referral criteria. All officers should be trained in these referral criteria and should use them in making these decisions.

Discussions

While the criteria that officers apply in deciding whether to refer cases to the Court are generally consistent with the recommendations of national standards, these criteria are often ill defined and vary from one officer to another. Written guidelines will identify appropriate criteria and help structure police discretion in this area.

C-3. RETENTION OF POLICE RECORDS ON JUVENILES

The standards recognize that record-keeping practices in the juvenile justice system require systematic reform to prevent violations of confidentiality and privacy, considerations that are particularly important when dealing with children and juveniles.

All the standards advocate adopting legislation to govern the collection and retention of information pertaining to juveniles (IJA/ABA, Std. 11.1 in Juvenile Records and Information Systems Volume; NAC Std. 28.1 and NACJJDP, Std. 0.51). The standards suggest that legislation and regulations be written

to provide for reasonable safeguards to protect against the misuse, misinterpretation, and improper dissemination of the information and for periodic evaluations of information collection and retention practices within the State to determine whether information is being collected, retained and utilized properly (see NAC, Std. 28.1; IJA/ABA, Std. 11.2, in Juvenile Records Volume, NACJJDP Std. 0.51).

The records that are retained by police departments on juveniles include records of complaints, contacts, arrests, investigations (see NAC, Std. 5.1 and 5.14; IJA/ABA, Std. 19.1, and 19.2; and NACJJDP, Std. 0.52).

The standards do provide that any juvenile justice agency, including a police department, must collect the minimal information necessary for an informed investigation and referral (see IJA/ABA, Std. 19.1 B; Commentary to NAC, Std. 28.1; and NACJJDP, Std. 0.52). The standards concern themselves with the competing interests involved here: the child's privacy interest (and dangers of misuse of the information) versus the need to have adequate information for thorough investigation of cases and proper referral to community service agencies.

The proper maintenance of these records is a central concern of the standards. Various methods are suggested to insure the accuracy, relevancy, and necessity of any and all records kept by the police. For example, all the standards would allow a juvenile or his or her parents to challenge a police department on the correctness of its records (see IJA/ABA, Stnd. 31.1; NAC Commentary to Stnd. 28.1; and NACJJDP Stnd. 0.52). The standards also suggest that statutes and regulations be promulgated to insure the accuracy and necessity of the records, and propose that these rules require periodic evaluations of records for this purpose (see IJA/ABA Commentary to Stnd. 19.2; NAC, Commentary to Stnd. 28.1; and NACJJDP, Stnd. 9.15).

The standards propose that a Juveniles' Privacy Committee be established, with the authority to examine and evaluate juvenile records and information practices and to make recommendations on privacy. This Committee would also be able to conduct investigations and initiate litigation against juvenile agencies and police departments whose information systems and regulations are not in conformity with applicable state statutes and regulations (see IJA/ABA, Stnd. 19.3 and Commentary to Stnd. 2.1; NAC, Stnd. 28.3; and NACJJDP Stnd. 0.51).

Additional provisions reflect the standards' concern with the proper maintenance of information. The IJA/ABA Standards propose that each law enforcement agency designate one person to be responsible for the collection, retention, and dissemination of law enforcement records pertaining to juveniles. IJA/ABA, Stnd. 19.3 and NACJJDP Standards 0.54 and 0.55 require the completeness and accuracy of juvenile records.

The standards agree that juvenile records be kept physically separate from adult records for two basic reasons: 1) limiting the risk of misuse,

and 2) assuring complete confidentiality. (See IJA/ABA Stnd. 19.4; NAC Stnd. 5.14; and NACJJDP Stnd. 0152.)

Findings

- 1) Most juvenile records were housed in the Youth Bureau and thus were kept separate from adult records. These included
 - Youth Bureau reports
 - Patrol serial reports and Detective Bureau reports forwarded to the Youth Bureau for follow-up investigation;
 - Youth Bureau reports and an index file of juveniles contacted during an investigation;
 - Court referral and an index card file of all juveniles referred to the Court;
 - missing person reports (for juveniles); and
 - suspected abuse and neglect reports by Youth Bureau personnel.
- 2) Some juvenile records were not retained by the Youth Bureau:
 - patrol serial reports mentioning juveniles that were not referred to the Youth Bureau; and
 - detective reports of juveniles involved in more serious offenses where an adult may also have been involved (e.g., abuse and neglect, rape), or where the case was serious enough (e.g., murder) for the Detective Bureau to assume the primary investigative role.
- 3) The following records are generated for each incident investigated by the Youth Bureau:
 - The Blotter. The Youth Bureau blotter is an 8-1/2" by 11" three-ring binder containing a typed record of all incidents that have generated a Youth Bureau Case Report. In effect, it functions as a short summary of each case. Each entry in the blotter includes 1) blotter entry number;

2) date of entry; 3) complainant(s);⁷¹ 4) type of complaint; 5) the name(s) age(s), address(es) of juvenile(s) reportedly involved; and 6) the Youth Bureau case report number. A color-coded check mark (✓) appears next to the entry to indicate whether the juvenile involved is subsequently, given a warning, referred to Superior Court:Juvenile Matters, or transferred to the detention facility in Bridgeport. The blotter contains all entries for the current year; at the start of a new year a new blotter is begun. At the bottom of each blotter page is an updated summary of the number of 1) referrals made to court; 2) warnings given; 3) juveniles detained; 4) parents interviewed; and 5) meetings attended by Youth Bureau personnel. This information formed the basis of monthly and yearly statistical reports of the Youth Bureau.

Youth Bureau Case Reports. If an incident entered in the blotter requires an investigation, the Youth Bureau Commander assigns it to an officer. The case report details the investigation and disposition by the investigating officer. Each report contains information about the offense (time, date, complaint, and type of problem), the suspect (age, sex, race, and address), and the circumstances of the offense. Youth Bureau reports are

⁷¹ There were several ways that an incident involving juveniles came to the attention of the Youth Bureau and consequently generated a Youth Bureau report: 1) through patrol officers' serial reports that were referred for follow-up investigation; 2) through a detective report referred when a suspect is found to be less than 16 years old; 3) directly from the police dispatcher at the time the incident was reported or where the patrol officer upon investigation requested that a Youth Bureau officer be called to the scene because a juvenile is involved; 4) through a direct call for service to the Youth Bureau either by phone or walk-in; and 5) through direct observation of an incident (on-view). These were categorized by the Youth Bureau into the following sources of compliants: 1) factories and stores; 2) citizens; 3) parents and relatives; 4) parents requesting assistance; 5) police information; and 6) schools and agencies.

filed numerically (by case number) upon completion of the investigation and approval of the commanding officer.

Referrals to the Superior Court:Juvenile Matters. If the investigating officer determines that the juvenile(s) involved in a case should be referred to the Superior Court:Juveniles Matters, a standard Police Referral form (provided by the State of Connecticut) is filled out for each juvenile suspect. The referral form summarizes offense and offender information included in the Youth Bureau Case Report and also includes a summary statement by the child and a summary statement of the investigation. Sometimes the officer attaches the Case Report to the referral form. A copy of the referral is retained by the Youth Bureau and kept in the juvenile's referral folder, which is kept in an alphabetical file separate from the Case Reports.

Contact and Referral Index Cards. Upon completion of an investigation the names of all juveniles who have been contacted (suspects and witnesses) are logged on 5 x 8 index cards, which are filed alphabetically. The entry includes the juvenile's name, address, phone number and blotter entry number for the case.

If a juvenile is referred to the Court, a 3 x 5 color-coded index card is made out and filed alphabetically. Information on this card includes the name, address, date of birth, and sex of the referred juvenile and the date of the referral to the Court. A white card is used for Caucasians and a yellow card for non-whites.

4) At the time of this study one Youth Bureau officer was responsible for maintaining all records; he also carried out investigations. His record-keeping duties included

- maintaining the blotter (i.e., typing in entries and keeping statistics);
- filing of all reports, referrals, and index cards;
- complying with all Court erasure orders; and
- generating monthly and yearly statistical data for Departmental reports.

This dual role, compounded by the lack of secretarial help, contributed to a huge backlog of Court erasure orders, and to difficulties in maintaining accurate blotter entries and filing reports correctly.

5) Access to information that included a juveniles' name was restricted solely to Youth Bureau personnel for use in their investigations and, when necessary, in referrals to the Superior Court: Juvenile Matters.

Recommendations

1) We recommend that one person be responsible for maintaining Youth Bureau records under the supervision of the Youth Bureau Commander. This person should not be a sworn police officer. Sworn officers in the Youth Bureau should be available to do the investigative work for which they were trained. The task of maintaining the records and assisting officers in typing and filing reports should be assumed by a civilian clerk supervised by a sworn officer.

2) Certain steps need to be taken to prevent identifiable records of juveniles being filed with adult records:

a) If practically possible, all patrol serials that mention a juvenile by name should be kept with Youth Bureau records, regardless of whether a follow-up investigation is requested or desirable. In addition

to meeting record-keeping requirements, this will inform Youth Bureau officers of juvenile activities encountered by patrol officers. These serials should not be filed with adult records. We recognize that some record of the patrol serial must be retained for administrative purposes (i.e., "keeping track" of all serial reports), and suggest that a simple form stating that the serial report (giving its number) has been forwarded to the Youth Bureau should be filed by the records division.

b) The names of juvenile suspects appearing in patrol officers' serial reports should not be entered into the Department's Soundex System.

c) A copy of all Detective Bureau investigative reports that involve an adult and juvenile should be kept in the Youth Bureau.⁷²

3) Should the Stamford Police Department adopt any additional type of identifiable juvenile record (e.g., letters of warning), procedures for the proper maintenance and later expungement of these records must be adopted.

4) The Stamford Police Department should consider permanently sealing all juvenile records more than five years old that are currently in its possession.

Discussion

The critical problem with the present Youth Bureau record-keeping system is that only those complaints to the Youth Bureau that generate a

⁷² We recommend elsewhere that, procedurally, a Youth Bureau officer and a Detective should have joint responsibility for investigations that involve a juvenile and an adult (e.g., abuse and neglect cases). See Recommendation A-1 and A-4.

Case Report become part of "the record," The changes are intended to

- insure accurate reporting and record maintenance;
- provide for better assessment of juvenile problems in Stamford;
- provide for better caseload management and evaluation; and
- assure that the Department can meet the requirements for confidentiality of juvenile records.

C-4. ACCESS TO POLICE RECORDS ON JUVENILES

To insure confidentiality of juvenile records, each set of standards states that juvenile records should not be public records. (See IJA/ABA Stnd. 5.14; and NACJJDP Stnd. 0.53.) These provisions are not new, as most states have laws that require juvenile records to be protected from public scrutiny.

The NACJJDP Standards carefully limit access to police records pertaining to arrest, detention, adjudication and disposition of a juvenile case to the following people:

- 1) A juveniles and his or her representative. (This would include the parents and the attorney.)
- 2) Law enforcement officers when essential for law enforcement purposes, and also law enforcement personnel in another jurisdiction, but only when the juvenile has been adjudicated delinquent or there is a warrant out for the juvenile's arrest.
- 3) A probation officer, judge, or prosecutor for purposes of conducting a predisposition investigation; and juvenile correctional agency personnel, when essential for carrying out their

responsibilities to supervise or provide care and custody for juveniles pursuant to the dispositional order of the family court.

- 4) Individuals and agencies for the express purpose of conducting research, evaluative, or statistical studies (see IJA/ABA Stnd. 20.3, NACJJDP Stnd. 0.531).
- 5) A person to whom it is necessary to disclose information for the limited purposes of investigating a crime, apprehending a juvenile, or determining whether to detain a juvenile. (See IJA/ABA Stnd. 20.3.)

The IJA/ABA Standards also permit disclosure to all of the above (see Commentary to Stnds. 20.2 and 20.3).

In contrast to the IJA/ABA and NACJJDP position on release of juvenile records, the NAC Standards would not allow access to police juvenile files without a court order, except to the court hearing the case and to the "appropriate parties to the proceedings." The court would grant access only to criminal justice agencies able to justify the inspection of records on a need-to-know basis. The police would have to formulate guidelines governing access to juvenile records for research purposes and access by private agencies that work with police (see Stnd. 5.14). A miscellaneous provision of the NACJJDP Standards would grant access to a member of the administrative staff of the maintaining agency for authorized internal administrative purposes (see Stnd. 0.531).

Information gathered by the police for investigative purposes is also subject to limited access under these standards. The IJA/ABA Standards would not allow a juvenile and parents or representative to obtain access to such information (see Stnd. 20.2). However, the Commentary to Standard

20.2 indicates that such restricted investigative information would not include information pertaining to a case in which the juvenile has been arrested or information not relating to a pending investigation. Thus, some investigative information would be accessible to a juveniles and the parent or representative under this provision.

The NACJJDP Standards put greater limits on access to police investigative information; information gathered "in an effort to anticipate, prevent or monitor possible acts of delinquency, or in the course of the investigation of specific acts of delinquency should be maintained separately." Access is limited to "law enforcement officers within the agency when essential to achieve a law enforcement purpose and to officers in other agencies to confirm information in the files of the other agency or to assist in an on-going investigation" (see Stnd. 0.531). In this way, the NACJJDP Standards effectively limit access to this investigative information. By contrast, the IJA/ABA Standards allow all the individuals and agencies that have access to other police records (listed above) to have access to this investigative information as well (see IJA/ABA Stnd. 20,3).

The NAC Standards would presumably require a court order before such investigative information could be disclosed to any criminal justice agency (see Stnd. 5.14). The juvenile or the juvenile's representative could obtain access to investigative information as "appropriate parties to the proceeding."

The IJA/ABA Standards describe additional measures for controlling the dissemination of juvenile police records. One such provision requires a police department to obtain a non-disclosure agreement from agencies requesting information:

Prior to disclosure of information concerning a juvenile to a law enforcement agency outside of the jurisdiction, that agency should be informed that the information should only be disclosed to law enforcement personnel: probation officers, judges, and prosecutors who are currently concerned with the juvenile. The outside agency should also be informed that the information will not be disclosed unless the agency is willing to execute a non-disclosure agreement (see Stnd. 20.4).

Another provision states that law enforcement agencies should

keep a record of all persons and organizations to whom information in the law enforcement records pertaining to juveniles has been released, the dates of release, and reasons for the request, and the disposition of the request for information (see Stnd. 19.5).

To further the policy of non-access to juvenile records, many states have implemented procedures to close (seal) or destroy (expunge) records. The IJA/ABA and NACJJDP Standards support laws that provide for expungement of juvenile records. The NAC Standards, in contrast, advocate sealing rather than destroying records.

The IJA/ABA and NACJJDP procedures for expungement of juvenile records are quite similar. When authorized, expungement of all identifying records (the complaint, application for a complaint, etc.) is automatic and not dependent on the filing of a petition by the juvenile. Expungement would occur immediately if the juvenile in question is adjudicated not delinquent (see IJA/ABA Stnd. 17.2; NACJJDP Stnd. 0.56). If a juvenile is adjudicated delinquent (even if the offense is a felony), the NACJJDP Standards would require destruction of all identifying records pertaining to the matter no more than five years after termination of the disposition imposed (see Stnd. 0.56). On the other hand, the IJA/ABA Standards (17.3) provide for destruction of such records when two years have elapsed since discharge, but

further require that

- 1) no subsequent proceeding is pending as a result of the filing of a delinquency or criminal complaint against the juvenile;
- 2) the juvenile has been discharged from the supervision of the court or the state juvenile correctional agency; and
- 3) the juvenile has not been adjudicated delinquent as a result of a charge that would constitute a felony for an adult.

Thus, this Standard provides for the destruction of court records only when a juvenile has been convicted of committing a non-felony offense. The commentary to Standard 17.3 indicates that in felony cases expungement or sealing is not required because the juvenile's privacy interest in the record of a serious crime does not outweigh law enforcement and sentencing considerations. The commentary further explains that a juvenile is protected by the rules limiting access to and controlling the use of these rules.

When the police department is notified by the court that a juvenile's record has been destroyed (a procedure required by both the IJA/ABA and the NACJJDP Standards), the police must destroy all copies of the record or portion or notation thereof contained in their files, unless the information was obtained for research, evaluative, or statistical purposes (see NACJJDP Stnd. 0.56; IJA/ABA Stnd. 22.1). The IJA/ABA Standards, however, permit the police to retain certain information:

...if the chief law enforcement officer of the agency, or his or her designee, certifies in writing that certain information is needed for a pending investigation involving the commission of a felony, that information, and information identifying the juvenile, may be retained in an intelligence file until the investigation is terminated or for one additional year, whichever is sooner. (See IJA/ABA Stnd. 22.1.)

The NAC Standards differ from the IJA/ABA and NACJJDP Standards by

allowing only the sealing of juvenile records. According to the NAC, destruction of such records would eliminate their use as data from crime prevention research, and juveniles would be unable to clear up misunderstandings about involvement or noninvolvement in delinquent behavior (see Commentary to NAC Stnd. 28.5). This Standard, then, suggests that each state should enact legislation providing for the prompt sealing of juvenile records when

due to dismissal of a petition prior to or as a result of adjudication, of the rehabilitation of the juvenile, or the passage of time, the adverse consequences that may result from disclosure of such records outweigh the necessity or usefulness of retaining them. (See Stnd. 28.5.)

The commentary to this Standard indicates that the sealing of records should be required under circumstances identical to those proposed by the IJA/ABA Standards for expungement of records. Thus, records of dismissed complaints for juveniles adjudicated not delinquent would not be sealed; records of juveniles adjudicated delinquent for non-felony offenses would be sealed two years after discharge from court or correctional facility supervision; and records of a juvenile who has been adjudicated delinquent but has not had new charges filed against him or her would also be sealed (see commentary to NAC Stnd. 28.5).

The NAC Standards would also require states to implement procedures for notifying agencies of the sealing of juvenile records. The recipients of such notice, including the police department, would be required to destroy or delete their formal records on that juvenile (see 28.2 and 18.5 commentaries). The NAC Standards further protect juveniles against disclosure of their records by noting in the commentary to Stnd. 28.5 that the only person who would have access to a sealed juvenile record would be

the subject of the record or someone acting in that individual's behalf.

In Connecticut, police, court and agency records are all subject to erasure when certain statutory conditions are met. In response to the juvenile's or parent's petition to the superior court to erase the records, the court must issue an erasure order if it finds that two years have passed since a juvenile adjudicated delinquent was subject to court-imposed supervision. In the language of the statute, the court shall order "all police and court records pertaining to such child to be erased." The statute plainly refers to any recorded references, including arrest, complaint, referrals, petitions, reports and orders. Copies of the erasure order are to be sent to all persons, agencies and institutions known to have qualifying information. A response of "no record" would be required to any person subsequently seeking disclosure, except that the fact of the erasure may be substantiated when, in the opinion of the court, it is in the best interest of the juvenile to do so.

The erasure of records of a juvenile who is dismissed as not delinquent is handled differently. Whereas the juvenile or parent must initiate the petition for erasure when the child has been found delinquent, the erasure order is to issue automatically when a juvenile has been dismissed as not delinquent. It should be noted, however, that the accompanying court rule would appear to qualify the statutory mandate by the addition of the phrase "if such child has no prior outstanding and unerased police record or court record pertaining to a delinquent petition" (see Rule Section 1062). This condition makes erasure of the dismissed charge dependent on a clean record as well as on a finding of not delinquent.

Findings

1) Only Youth Bureau personnel have direct access to juvenile records stored in the Youth Bureau.⁷³ There are no written administrative procedures or guidelines outlining who shall have access to the records. However, based upon our discussions, we find that Youth Bureau officers have insured the confidentiality and privacy of these records in several ways:

- a) They do not allow anyone other than a Youth Bureau officer performing an investigation to see information in their files. Occasionally, other officers in the Department (patrol, detectives) will need limited information about a juvenile in order to dispose of a case they are investigating. Typically, they need to know a juvenile's age, address, and phone number or whether the juvenile is an escapee from a state institution. This information is transmitted orally; no written record is handed over.
- b) They do not provide any information about a juvenile in their files to social service agencies, businesses checking prospective employees, insurance companies, and the like.
- c) They sometimes share investigative information about a pending case with Court personnel (probation officers, attorney, judge) but only when requesting to do so and only if necessary for a Court proceeding (adjudication or disposition).

2) Inquiries from parents or former juveniles as to the status of their juvenile record are directed to the Juvenile Court since the parents

⁷³ This project was granted access to the records for research purposes only after executing a standard Confidentiality Statement for LEAA.

or the juvenile will have to petition the Court issue an erasure order for all records (see above background statement).

3) Juvenile records are expunged only upon receipt of a court erasure order. However, not all information on a juvenile involved in a referral to the Court can be removed from Youth Bureau records upon receipt of an erasure order, because each referral is linked to the Youth Bureau blotter, where the referred juvenile is also mentioned by name. Referred juveniles are easily identified on the blotter by a red check mark (✓) next to the blotter entry and their names are kept on 3 x 5 index cards for easy reference. Also, each referral generates a Youth Bureau report, which is filed serially in separate filing cabinet. Another report also notes that a referral was made and often includes the date of referral. Thus, although the juvenile's referral is removed from the records, other sources may be used to link a juvenile with a referral to the Court.

Recommendations

The Youth Bureau should continue the practice of restricting direct access to juvenile records to Youth Bureau personnel. We define records as including serial, Youth Bureau and referral reports, the blotter, the cross-referenced index cards, and any other written document identifying a juvenile by name. However, a set of guidelines should be written to insure that privacy and confidentiality standards are maintained. The guidelines on access should incorporate those practices the Youth Bureau has developed on its own that are in the best interests of the juvenile. For example, we would suggest that the following confidentiality and privacy guidelines be included:

1) Access to all juvenile records filed by name should be limited to Youth Bureau personnel for the express purpose of conducting an investigation. Information pertaining to arrest, detention, adjudication and disposition of a case may be released by a Youth Bureau officer to the following parties, who, however, are not allowed access to the files:

-- Stamford Police officers only when disclosure of such information is essential to an outstanding/current investigation of a crime, apprehension of a juvenile, or determination of whether to detain a juvenile; and to law enforcement personnel in another jurisdiction when there is a warrant out for the juvenile's arrest;

-- Court personnel (probation officer, prosecutor or judge) for purposes of conducting a predisposition investigation; and to juvenile correctional personnel to supervise or provide care and custody for juveniles pursuant to the dispositional order of the family court when essential for performing their responsibilities. As a rule, copies of Youth Bureau case reports should not be given to the court unless deemed necessary and requested by the judge or the judge's agent(s). The Police Referral, which is made available to all parties to a court proceeding, should contain the information summarizing the case needed by the juvenile and his/her representative to prepare a defense and by the Court to make its adjudication.

-- Members of the administrative staff of the Police Department for authorized internal administrative purposes only (e.g., caseload management information). Authorization is to come directly from the Chief of Police, and whenever possible such information should be obtained without directly utilizing individual juvenile files.

-- Individuals or agencies for the express purpose of conducting

research (evaluating or statistical studies). However, such access should be granted only when the needed information is not available in other, unidentifiable formats, and when the individual or agency has demonstrated the need and has executed a standard, legally binding Confidentiality Statement, such as the one developed by the U.S. Department of Justice.

2) Upon release of information to the parties described above, the Youth Bureau officer should note in the juvenile's referral file why, when, and to whom such information was released.

3) Juveniles and their parents should not be granted routine access to reports kept in the Youth Bureau except those that have been referred to the Juvenile Court for disposition (e.g., the referral).

4) Any evidence of improper access under the above guidelines or complaints about misuse of juvenile records should be handled in the same manner as other citizen complaints about police conduct brought to the attention of the Stamford Police Department.

5) The following procedure for expunging juvenile referrals should be adopted by the Youth Bureau:

-- All referrals to the Court for either status, misdemeanor or felony offenses that result in an adjudication of not delinquent should be expunged upon receipt of the court erasure order.

-- The Youth Bureau should expunge all referrals of juveniles who have reached the age of sixteen and who were not referred for a felony, regardless of whether a court erasure order is issued. In order to facilitate the above practice, each juvenile's birthdate should be written next

to the name on the file tab to identify easily the sixteen year olds. Further, to identify files containing felony referrals easily, an (F) should be written on the tab:

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(F)

-- The Department should retain all Youth Bureau reports, cross-indexed files, and blotter information even if the referral file is expunged, and should consider a policy of sealing such information after one year.⁷⁴ However, official inquiries about a juvenile record may not be answered with this information but only with information in a referral file.

Discussion

The Youth Bureau should, as a matter of policy, expunge all referral records of a juvenile who has reached the age of 16 and who was not referred for a felony. Juvenile records of felonies that result in a finding of delinquency should be retained by the Youth Bureau because the need to protect the community outweighs the need for confidentiality and privacy. Access to the records of juveniles who have reached the age of sixteen should fall under the general guidelines suggested for juvenile records. The recommendation that the Youth Bureau systematically expunge misdemeanor records differs from the present Connecticut law. This practice would not conflict with the intent of the statute, however, and we would argue that it would afford juveniles better protection. In the case of felonies, the Department should await receipt of an erasure order from

⁷⁴ Sealing means that records are inaccessible to all persons without permission from the Chief of Police or a Court order.

the court before expunging the records.

One point of ambiguity (and possible dissent) with respect to the statute is that it is not practical to expunge all records (e.g., the blotter, investigative reports, and so on). There is considerable debate over the merits of expunging (as opposed to sealing) them after a certain period of time. The particular problems center on the question of how the expungement of such records might prevent the police from conducting legitimate future investigations.

With respect to access in general, we concur with the present Youth Bureau practice of not allowing access to or providing any information about a juvenile in their files to social service agencies, businesses checking prospective employees, or insurance companies.

C-5. MEASURING THE EFFICIENCY AND THE EFFECTIVENESS OF THE YOUTH BUREAU

IJA/ABA Stnd. 5.1 encourages police to establish "criteria for measuring effectiveness in handling of juvenile problems that are consistent with departmental policy guidelines and these standards." In addition, these Standards suggest that periodic monitoring take place to evaluate the effectiveness of juvenile officers and that steps be taken to increase an officer's accountability to the department and the public (see IJA/ABA, Stnd. 5.3). National Advisory Committee guidelines also suggest that evaluation is appropriate (see NAC, Stnd. 6.1 [5] and 7.3).

The evaluation proposed by IJA/ABA's Standards focuses on the juvenile bureau and juvenile officers. The goal is to obtain information and increase accountability. The methods proposed include both police and

community procedures, with the scope of the police evaluation limited to compliance with juvenile policies.

Findings

Although there are no formal Departmental criteria available to measure the efficiency or effectiveness of the Youth Bureau's handling of problems,⁷⁵ we will discuss some indicators of efficiency derived from data to illustrate their potential usefulness in the Stamford Police Department:

- the number of cases per officer referred to the Superior Court:Juvenile Matters;
- the number of referrals dismissed by the Court at intake for lack of legal sufficiency;
- discrepancies between police charges on the referral and the Court's determination of the appropriateness of that charge;
- the number of cases per officer in which the Court ultimately provided some form of treatment or sanction.

Referral Caseload

1) For the five months we studied, Youth Bureau officers referred 55 percent (n=174) of all their cases (n=313) to the Superior Court:Juvenile Matters.

2) On the average, the Youth Bureau referred 34.8 cases per month to the Court.

⁷⁵ According to NAC Stnd. 7.3, "Measures of efficiency indicate how well a program is executed in terms of time, allocation of personnel and equipment. Measures of effectiveness are used to evaluate the impact of program activities on selected target problems, for example, reducing juvenile vandalism against school property."

3) One officer accounted for 68.4 percent of all referrals made to the Court, with 77 (65 percent) of his 119 referrals for shoplifting.

4) Excluding this officer, the caseload of referrals was evenly distributed among the other officers.

Referrals Dismissed at Intake

The legal sufficiency of a referral is reviewed by the Court Intake Officer. The fact that a referral is processed beyond intake means that, from the standpoint of the court officer, the referring officer has presented enough admissible evidence to prosecute the case. The referral is dismissed at intake if it is judged to be legally insufficient. Thus, another measure of police efficiency is the percentage of cases that is determined to be legally sufficient for prosecution.

1) The Youth Bureau of the Stamford Police Department had very few referrals dismissed at intake. For the year 1978, and from January to June 1979, 3.6 percent of all Youth Bureau referrals (17 of 475) were dismissed at intake.

2) We have been told that some referrals were returned to officers for further investigation. However, there was no way of measuring this phenomenon since no records were kept on returned referrals.

Discrepancy in Charges Listed on Referrals

1) Of the 174 cases we examined, the charges listed on the referral were changed at court intake on 44 (25.3 percent).

TABLE III-3
NUMBER OF REFERRALS BY OFFICER
STAMFORD, CONNECTICUT 1978-1979*

Officer	Referrals	
	Number	Percent
A	14	8.0
B	7	4.0
C	119	68.4
D	14	8.0
E	7	4.0
F	4	2.3
all others	9	5.3
Total	174	100.0

* May and December 1978, January through March 1979.

Source: Stamford Police Department, 1979.

2) In general, we found the following kinds of discrepancies between police and court charges:

- differences in the monetary value of items needed to assign the proper larceny charge;
- terminology changes in legal codes (e.g., "Burglary" has replaced "B&E");
- charging for related but different categories of offenses (e.g., assault, coercion, and threatening); and
- disagreements on the applicable motor vehicle codes for some cases.

Processing Time

Table III-4 provides two indicators of efficiency relating to processing time for the various problems referred by the Youth Bureau. The first indicator (YBTIME) measures the number of days from the reported commission of an offense till the Youth Bureau's referral to the Superior Court: Juvenile Matters.

1) In general, we found that the mean time for all categories of offenses was 6.2 days. However, this figure was somewhat distorted by the mean time for shoplifting (0.13 days). Discounting burglary/trespass, the mean time for all categories was 2.6 days. The many shoplifting cases were reportedly initiated "on view" and this no doubt accounted for the very short processing time. The other low mean scores, for marijuana (0.0) and disorderly (0.6), were not on view initiated cases but were reported to the Youth Bureau, either directly by a citizen or by the Patrol Division. The low average processing time may have been indicative of how quickly Youth Bureau officers responded to and disposed of these particular problems.

TABLE III-4

PROCESSING TIME FOR SELECTED OFFENSES BY THE STAMFORD YOUTH BUREAU: STAMFORD, CONN. 1978-1979*

Offense	Mean YBTIME** (In Days)	Mean TRANTIME*** (In Days)
Marijuana	0.0	13.8
Shoplifting	0.1	12.8
Disorderly	0.6	6.4
Thefts (excluding shoplifting)	1.2	11.3
Family Problems	2.3	8.3
Vandalism	2.7	12.4
Robbery	3.0	6.3
Assaults	10.9	13.1
Burglary/Trespass	35.5	8.0
Total Average	6.2	10.2

* May and December 1978, January to March 1979

** YBTIME = the number of days between the commission of an offense and the police decision to refer the juvenile to court.

*** TRANTIME = the number of days between the police decision to refer the juvenile and the arrival of the referral at the Superior Court: Juvenile Matters.

Source: Stamford Police Department

2) Of the more serious offenses, assault (10.9 days) and burglary/trespass (35.5 days) required more time. The nature of investigating burglary offenses (e.g., lack of eyewitness identification of suspects) made solving these cases a long and difficult process.

The second indicator (TRAN TIME) measures the number of days between the date of referral and its transfer to the Superior Court: Juvenile Matters⁷⁶ (i.e., the date the referral is logged in the Court).

The mean TRAN TIME for all categories of problems was 10.2 days. The range of transfer time was approximately one to two weeks, with no clear-cut pattern emerging from the data. For example, while two of the more serious offenses had a lower mean TRAN TIME (disorderly 6.4 days and family problems 8.3 days).

Referrals and the Exercise of Dispositional Authority by the Court

For the Court to exercise its dispositional authority, a finding of delinquency must be established. The police referral must demonstrate to the Court that enough admissible evidence has been obtained to justify a finding of delinquency. From our data, we were able to show the number of cases per officer over which the Court ultimately provided some form of

⁷⁶ This variable measured the organizational process of referral review by the Commanding Officer of the Youth Bureau before the referral was sent to the Court. However, two factors prevent this from being an ideal measure of efficiency: first, investigating officers may have dated a referral but not passed it to the Commanding Officer immediately for review; and second, although we were told that usually the referral was logged in at the Court within a day or two, the date of the referral on the Court intake sheet may not have been the day of the referral's arrival. We must assume that there may have been a margin of error at either end (Police or Court). However, we would argue that this measure does give some indication of unit efficiency.

treatment and/or sanction.⁷⁷

1) Of the 174 referrals we examined, the court exercised dispositional authority over the juvenile 52.3 percent of the time. This means that in more than half the cases the Court obtained an admission of guilt from the juvenile which led to either a warning from the Court, some form of probation, or placement. (See Table III-5.)

2) We have no standard with which to compare the above figure, but the performance of officers can be compared. Some officers had better ratios than others. One officer's referrals led to the Court's exercising some dispositional authority in 100 percent of the cases, but he referred only four cases. Although these ratios can be explained in part by the Court's decision-making process, in which the advocate, judge, and probation officers exercised discretion, it is still interesting to note that some officers had a better sense than others of which cases would lead to the Court's exercising its authority over a juvenile at the disposition stage.

Officers Activity Logs

When this project began, we requested that Youth Bureau officers complete an activity log so that we could understand how they spend time that is not reflected in any statistics we were able to collect (see Figure III-3). Because only one officer complied with our request, an analysis was not possible.

⁷⁷ We combined both judicial and non-judicial codes to include juveniles who were either warned, placed on probation (including non-judicial supervision), or placed in a treatment facility.

Recommendations

In keeping with the national standards we recommend that the Stamford Police Department establish criteria for measuring the effectiveness and efficiency of the Youth Bureau's handling of juvenile problems that are consistent with Departmental policy guidelines and the standards. We suggest that the following procedures be adopted to make such evaluations possible:

- 1) The Youth Bureau Commander should keep a record of all referrals that
 - are dismissed at intake for lack of legal sufficiency;
 - are returned to the Bureau because additional investigative work is required; or
 - have the charges changed by the Juvenile Court.

- 2) The Youth Bureau blotter should be modified to record the assignment of an investigative case to an individual officer or a team, and its return to the Commander for review, in order to calculate clearance rates within the Bureau.⁷⁸ This practice would also make it easier for the Youth Bureau Commander to monitor the caseload of individual officers to insure even distribution of work.

- 3) The Stamford Police Department should consider requiring Youth Bureau officers to complete a daily log detailing how they spend their time. The form need not be elaborate, but it would (a) increase accountability; and (b) give credit to officers who engage in non-investigative activities that are not reflected in statistics on juveniles

⁷⁸ See also Recommendation C-3.

TABLE III-5

THE EXERCISE OF COURT DISPOSITIONAL AUTHORITY OVER
POLICE REFERRALS BY OFFICERS: STAMFORD, CONN.; 1978-1979*

Officer	Yes		No	
	Number	Percent	Number	Percent
A	8	57.1	6	42.9
B	3	42.9	4	57.1
C	61	51.3	58	48.7
D	6	42.9	8	57.1
E	5	71.4	2	28.6
F	4	100.0	0	0.0
All others	4	44.4	5	55.6
Total	91	52.3	83	47.7

* May and December 1978, January - March 1979.

Source: Stamford Police Department and Superior Court: Juvenile Matters.

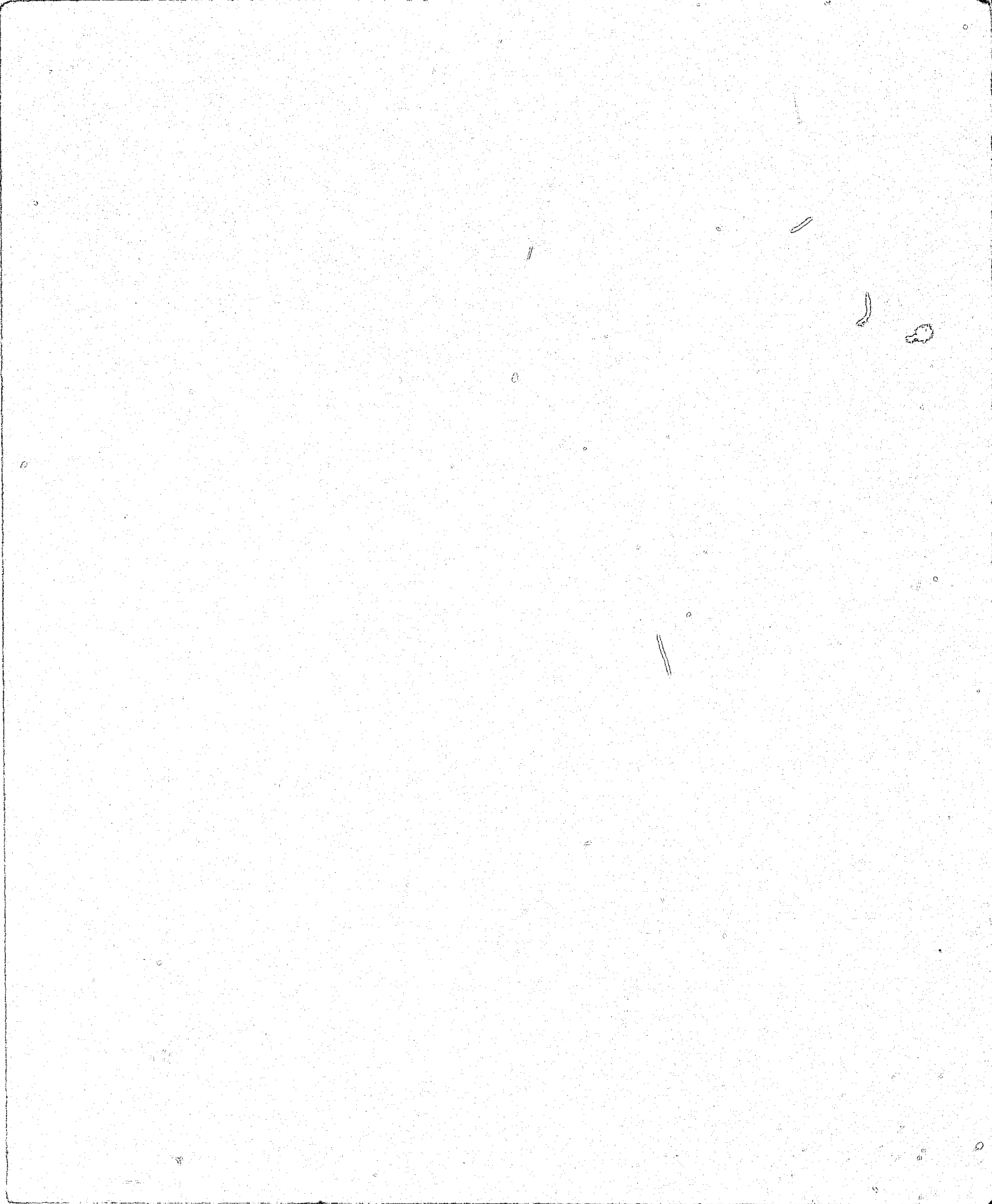
YOUTH OFFICER'S ACTIVITY LOG

FIGURE III-3

													Identification #
													Date
													Time
													On-view
													Dispatch
													Walk-in
													Business
													Citizen
													Parent
													School
													Probation
													Police
													Serial
													Detective B.
													Youth Bureau
													Brief Description of Problem
													Identification #
													Investigate
													Action Deferred
													Divert
													Warn
													Refer to Court
													Refer and Detain
													No Further Action
													Youth Bureau Report #
													Age
													Sex
													Race
													Age
													Sex
													Race



Contact ten	juvenile	Race																	
		Sex																	



Identification #																			
------------------	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

apprehended or referred.

Discussion

Measuring the effectiveness and efficiency of handling of juvenile problems should not be limited solely to the Youth Bureau. We assume that measures reported here give some indication of the efficiency of "police investigative work" for the particular problem. We strongly believe that these measures should not be subjected to a "quota" system, because this would contradict their intent, which is to improve the quality of the Department's handling of juvenile problems. If the changes suggested in the recommendations are made in the logging procedures in the Youth Bureau, the processing time for investigative work can be more accurately measured.

C-6. CIVIL LIABILITY OF POLICE WHO INTERVENE IN JUVENILE PROBLEMS

The Supreme Court recently decided, in Owen v. City of Independence, 445 U.S. 622 (1980), that municipalities can be held liable for the acts of employees that violate an individual's Constitutional rights. Because this case indicates that municipalities will no longer be immune from liability in such cases, it is important to discuss its potential impact on the civil liability of the police in Connecticut, considering first the recommendations of the national standards and the provisions of Connecticut law governing police liability.

The IJA/ABA and NAC Standards agree that juvenile codes should clearly define the liability of police officers involved in juvenile problems (see

IJA/ABA Stnd. 2.5 and Commentary; NAC Stnd. 5.6 and Commentary).⁷⁹ The IJA/ABA Standards urge that police departments write procedures for the handling of juvenile problems to clarify these questions. Written procedures are suggested both to train police officers who deal with juveniles and to increase accountability. The Standards recognize the need for written guidelines and clarification, especially since police officers are now being asked to intervene in "ways other than through use of their arrest power" (see IJA/ABA Stnd. 2.5B).

Under Connecticut law, police misconduct that causes injury, whether an act or a failure to act (omission) can theoretically give rise to civil liability on the part of both the individual police officer and the municipality. For example, assault and battery and false arrest are acts that lead to police liability; failing to answer a call for help is an omission that may lead to police liability.

An individual can sue either the police officer or the municipality whose act or omission constitutes a tort or violates a statute. A tort action is a wrongful action for which a court will compensate an injured party. Torts include such acts as false imprisonment, assault and battery, invasion of privacy, defamation, and intentional infliction of emotional distress. In addition to tort suits, there are also acts or omissions that violate a person's statutory or Constitutional rights. The most frequently used statutory action relies on section 1983 of the U.S. Code (42 U.S.C. §1983). This section allows a citizen to bring suit against a police officer and/or a municipality for injuries that interfere with a right of

⁷⁹ NACJJDP Standards do not address the question of civil liability or immunity of police officers.

privilege guaranteed by the Constitution or the laws of the United States. For example, if a police officer illegally enters a private home or searches a person without probable cause, he or she may be sued via a Federal §1983 action for violation of the Fourth Amendment to the U.S. Constitution, which protects individuals against unreasonable searches and seizures.

Actions Against Police Officers in Connecticut

As already noted, a person whose rights have been violated by a police officer has an action in tort against that officer. Connecticut law recognizes the following torts: assault and battery, false imprisonment or false arrest, intentional infliction of emotional distress, defamation, and invasion of privacy.

Perhaps the tort action most relevant for the police is the tort of false imprisonment: the unlawful restraint by one person of the physical liberty of another. The restraint can be accomplished by physical force, threats of force, or by conduct that a person believes is authorized by the state, also known as a claim of authority.

An officer charged with false imprisonment may defend him or herself by asserting that there was no restraint, or that the person consented to the restraint, or that the restraint was made with proper legal authority. A valid warrant is a defense because that is legally proper. An officer making a warrantless arrest for a felony will not be held liable if he or she had reason to believe that the person had committed a felony. When an officer makes a warrantless arrest for a misdemeanor, that officer's only defense may be that he or she saw that act committed or was acting on the speedy information of others.

Another tort action frequently brought against a police officer is the tort of assault and battery. A police officer is justified in using a reasonable amount of force in effecting an arrest or preventing an escape. However, if a police officer uses more force than is reasonably necessary, or unnecessarily subjects a person in custody to physical indignities, that officer may be sued for assault and battery.

Other less frequently relied upon causes of action are the tort of intentional infliction of emotional distress and the tort of invasion of privacy. To make a case for intentional infliction, a plaintiff must show that there was an intent on the part of the defendant to cause mental distress (or that the defendant's conduct was very reckless) and that severe distress resulted. In Connecticut, it remains unclear whether accompanying physical injury is a prerequisite for recovery. While this action might be brought in cases of police harassment or misbehavior, there is no discoverable case where this has been used as even a partial basis for recovery.

While Connecticut recognizes a cause of action for the invasion of privacy, no case extends this right to the kind of intrusions likely to result from the police detention or diversion of juveniles.

Finally, negligence is also a tort. Whenever an officer has a duty to perform an act that is recognized by law, the officer is required to perform that duty in a reasonable manner. Failure to perform such a duty in a reasonable manner is negligence. When a court determines that an officer took unreasonable risks that led to a citizen's being injured, it will compensate the injured party. For example, if an officer has taken a runaway child into custody and then engages in a high speed chase during which the child is injured, the court might find the officer negligent.

In addition to the tort actions noted above, an injured person can sue the police for violations of Constitutional rights under federal law or the Constitution. If, for example, a police officer fails to provide a prisoner in his or her custody with proper medical care this may amount to cruel and unusual punishment, in violation of the Eighth Amendment. However, in §1983 actions police officers have been able to defend themselves against such suits by showing that they acted in good faith.

While a police officer may be sued either in tort or for violation of a constitutional right, in Connecticut it is almost always the municipality that pays the resulting judgment. Connecticut has a statute that requires municipalities to assume liability for damage caused by an employee if the employee was acting "in the scope of his employment and if such occurrence... was not the result of any wilful or wanton act of such employee" (see Conn. Gen. Stat. Ann. §7-465).⁸⁰ Thus most persons injured by the acts of a police officer will be able to recover payment on the judgment.

Actions Against a Municipality

An individual who claims to have been injured by a police officer may also sue the municipality as employer of the officer.⁸¹ However, a legal doctrine exists that has often barred recovery against municipalities for

⁸⁰ One commentator notes that in most cases municipalities in Connecticut pay judgments against police officers whether or not the act of the officer was wilful or wanton. See Note, "Suing the Police in Federal Court," Yale Law Journal 88 (1979): 809-812.

⁸¹ The municipality is usually joined in the original suit against the police officer, so the court will decide in the initial suit whether or not the municipality is liable on the judgment.

the tortious conduct of its employees. This doctrine, called the doctrine of sovereign immunity, protects municipalities from being sued for acts of employees that are determined to be discretionary in nature, as opposed to acts that are ministerial in nature. In such situations, a person will not be able to recover from either the individual officer or the municipality.⁸² As noted above, however, municipalities in Connecticut have a practice of indemnifying nearly all police officers for judgments against them; they are evidently not depending on this doctrine of sovereign immunity to protect them from suits based on the actions of police officers.

In Owen v. City Independence the Supreme Court held that a municipality can no longer assert the good faith defense of its employees when an individual sues the municipality for violation of a Constitutional right or federal law under Section 1983. This case indicates that municipalities will now be liable for injuries caused by employees whenever the act of an employee may reasonably be construed to represent a government's "policy or custom, whether made by its lawmakers or by those whose edicts or acts may fairly be said to represent official policy."⁸³ In order to avoid liability, municipalities must now enunciate policies and follow practices that do not encourage or support the violation of Constitutional rights.

Because municipalities in Connecticut already assume liability for the acts of their police officers, this decision will not change existing practice. However, in the few cases in which a municipality refuses to assume liability, it will no longer be able to assert the defense of good faith

⁸² See legal analysis in Appendix F for further details.

⁸³ Owen v. City of Independence, citing Monell v. N.Y. City Dept. of Social Services 436 U.S. 658, 694 (1978).

of an employee for acts that violate an individual's Constitutional rights.

Findings

1) Some officers expressed concern over personal liability when taking a juvenile into custody after Connecticut's new Family with Service Needs Act (FWSN) is implemented. These are examples of questions the police ask: What happens if services cannot be provided within the six-hour limit on holding a juvenile? Will the police be liable if they continue to hold the juvenile? Will they be liable if they release the juvenile to the street at the end of six hours and the juvenile is injured?

2) There is no formal process or mechanism in the Stamford Police Department for officers to obtain legal advice on proper police practice. Officers cannot quickly obtain answers to legal questions that might arise concerning such matters as investigative practices, execution of search warrants, police liability, arrest, and detention mandates.

Recommendations

1) A formal system should be established whereby police officers who encounter legal problems in discharging their duties as police officers can receive speedy advice. We suggest that the City of Stamford provide the Police Department with ready access to legal counsel twenty-four hours a day.

2) Legal opinions should be developed by legal counsel and the court advocate in Superior Court: Juvenile Matters to answer specific questions and also to provide periodic updates to accommodate changes in criminal

procedure. When completed, these opinions should be circulated within the Department and included in training material provided to police recruits.

3) The Department should make sure that officers know the information in a revised police manual and provide suitable mechanisms to ensure compliance with the required procedures.

Discussion

Statements describing the liabilities of police officers are necessarily very general. For example, as long as a police officer is not acting maliciously or recklessly within the scope of his duties, he or she will assume no greater liability than any other private citizen. Such generalities are of no help to an officer in particular situation.

Some kinds of situations occur with sufficient frequency that it would be useful for the Department, with legal assistance, to develop guidelines that describe the options a police officer has in these situations. Such guidelines should incorporate information on an officer's potential liability for non-compliance and describe situations that would give rise to no liability.

However many situations occur infrequently. Handling these cases necessitates access to good legal advice, which should be readily available to police officers. The Police Department or the City of Stamford should designate a person to serve as legal adviser.

C-7. WRITTEN POLICIES TO STRUCTURE POLICE DISCRETION

All the standards recognize that police officers exercise discretion in performing their daily duties. In order to structure these discretionary decisions and to minimize discriminatory and arbitrary decisions, the standards suggest that written policies be formulated to guide police officers. The standards are in general agreement that both public and private agencies should participate in the process of formulating guidelines structuring police discretion.⁸⁴ The standards further suggest that training programs be implemented to acquaint officers with situations in which discretion may be exercised and with factors to be considered in the decisionmaking process (see IJA/ABA Stnds. 2.5A, 2.5B, and 2.5C; NAC Stnd. 4.4; and NACJJDP Stnd. 2.22).

The standards all suggest that the least coercive measure of control be used whenever possible in handling juvenile problems. Less coercive alternatives include the use of community remedial sources, the release of the juvenile with a citation, the release of the juvenile to a parent, the use of an official reprimand with parental assurance of proper discipline, and the use of a summons. The standards agree that taking the juvenile into custody should be the last alternative, to be used only when other less coercive methods would be ineffective (see IJA/ABA Stnd. 4.4D; NAC Stnd. 4.3; and NACJJDP Commentary to Stnd. 2.21).

⁸⁴ NAC Standards 2.5 states that participants should include juvenile justice system personnel, community youth service groups, educators, and other citizens. NACJJDP Stnd. 2.221 states that the formulation of policies should include consultation with the family court, youth advocacy groups, and programs affected by referral decisions.

Findings

1) The last update of Stamford's Police Manual (SPM) was issued in 1955. The Department recognizes the need to rewrite the manual; its revision should receive high priority.

2) The SPM contains a one-page description of the Youth Bureau. However there are two policy statements concerning the goals of the Bureau in the handling of juvenile problems, no guidelines for intra-departmental referrals, and no policies to help Youth Bureau officers make decisions.

3) The 1955 Manual does recognize that in cases of very minor offenses a polite warning may be more appropriate than an arrest:

Whenever a Juvenile case is brought before any Commanding Officer, and in his judgement the offense involved is of a minor nature and the case can be consistently kept out of Juvenile Court, such Commanding Officer may release the offender with a reprimand but shall file with the Youth Bureau a Referral for their disposition (pp. 60-61).

However, no elaboration as to the basis for this decision is provided.

Recommendations

The Stamford Police Department should update the Manual as soon as possible. The current manual is twenty-five years old and has serious shortcomings. The revised manual should include, whenever possible, statements specifying appropriate decisionmaking criteria for the handling of juvenile problems.

In addition, the manual should incorporate the principle of using the

least restrictive alternative when handling juvenile problems.⁸⁵ This means that alternatives to arrest (e.g., informal referrals, consulting with the juvenile's parents) should be identified as appropriate Departmental procedures for certain types of juvenile misbehavior. The Department should draw upon the knowledge of line officers when it develops criteria for making these decisions.

D. ROLE OF OTHER AGENCIES

D-1. YOUTH SERVING AGENCIES AND THE POLICE

The national standards and the Juvenile Justice and Delinquency Prevention Act of 1974 point out that the effectiveness of current programs for juveniles (including diversion, intake, or probation services) is seriously undermined because of the lack of communication and coordinated planning among the agencies delivering these services. To remedy this situation, all the standards propose that State and local governments cooperate in comprehensive planning efforts to organize juvenile programs.

The IJA/ABA and NACJJDP Standards advocate a central state agency that would be responsible for the administration, coordination, and evaluation of services delivered by local subdivisions of the agency to all juveniles who come into contact with the police, including status offenders, juveniles adjudicated delinquent, and endangered or neglected children. This state agency would make certain that the necessary services are made

⁸⁵ In general, the current practices of the Stamford Police Department are consistent with this principle. See Recommendation B-5 of this report.

available to juveniles by fostering communication among its local sub-divisions, the police, and private service organizations. (See IJA/ABA, Stnds. 2.1 - 2.4 in the Planning for Juvenile Justice volume; NACJJDP Stnds. 0.1-0.2.)

The role of the police in such communication among service agencies is recognized by Stnd. 2.5E and 5.2 of the IJA/ABA Police Handling of Juveniles volume. Standard 2.5E proposes that the police work with public and private agencies to promote referrals to such services; and, because the police are in a unique position to assess community needs, these Standards call upon the police to

focus attention on gaps in public and private resources that must be filled in order to meet the needs of juveniles and their families, and on the unwillingness or inability of existing agencies and institutions to respond to the needs (see Stnd. 2.5E).

The police would be required to inform the public of such shortcomings (see Stnd. 5.2). So that officers may be well informed about alternatives for diversion, Stnd. 5.2 would require police departments to formulate policies for the proper handling of juveniles with the help of the juvenile court, probation officers, public and private agencies, and citizen's groups.

In contrast to the emphasis of the IJA/ABA and NACJJDP Standards on a central state superagency, the NAC Standards give local police the responsibility of coordinating social services, declaring that the police "should take a leadership role in encouraging interdisciplinary coordinating councils at the community level" (see Stnd. 6.1, Commentary).

These councils would perform many of the functions allocated to the state agency by the other standards, including the following:

- Aiding systemwide planning for service delivery to juveniles,

both to ensure adequate services and to avoid duplication of those services;

- Providing for the distribution of local, state, and federal monies to assure maximum return;
- Communicating with state and federal criminal justice and juvenile justice planners;
- Eliminating interpersonal conflicts among those in the juvenile justice field;
- Evaluating programs; and
- Sharing information on innovative efforts with juvenile justice specialists throughout the nation (see Stnd. 6.1).

Like the ABA Standards, the NAC Standards suggest that the police take an active role in insuring that there are adequate youth services in each neighborhood. How this is to be done is not specified.

These Standards would also promote coordination of services by requiring the police to urge each relevant agency to formulate written guidelines for referrals and for cooperation between its staff and those of other agencies. The NAC further suggests that the chief executive and police juvenile commander conduct periodic city, county, and regional conferences in order to maintain close relationships with other agencies (see Stnd. 6.2). Other NAC Standards provide that the police make full use of youth service bureaus (multi-service organizations employing a team approach in helping juveniles), develop an effective police-school liaison, and promote community recreational programs for juveniles (see Stnd. 6.3, 6.4, 6.5, respectively). Neither the IJA/ABA nor NACJJDP Standards suggest such a police-school liaison.

The NACJJDP Standards do not mention police involvement in the planning process, but assign these duties to a "juvenile justice and delinquency

prevention planning and coordination authority" developed by the local community (see NACJJDP Stnd. 0.111).

Findings

1) Most agencies we surveyed did not report any formal relationship with the Stamford Police Department.⁸⁶ Typically, agency personnel come into occasional informal contact with officers, usually with officers in the Youth Bureau, or have no contact at all with Stamford Police (see Table E-10 in Appendix E).

2) Few agencies reported special programs for juveniles known to have committed one of the "priority problems" selected by the project for intensive study (see Table E-4). This may be explained in part by the project's use of legal categories to define the priority problems, while the agencies are not mandated to offer services to those who commit criminal offenses. For example, eleven of the fourteen counseling agencies reported that their clients sought help for family problems; some of their clients had been involved with the police and the court but this was not the focus of current treatment efforts.

3) The surveyed agencies appeared to rely minimally on the police and other agencies for referrals; self-referrals were the most frequently reported source of clients (see Table E-5). The Stamford Police Department was reported as the least likely source of referrals. Only two agencies,

⁸⁶ See Appendix E.

DCYS (Department of Children and Youth Services) and the Rape Crisis Center, reported a significant number of police referrals.⁸⁷ Schools were reported as the second most frequent source of referrals, followed by the Superior Court: Juvenile Matters, DCYS, and all other agencies (usually hospitals).

4) In response to questions about the possibility of police screening of juvenile cases for the purpose of diversion, nearly all the agencies believed that police officers are capable of screening if provided the proper training and perhaps some outside assistance. Only two respondents believed that police officers are not capable of screening juveniles. Many agencies expressed a strong interest in participating in a training and information program (see Table E-12). The clear consensus among all the agencies we contacted was that, once the police have come in contact with a juvenile, they should refer him or her to the appropriate agency. Agency directors expressed a strong willingness to accept such referrals and to provide the police with information on the progress of treatment, much as they provide it to Superior Court: Juvenile Matters. The question of whether the Police Department could screen cases well enough to make effective referrals drew a variety of responses. Few believed that the average officer is now qualified to make referrals; others believed that Youth Bureau officers would be able to handle the job. Some agencies preferred to have a trained social worker do the screening and make referrals. Eight agencies offered to provide a staff member to participate in a pilot project to train police officers. The directors believe that the average police officers lacks knowledge of

⁸⁷ These referrals to DCYS were reports of suspected abuse and neglect.

the opportunities available for juveniles in Stamford and the training to make referrals.⁸⁸ Those we spoke with want the police to be more involved with their agency, and were not only willing but enthusiastic about the idea of providing training and information to members of the Stamford Police Department. Most agency directors believed that the police are willing to cooperate but that too often the police wait for the initial contact to come from the agencies; some also believed that the police might not be receptive to their suggestions and want the police to take the initiative in contacting them.

5) Agency personnel did offer recommendations for improving their relations with the police. Four specific recommendations were mentioned quite often (see Table E-12):

- Increase the Stamford Police officers' knowledge of available agencies and programs;
- Train officers in diagnosis, counseling, and referring in regard to juvenile matters;
- Initiate regular police dialogue or cooperative planning with community agencies; and
- Increase the number of referrals to community agencies.

6) Some agency directors expressed the belief that the Stamford Police have a very poor image among minority groups in the community, especially among youths. Some suggested that, to improve that image and foster better relations with juveniles, the police consider establishing a community relations unit. A second suggestion, oriented to crime

⁸⁸ A directory of juvenile services would by itself be of little value.

prevention and an increase in the recruitment of minorities, was that officers be assigned to walking beats, particularly in high density, high poverty areas, such as Southfield Village (see Table E-13).

7) Some police officers believe that the youth-serving agencies are too aloof from the police and provided no information or feedback when referrals were made to them. However, officers also believed that the police cannot spend much time trying to refer juveniles, especially since there was no formal network for referral or diversion that could respond to police needs quickly, without creating a manpower shortage.

8) Two members of the Youth Bureau sit on the advisory board of the Stamford Youth Planning and Coordinating Agency (SYPCA), which meets monthly. Other representatives on this advisory board include members of the Court and of social service agencies.

Recommendations

1) Contrary to the NAC Standards, we believe that it is not appropriate for the police to assume leadership in coordinating meetings or organizing conferences. The police do not have the formal training, the resources, or the legal mandate to assume this responsibility. The police must constantly interact with youth-serving agencies. Should the police be made responsible for identifying service gaps or coordinating activities, present tensions would increase, undermining such cooperation and service as there is. Therefore, we recommend that the police not assume additional responsibilities in this area.

2) We recommend that the Youth Bureau continue its participation (rotated among Youth Bureau officers) in the SYPCA monthly meetings as a link between the Police Department and youth-serving agencies. Representatives of the police need to share information and help develop resources for juvenile services in Stamford.

3) We recommend that the police use the SYPCA Advisory Board to address these issues:

- a) Discussion and clarification of the role of Youth Bureau officers for informal case screening; and
- b) Procedures for informal police referrals to youth-serving agencies.

4) The Stamford Police Department should accept the offer of youth-serving agencies to train officers in the screening of juveniles. Such training would sensitize officers to the availability of services these agencies offer, and the types of juveniles they can help.⁸⁹ We believe this training would be helpful even in the absence of a formal police diversion program.⁹⁰

5) Youth Bureau officers should be encouraged to participate in meetings with community agencies. The Department should recognize the importance of a visible and viable police-community relations program. Records of officers' participation in such meetings should be kept by the Youth Bureau.

⁸⁹ Training is costly and time-consuming but could be facilitated by the use of audio-visual materials.

⁹⁰ See Recommendation C-1.

D-2. THE SCHOOLS AND THE POLICE

Discussions with Stamford Police Department personnel suggested that some juvenile crimes and activities in Stamford were more troublesome than others.⁹¹ To identify accurately the juvenile-related problems that required more intensive study, staff members of the Center for Criminal Justice collected and analyzed data from reports filed by patrol officers, reports filed by officers assigned to the Youth Bureau, and reports submitted by the Department to the Federal Bureau of Investigation each month. We also analyzed responses to questionnaires completed by officers in the Stamford Police Department and students in two middle schools. Using the information collected, the following juvenile-related problems were selected for more intensive study:

- vandalism;
- shoplifting;
- assault;
- drug use;
- disorderly conduct;
- family problems with stubborn children; and
- school truancy.

Under Connecticut law⁹² truancy is defined as the "habitual" failure of the child to attend school. By statute,⁹³ police officers may stop

⁹¹ See Appendix A.

⁹² Connecticut General Statutes, Title 17, Section 53 (e).

⁹³ Connecticut General Statutes, Title 16, Section 200.

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any child found on the street during school hours and send or bring that child to school.⁹⁴

With respect to the problem of vandalism, Connecticut law⁹⁵ has made parents and guardians financially liable (up to \$3000) for the wrongful and intentional damage of property or persons caused by their children. In addition to holding parents and guardians responsible for the misdeeds of their children, this statute is intended to protect schools from financial loss.

To understand the relationship between the Stamford Police and the schools, project staff used the following procedures:

1) In May 1979, a questionnaire was administered to 327 students in two Stamford middle schools, grades 7 and 8.⁹⁶ The questionnaire consisted of three types of questions:

- knowledge questions (students' knowledge about the Stamford Police Department, Juvenile Court, legal rights, and violations of law);
- students' evaluation of selected offenses; and
- student's anonymous self-reporting of offenses in which they

⁹⁴ Truancy is discussed in more detail in Section A.3.b.

⁹⁵ Connecticut General Statutes, Title 52, Section 572.

⁹⁶ One school selected for the study is located downtown, the other school in a residential area. Students in these schools are divided into units called cogs, each containing approximately 100 students. The cogs are heterogeneous with respect to the race, social class, and scholastic ability of students. Two cogs were selected from each school and a teacher administered the questionnaire during one fifty-minute period. Students were assured that their responses would be completely anonymous; they were instructed not to put their names on the questionnaire. The sample consisted of almost equal numbers of females and males twelve and thirteen years old (see Tables D-1 and D-2 in Appendix D).

or their friends had recently engaged.⁹⁷

2) Between December 1979 and March 1980, a project staff member interviewed 73 individuals in the middle and high schools.⁹⁸

3) Discussions with Stamford Police officers and other knowledgeable about the school system.

Findings

1) Only one middle school reported vandalism as a problem for the school. This consisted primarily of "broken windows" and was attributed to weekend parties that are held near and sometimes on the school grounds.

2) Vandalism in the middle and high schools was reported to consist mostly of graffiti. This is consistent with our finding from the middle school self-report study, in which 63 percent of the students reported carving or marking up school desks and woodwork to be the major form of vandalism in which they engage. According to school officials, anyone caught doing this must repair the damage or pay for it.

3) While two of the four middle schools reported that truancy was no

⁹⁷ Of the 327 students, 109 completed the self-report section of the questionnaire, offenses they had committed during the previous three months and the extent of their contact with the police for these offenses.

⁹⁸ In Stamford, there are four middle schools (Grades 7-8) and three high schools (Grades 9-12). We did not include the elementary schools in our study because police data showed that most juvenile problems involved students of middle and high school age. Tables III-6 and III-7 show approximate student enrollments by school and race. The administrative level of the persons interviewed at each school is shown in Table III-8.

longer a problem, in all the high schools truancy, primarily class cutting, was considered a serious problem. Each middle school has a community worker who keeps track of truancy cases, contacts the parents, and discusses the problem of truancy. Each high school had a staff worker to deal with absenteeism by attempting to make telephone contact with the student and parent.

4) An analysis of police serial reports shows no reports of police involvement in investigating truancy cases. Nor was there any report of patrol personnel returning truants to school. However, three of the 129 middle-school students who reported having skipped school frequently also reported having contact with police for that offense.

5) There was a consensus among middle and high school personnel that the Juvenile Court does little to help solve truancy problems when the school refers such cases. These people were frustrated by the lack of Court response, especially in view of the amount of work school personnel must do to process such cases.

6) The police did not see truancy as "their" problem unless it led to the commission of a criminal offense. While the state statute clearly gives the police authority to intervene, officers suggested to us that it is impractical for them to do so in Stamford, where busing gives truants an easy excuse ("I missed my bus!") for being on the street.

7) Most incidents of assaultive behavior among students in school were not serious (e.g., pushing and shoving matches). Sometimes fighting at school-bus stops and on the buses carried over into school. Interracial

TABLE III-6

ENROLLMENT STAMFORD MIDDLE SCHOOLS
BY RACE: 1979-1980*

School	Total Enrollment	Non-White Enrollment	
	Number	Number	Percent
Burdick	400	160	40.0
Cloonan	750	293	39.0
Dolan	625	250	40.0
Turn of River	750	263	35.0
Total	2525	966	38.3

* All figures are approximate, based on enrollment data provided by each school.

Source: Stamford School Department.

TABLE III-7

ENROLLMENT STAMFORD HIGH SCHOOLS BY
RACE: 1970-1980*

School	Total Enrollment	Non-White Enrollment	
	Number	Number	Percent
Rippowam	1500	450	30.8
Stamford	2100	420	28.7
Westhill	1830	549	37.5
Alternate	65	43	66.0
Total	5495	1462	26.6

* All figures are approximate, based on enrollment dates provided by each school.

Source: Stamford School Department.

TABLE III-8

PERSONNEL INTERVIEWED BY SCHOOL:
STAMFORD, 1979

Personnel	School	
	Middle	High
Principal	4	4
Assistant and or Vice Principal	7	9
guidance Counselor	11	14
Psychologist	3	3
Community Worker	4	3
Social Worker	4	4
Other*	-	3
Total	33	40

* Includes the Alternate High School.

fights between boys in the high schools are believed often to involve drug deals. Fighting students are suspended. We were told that if a fight can be characterized as an assault, then only the aggressor is suspended. In the case of assault it is the responsibility of the victim (teacher or student), not the school, to prefer charges. However, it is unclear whether students were aware of this procedure or how often it was used.

8) It was reported that theft is a problem in the three traditional high schools. Students are warned not to divulge their locker combinations to anyone. If a student was caught stealing, he or she was referred for a possible exclusion hearing and the incident was reported to the Youth Bureau. As in the case of assaults, only the victim can press charges; the school can press charges only when school property has been stolen. At the alternative high school, there was little reported theft.

9) All the middle schools report that the two most common forms of theft in which their students engaged outside of school (and for which they come in contact with the police) were shoplifting (almost exclusively at Caldor) and bicycle theft. One middle school reported that there were locker thefts and that these were almost never solved. We were told that serious theft incidents (e.g., watches, wallets) were reported to the Youth Bureau when the suspect was known to school administrators.

10) When students were referred for a school exclusion hearing, the most frequent reasons for referral at the middle and high school level were drug-related incidents (most often possession of marijuana) or assaults (see Table III-9).

Recommendations

See Recommendation D-3.

Discussion

It is generally acknowledged that relations between police and school officials, particularly in juvenile matters, are important. In Stamford we found that the Youth Bureau has been a positive force in maintaining good relations between the schools and the Police Department. We believe that adoption of Recommendation III-D-3 would strengthen these relations.

Specifically, when criminal matters involving juveniles arise in the schools, it is essential for school personnel to know when to call the police and whom to call in the Department. Under Connecticut law (P.A. 79-464), school principals are required to report to local police authorities only incidents of physical assault by students on teachers. We believe that the schools should adopt a general policy of reporting to the Youth Bureau all felonies and selected misdemeanors. Such a reporting system is already operating informally in some schools, but not in the school system as a whole.

D-3. PROCEDURES FOR SCHOOL OFFICIALS AND POLICE

The NAC Standards would require the police and school to draft written guidelines that clarify police department procedures for 1) interviews with and apprehension of juveniles during school hours and on school property; 2) placement of police officers in schools; 3) protection of students from persons loitering in or around schools; and 4) police handling of large

TABLE III-9

PROBLEMS FOR WHICH STUDENTS WERE REFERRED INTERNALLY
FOR A POSSIBLE EXCLUSION HEARING: STAMFORD, CONN. 1979-1980

Problem	Number of Incidents
High School	
Assault	16
Drugs	14
Theft	6
Possession of Dangerous Weapon	5
Criminal Mischief	4
Disruptive Behavior	6
Subtotal: High School	<u>51</u>
Middle School	
Assault	5
Drugs	7
Theft	1
Criminal Mischief	3
Subtotal: Middle School	<u>16</u>
Total: High School & Middle School	<u>67</u>

Source: Stamford School Department.

school crowds. (See Commentary to Stnd. 6.4.)

The IJA/ABA Standards relating to schools and education set forth the circumstances under which a police officer or school official may properly interrogate or search a student (see Stnd. 7.1 - 7.7 and 8.1 - 8.9). The permissibility and validity of searches at schools are discussed in the Commentary to NAC Standard 12.6.

In Connecticut, when a teacher or other school employee has been assaulted by a student and files a written report of the assault with the school principal, the principal is required to inform the police (see Connecticut Public Acts for 1979, Number 464). School administrators may not interfere with teachers or other school employees who wish to file such a report directly with the police.

Twice a year each local or regional school board is required to file a report with the State Board of Education that shows

- 1) The number of threats and physical assaults made by students upon teachers, administrators and other school personnel; and
- 2) the number of physical assaults involving dangerous weapons made by students upon other students (see Connecticut Public Acts for 1979, Number 464).

Findings

1) There was a patrol officer on duty at each of the three traditional high schools from approximately 7:30 A.M. to 4:30 P.M. This officer's duty was to patrol the parking lots, keep out intruders, and guard against vandalism. School officials told us that they were pleased with the performance of the officers assigned to the schools.

- 2) Most school personnel reported that they had little or no contact

with the police. Most contacts were between principals or assistant principals and members of the Youth Bureau.

3) There are no written policies to guide the decision to call the police; the principals used their own judgment. Only the handling of drug incidents is governed by a formal, written school board policy, which stipulates that the school administrator should call the police for a laboratory report and that an exclusion hearing should be held for the student. School administrators do also contact the police in serious cases of assault and in cases of serious theft in which they have a suspect.⁹⁹

4) Within the school students may be referred for an exclusion hearing¹⁰⁰ for more serious offenses. However, the police are not automatically involved, it is unclear whether, as a matter of school policy, school administrators are required to inform the police.

5) Our analysis of police serial reports on school-related incidents shows that, during the 7 A.M. to 3 P.M. shift, patrol officers were most often involved in handling fighting and/or vandalism on school buses or at bus stops. During the 8 P.M. to 11 P.M. shift officers reported complaints of disorderly youths on school grounds (mostly drinking), vandalism to school buildings, and burglary/trespass. We do not know whether any of these reports were initiated by a school administrator's complaint. We

⁹⁹ In cases of assault and theft only the victim (teacher or student) can press charges with the police. It is not the responsibility of the school.

¹⁰⁰ "Exclusion" is defined in Stamford School Policy 5114 as any denial of public school privileges to a pupil for disciplinary purposes.

examined 26 reports Patrol officers made contact with juvenile suspects on the scene in nine cases. In 19 cases officers reported that no further action was necessary or taken. The other seven were referred to the Youth Bureau for further investigation.

6) On occasion, administrators called the patrol division for medical and other emergencies. Response to these incidents was almost always excellent and the matters were handled discreetly.¹⁰¹

7) From 1958 to 1978, the number of complaints received by the Youth Bureau from schools and social agencies increased from 1.2 percent to 11.1 percent of all complaints the Bureau received.

8) If the police go to the school to arrest a student who is in class, an administrator will go to the classroom and quietly escort the student to the police officers.¹⁰²

9) Some Stamford police officers told us that in general patrol officers are often unsure of what authority they have in the schools.

¹⁰¹ In one episode reported to us a student was brought to the school nurse after allegedly smoking marijuana that was suspected of containing "angel dust." The police and ambulance came to a back door of the school without sirens to take the student to the hospital. We were told of another case in which a student went "berserk" and was isolated in a room. The patrol division was called to the scene; they in turn called the Youth Bureau to deal with the student. When administrators learn of a "rumble," or students are harassed by adults, school officials find the police quick to respond and very cooperative.

¹⁰² One person we interviewed reported an incident in which seven police officers came to a school to arrest a student for assaulting another student at a bus stop. The administrator told the police they could pick the juvenile up at his home after school and then ordered them out of the building.

10) In general, it was reported that when Youth Bureau officers were called into the schools, they were cooperative and professional in dealing with administrators and juveniles. It is our sense that they do not attempt to usurp the authority of the school official by taking matters completely into their own hands. However, we do not know what procedures they followed when interrogating students.

11) The most common complaint about Youth Bureau officers was that they were hard to contact. This was attributed to the perception that the Bureau is understaffed.

12) One member of the Youth Bureau presented a "mini-course" on students and the law in two of the middle schools. This was well received by the students; administrators considered it successful in introducing the officer in a positive light and as a means of informing young people about their legal rights when dealing with the police. We are told that other police officers gave talks in the schools at the request of teachers or administrators they know personally. However, there was no systematic program through which the police give talks of this kind and officers usually give them on their own time. A number of people suggested that an ongoing police/school program is desirable and could be effective.

Recommendations

1) As a general policy, we recommend that for all non-emergency incidents involving juveniles, school officials contact the Youth Bureau when

necessary or when required by state law.¹⁰³

2) School and police officials should develop a policy that specifies the offenses for which administrators should call the Youth Bureau (e.g., all felonies and certain classes of serious misdemeanors).

3) Police and school officials should consider establishing a viable police-student relations program in the schools. Ideally, such a program should be coordinated through the Youth Bureau.

4) Police and school officials should meet to discuss the feasibility of police officers' enforcing their authority to return truants to school under Connecticut General Statute, Title 10, Section 202.

5) We recommend that the Stamford Police Department adopt the following¹⁰⁴ policies and procedures for interrogation and/or search of a student:

- a) The limits imposed by the Fourth Amendment upon searches and seizures conducted by police officers are not qualified or alleviated in any way by reason of the fact that the object of the search is a student or that the search is conducted in a school building or on school grounds.

¹⁰³ This is consistent with a previous recommendation that the Youth Bureau should be the unit in the Department to investigate all matters pertaining to juveniles. See Recommendation B-2.

¹⁰⁴ Adapted from the IJA/ABA Standards on Schools and Education.

- b) The interrogation¹⁰⁵ of a student by a police officer for any purpose should not take place in school, or elsewhere when the student is engaged in a school-related activity under the supervision of a school official, except when it is urgently necessary to conduct the interrogation without delay in order to avoid (a) danger to any person; (b) flight from the jurisdiction of a person who is reasonably believed to have committed a serious crime; or (c) destruction of evidence; or (d) when there is no other reasonably available place or means of conducting the interrogation.
- c) When a police officer interrogates a student who is on school premises or engaged in a school activity and who is suspected of a crime, the student should be advised of this suspicion in a way the student understands. The student should be advised of the right to counsel (including appointed counsel if the student is indigent), the right to have a parent present, and the right to remain silent, and that any statement he or she makes may be used against him or her.
- d) If a school official interrogates a student suspected of a crime at the invitation or direction of a police officer, in cooperation with a police officer, or for the purpose of discovering evidence of such conduct and turning that evidence

¹⁰⁵ By Connecticut statute any statement made by a juvenile without the parents being present is inadmissible in a subsequent court proceeding. See Recommendation B-3.

over to the police, the interrogation should be subject to all the requirements of a police interrogation.

- e) Any evidence obtained directly or indirectly as a result of an interrogation conducted in violation of the above policies should be inadmissible (without the student's express consent) in any criminal proceeding that might result in the imposition of either criminal or disciplinary sanctions against the student (see IJA/ABA Std. 7.6, Schools and Education).
- f) A search by a police officer of a student or a protected student area is unreasonable unless it is made
- under the authority and pursuant to the terms of a valid search warrant;
 - on the basis of exigent circumstances such as those that have been authoritatively recognized as justifying warrantless searches;
 - incident to a lawful arrest;
 - incident to a lawful "stop"; or
 - with the consent of the student whose person or protected student area is searched; and
 - in a manner entailing no greater invasion of privacy than the conditions justifying the search make necessary.
- g) If a school official searches a student or a protected student area at the invitation or direction of a police officer, in cooperation with a police officer, or for the purpose of discovering and turning over to the police evidence that might be used against the student in a criminal proceeding, the search should be governed by the requirements applicable to

a police search as discussed above.

Discussion

The adoption by the Stamford Police Department of policies for conducting investigations (i.e., interrogation, search and seizure) in the schools is important. Specifically, our concern is that school officials and police insure that Constitutional safeguards afforded to juveniles not be qualified or compromised due to the suspect's student status or the fact that the investigation is conducted on school grounds.

CHAPTER IV

IMPLEMENTATION OF RECOMMENDATIONS IN THE STAMFORD POLICE DEPARTMENT

Introduction

This chapter describes the strategies for implementing standards proposed in the three sets of published national standards. It also offers the project's suggestions as to which recommendations of Stamford Police Department should consider of highest priority and which strategies are most useful in implementing these recommendations.

Process of Implementation According to National Standards

NAC Standards. The NAC Standards emphasized two phases in the process of implementation: 1) planning, to adapt the national standards to local circumstances; and 2) creating the administrative apparatus to convert the standards into operating procedures.¹ These processes should originate with state government, although under special circumstances local jurisdictions may be involved. Implementing and ensuring compliance with the standards should be the responsibility of a single state agency.

¹ See National Advisory Committee on Criminal Justice Standards and Goals, Juvenile Justice and Delinquency Prevention: Report of the Task Force on Juvenile Justice and Delinquency Prevention. Washington, D.C.: 1976, pp. 18-21.

The planning process should involve a systematic re-examination of the existing processes, responsibilities, and resources of the juvenile justice system. Not only professionals, but also the general public, must come to accept and endorse the standards through a process of sharing information, discussing differences, and resolving conflicts. Public support is particularly important if funding the levels of public service required by the standards are to be attained. Two methods suggested are convening state-wide or regional conferences, and making use of the media to generate public discussion and comment.

Once a comprehensive master plan for delinquency control based on the standards has been developed, legislation to formalize this plan and permit implementation will probably be required. The legislation would empower the appropriate executive agency to set mandatory or voluntary standards. The NAC Standards express the belief that non-mandatory standards, coupled with subsidies for salaries or special programs not usually provided in jurisdictions that meet minimum standards, could be quite effective in achieving compliance. In states with voluntary standards and no subsidy program, the adoption of standards would depend solely on the persuasive powers of state monitors.

A single state agency should have sole authority to adopt standards and to involve the public in adopting the standards. The same agency should monitor compliance and submit annual reports to the legislature detailing progress and suggesting further legislative changes. Finally, there should be an annual review of the standards to insure that they are up-to-date and responsive to changing conditions and attitudes. The views of the public should be solicited on any changes, no matter how minor.

IJA/ABA. The IJA/ABA Juvenile Justice Standards Project strongly emphasized the immediate, swift and wholesale adoption of the IJA/ABA standards.² It rejected patchwork or incremental improvements, minor statutory revisions, or gradual implementation as a retreat from the broad systemic reforms necessary to produce fundamental changes in existing, ineffective mechanisms, which violate basic rights. The goal of the Juvenile Justice Standards Project was the reform of the whole juvenile justice system: "A revolution, not just another phase of the evolution."³

These Standards also stressed the need for action before implementation to inform, educate and develop support for the standards among professional groups, such as lawyers, juvenile judges, social workers, district attorneys, probation workers, and correction officers.⁴ These groups would be reached through journal and law review articles, juvenile justice newsletters, the popular media, testimony before legislatures, and panel discussions.

Beyond this, the IJA/ABA proposes a four-step state implementation strategy. First, an analysis would be prepared that compares proposed standards with existing statutes, court rules, case law, and legal practice, and outlines the action necessary to bring state laws into conformity with the standards. Second, task forces of key leaders would be created to coordinate implementation within a state. Third, goals and a strategy addressing the lack of communication among the components of the juvenile

² IJA/ABA Standards for Juvenile Justice: A Summary and Analysis, op. cit., pp. 257-71.

³ Ibid., p. 257

⁴ The IJA/ABA does not specify what groups or organizations would initiate the process of implementing and executing the strategy it advocates.

justice system would be prepared. Lastly, practitioners and the public would be educated about the standards through conferences, training films, articles, and lobbying and media workshops.

The IJA/ABA foresaw a number of pitfalls in implementing its standards. One is the variety of competing standards and goals, many of which express philosophies of juvenile justice different from those of the IJA/ABA. Competing standards might reduce the impact and influence of the IJA/ABA standards and increase the likelihood of piecemeal or inconsistent reforms. To combat this, the IJA/ABA proposed presenting their standards in a forthright and recognizable manner to generate informed support for their wholesale adoption. Another problem facing implementation is resistance from juvenile justice workers who fear or oppose changes in their activities. The IJA/ABA recommended that these workers receive "accurate and persuasive information to convince them that the proposed reform is necessary."⁵ A third major problem in implementing the standards is funding for planning and implementation. If Juvenile Justice and Delinquency Prevention Act grants were to be used only for the implementation of NAC Standards or some other standards, other sources of funding, such as foundations, charitable organizations and civic reform groups, would be needed to pursue the adoption of the IJA/ABA Standards. Finally, the passage of time will dissipate the impact of the IJA/ABA proposals and prevent the needed fundamental changes.

NACJJDP. In discussing a general implementation plan, the NACJJDP

⁵ IJA/ABA Standards for Juvenile Justice: A Summary and Analysis, op. cit., p. 256.

Standards raised several questions.⁶

- 1) Does the proposed strategy fall within the legal and practical authority of the federal government? While the federal government can provide leadership and necessary assistance, federal mandating of sets of standards is not effective because the juvenile justice system is primarily a state responsibility.
- 2) Are the resources available sufficient to support the proposed strategy? Implementation strategies should establish priorities among standards and then pool resources and energies.
- 3) Does the proposed strategy contain adequate procedures for gaining state and local support for and participation in the implementation process? Communities must be encouraged to reassess the delivery of services, identifying the more serious problems and the more urgently needed procedural and substantive changes.

More specifically, NACJJDP recommended that states, through their juvenile justice advisory groups identify priority areas that would be the basis for a coordinated state plan eligible for JJDP Act funds. The state criminal justice planning agencies (SPA's) would do the planning and coordinating. State plans would be submitted to regional councils and the Federal Interdepartmental Coordinating Committees for coordination and integration with existing programs and agencies.

NACJJDP also proposed encouraging national professional associations to use its Standards in developing their own professional standards and accreditation programs, and recommended the use of litigation to allow courts a role in implementation through the adoption of standards by judicial decree.

Police Policymaking

In the last ten years, policymaking by police agencies has been suggested as one strategy for implementing standards. Focusing on police discretion, proponents of this approach have claimed that police policymaking would help the patrol officer in making decisions and increase accountability,

⁶ Report of the Advisory Committee to the Administration on Standards for the Administration of Juvenile Justice, September 30, 1976, pp. 195-97.

an ultimate benefit to the community served. While recognition that structuring police discretion will always be controversial, these Commentators believed that "the policymaking approach does represent a promotion of democratic values in that it gives public visibility to the rules governing difficult law enforcement problems."⁷ This was the approach adopted by the project and described in Chapter I.

The specific focus of the Police Handling of Juveniles Project made it difficult to follow the implementation schemes outlined by the various standards. Since the project dealt with only one element of the criminal justice system --the police-- in one community, it was impossible to urge the wholesale adoption of the philosophy embodied in a set of standards, as the IJA/ABA suggested.⁸ Indeed, the core of the IJA/ABA philosophy is more applicable to courts and probation than to police departments. Similarly, in dealing with only one agency in one community, it was not realistic to expect state agencies to become involved in the planning and implementation process, to aid in legislative or organizational changes, or to provide subsidies. Nor was it realistic to assume that the resistance of those working in the juvenile justice system could be overcome simply by persuasion based on the value of the standards. Instead, the project suggested (a) which of its recommendations, based on national standards, should be the priorities of the Stamford Police Department, and (b) strategies the

⁷ Gerald Caplan, in ABA/IACP Symposium on the ABA Standards Relating to the Urban Police Function, October, 1973, p. 21. See also Sheldon Krantz, et al. Police Policymaking, (Lexington, MA: Lexington Books, 1979).

⁸ For a general discussion of the problems of implementing national standards at the local level, see the concluding section of this chapter.

Department should adopt to facilitate implementing these recommendations.

Standards to be Considered Priorities

We recommend that the Stamford Police Department adopt the project's recommendations in the order in which they are listed in Table IV-I. Revitalizing the Department's Youth Bureau would have the greatest impact on the way the Department handles juveniles; we therefore urge that Recommendations A-1 to A-3, which pertain to the Youth Bureau, be acted on first. In particular, we consider training in juvenile procedures for new recruits and in-service training for current patrol officers to be a high priority. The implementation of other recommendations is contingent on upgrading the status of the Youth Bureau in the Department.

We recommend that the Department next focus its attention on three areas in which written guidelines for officers are desirable:

- 1) the handling of minor misconduct;
- 2) the handling of offenses on school grounds; and
- 3) the handling of status offenders.

After this, the Department should concentrate on re-writing its procedures manual.⁹ The absence of written procedures in the Stamford Police Department (and most other police departments, for that matter) is a major stumbling block in the implementation of standards. Because standards are written documents, the absence of such documentation in a police department increases the difficulties of (a) discovering current practices of the police department, and (b) recommending the changes necessary to bring a

⁹ The Stamford Police Department has indicated that this is one of its current priorities. Therefore, there is no need to assign this recommendation a higher priority here.

department into line with national standards. The possibility of increasing accountability among patrol officers is also reduced.

Finally, the Department should address the proposed changes in the record-keeping system and the recommendations pertaining to the processing of cases and the civil liability of its officers.

Strategies for Implementing Recommendations

For each policy recommendation we suggest a method of implementation and the resources required (see Table IV-2):

- Administrative order. A written directive, is to be issued by the chief executive, detailing the policy and instructions to commanding officers, who are to oversee its implementation.
- Internal Involvement. The active participation of Department personnel (e.g., research and training divisions, commanding officers, etc.) is necessary and desirable.
- Expenditure of funds. Additional funds will be necessary to effect the policy change.
- External involvement. Consulting outside agencies (schools, social service agencies, and juvenile justice agencies) and coordinating activities with these agencies is necessary.

In most cases it is recommended that some combination of these four means be utilized, although there are instances in which an administrative order alone can accomplish policy implementation. Conceivably, each policy could be "handed down" in this manner, but involvement of Department members is almost always desirable to effect change and induce compliance with a policy change.

In some instances those recommendations designated as of high priority entail more costs and require more effort than others designated as of lower priority. In making policy recommendations to the Stamford Police Department,

TABLE IV-1

RECOMMENDATIONS

Priority	Recommendations	
	Number	Description
1	A-1	Centralized Youth Bureau
2	A-2	Selection Procedures for Youth Bureau Officers
3	A-3, D-1	Training
4	B-5, C-1, C-2	Guidelines for Handling Minor Misconduct
5	D-2, D-3	School guidelines
6	B-6 to B-8	F.W.S.N.
7	B-2, C-7	Update SPD Manual
8	C-3 to C-5	Records
9	A-4, B-1, B-3, and B-4	Processing of Cases
10	C-6	Liability of Police Officers

we realize that the Department will be faced with financial constraints and organizational resistance to change. However, these conditions cannot be permitted to determine the Department's priorities. Rather, an appropriate strategy would be to divide the policies into short-term and long-term goals, and to select an appropriate means of implementing each. In calling the more costly recommendations long-term goals, we do not mean to imply that they are less significant. On the contrary, they may be precisely the recommendations that are most important in realizing the goals of the standards. However, their implementation is costly and project staff realize that they cannot be put into operation immediately.

Policies that can be implemented without large expenditures of funds should be seen as short-term goals. These policies can be implemented immediately or at the first available opportunity without lessening a commitment to the priority recommendations. For example, recommendations that suggest that patrol officers complete all relevant investigative information in their serial reports could be implemented merely by an administrative order, without cost, and would require little or no organizational change for compliance. Also, to simplify record-keeping or increase accountability, the format of some juvenile records could be changed when the Department next revises such forms.

About a third of the recommendations (17 of 51) could be implemented by administrative order (see Table IV-2). Eleven of the 17 concern administrative responsibilities and case processing. Three others concern Department organization and focus on the position of the Youth Bureau within the Department, the issue of manpower (i.e., the recruitment of female and Hispanic officers for the Youth Bureau), and the rotation of Youth Bureau

officers (A-1). The remaining three recommendations ask the Department to formalize through written administrative orders its current practices of 1) restricting access to records, 2) handling any improprieties related to the records, and 3) encouraging Youth Bureau officers to attend outside seminars.

The major expenditures the Department will incur are the costs of adding Youth Bureau officers and clerical personnel. Other expenditures will be the costs of developing a manual, in-service training for officers, modifying the Youth Bureau's record-keeping system, and sealing records.

Internal participation will be required in developing the procedures manual, writing other guidelines, and providing training.

Several policy recommendations require that the Stamford Police Department work with other public and private agencies. For example, legal counsel to clarify problems of liability must be provided by the City, while procedural questions might be answered by the Court Advocate at the Superior Court: Juvenile Matters. In writing guidelines on searching and interrogating students, the department will need to work with school officials. In these matters the Department is responsible for requesting the cooperation of the school system and following up on changes it deems important.

The Department should announce a time-table for implementing each policy goal. For example, if it adopts the recommendation to increase the number of Youth Bureau officers to eight, it should appoint the additional officers within a specified time. Yearly reports should note the status of each goal.

TABLE IV-2

METHODS OF IMPLEMENTATION

Recommendation (Chapter III)	Administrative Order	Internal Involvement	New Expenditure	External Involvement
A-1 Centralized Juvenile Unit				
a) case responsibilities	X			
b) organizational position	X			
c) ranking officer	X			X
d) increase manpower			X	
e) manpower composition	X			
f) manpower rotation	X			
g) clerical assistance			X	
A-1 Selection Procedures				
a) written criteria		X		
b) promotional exams		X		X
c) outside interview				X
A-3 Training				
a) recruit		X		X
b) In-service		X	X	X
c) attend outside seminars	X			
A-4 Transfer of Cases				
a) criteria for screening cases	X	X		
b) logging all cases	X			
c) joint case responsibilities	X			
B-1 Exercise of Authority				
a) accurate serial report	X			
B-2 Authority to Question/Detain				
a) manual with juvenile section		X	X	X
B-3 and B-4 Police Custody				
a) parental notification/release	X			
b) report time in custody	X			
c) record of holding room	X			
B-5 Police Response				
a) additional YB officer (nights)	X		X	X
b) training for family problems		X	X	X
c) serial screening	X	X		
d) guidelines for handling minor misconduct		X		X
e) referral caseload	X			
B-6 to B-8 Status Offense				
a) F.W.S.N. meeting		X		X
b) F.W.S.N. training		X		X
c) monitor statistics		X		
C-1 Police Diversion				
a) informal referral	X			X
b) recording diversion	X			
C-2 Court Referral				
a) criteria		X		
C-3 Retaining Records				
a) clerical responsibility	X		X	
b) separating serials	X		X	
c) soundex file	X			
d) detective reports	X			
e) sealing	X	X	X	
C-4 Access to records				
a) restricting access	X			
b) guidelines (access)	X	X		
(release)	X	X		
(expungement)	X	X		

TABLE IV-2 (CONT.)

METHODS OF IMPLEMENTATION

Recommendation (Chapter III)	Administrative Order	Internal Involvement	New Expenditure	External Involvement
C-5 Efficiency/Effectiveness				
a) establish criteria	X	X		
b) returned referrals	X		X	
c) blotter modification		X	X	
d) daily log	X			
C-6 Civil Liability				
a) municipal counsel				X
b) legal opinions	X			X
C-7 Structuring Discretion				
a) least restrictive alternative	X	X		
D-1 Youth Agencies				
a) advisory participation	X	X	X	X
b) training offer				X
D-2 to D-3 Schools				
a) contact Youth Bureau	X		X	X
b) police-student program		X		X
c) enforcing truancy	X			X
d) policy for search and interrogation	X			

Conclusions

The national standards for police handling of juveniles are useful guidelines for developing policies for local jurisdictions. Standards on juvenile officers and centralized juvenile units, training, and procedural matters are helpful starting-points, and a good basis for the more detailed and elaborate policies that are also needed. For example, the standards require the police and schools to draft written guidelines for the proper interrogation and/or search of student by a police officer or school official. We have devised such policies, based on the standards, and have recommended their adoption by the police and school departments in Stamford.¹⁰ In the area of record-keeping, we have translated relevant national standards into written policies designed to insure the confidentiality and accuracy of juvenile records in the Stamford Police Department.

In addition, the standards suggest five areas in which departments can be establish incentives to encourage officers to support the thrust of the standards (IJA/ABA, Stnd. 5.1):

- A. appropriate status and recognition for the juvenile unit and juvenile officers, given the importance of their task;
- B. formulation of policy guidelines in the juvenile area that assist officers in handling both criminal and noncriminal juvenile problems;
- C. provision of creative recruit, in-service, and promotional training that explores both juvenile policy guidelines and the philosophy behind them;
- D. establishment of criteria for measuring effectiveness in handling juvenile problems that are consistent with departmental policy guidelines and with these standards; and
- E. use in promotional examinations of material relating to the role of police in handling juvenile problems.

¹⁰ See Recommendation D-2.

In general, we have incorporated these incentives in the policy recommendations where they seemed appropriate. However, these incentives are inadequate in some respects. For example, the standards do not encourage police departments to provide additional monetary compensation in recognition of the importance of juvenile work. Also, while we agree that juvenile-related materials should be included on promotional exams, the standards do not suggest that police departments consider specialized work with juveniles as necessary for the career track of command officers.

Other questions remain as to the relevance of many of the standards to police operations. We have found, in applying these standards to the Stamford and Boston Police Departments, that a number of unanswered questions and issues have arisen.¹¹

-- The standards for the police handling of juveniles do not encompass the whole spectrum of juvenile problems; standards for the police must be taken in conjunction with related standards for other criminal justice agencies.¹²

-- No priorities are assigned to the various standards. Is record-keeping more important than a centralized youth bureau? Is training juvenile officers more important than increasing the number of juvenile officer? Even though priorities must be set at the local level, as was the case here, the standards

¹¹ See Center for Criminal Justice, Police Handling of Juveniles: Final Report Submitted to the Boston Police Department, December 1980.

¹² In this respect, the IJA/ABA position on the need to consider all its standards in their entirety is correct.

fail to set priorities that might serve as a national strategy for improving police services and police performance.

- The priorities of the standards often conflict with the priorities of police agencies that might consider adopting these standards. For example, the standards express a preference for administrative rulemaking, for the use of the least restrictive alternative, and for centralized units to handle juvenile problems, without providing any arguments to support these preferences. More important, the standards assume that police departments assign or can assign the highest priority to juvenile matters. It is difficult to expect departments to upgrade juvenile units or to concentrate resources on the handling of juveniles when, as we have found in Boston, the police respond to problems not in terms of the age of the offender (adult or juvenile) but in terms of the seriousness of the offense.
- Police officers believe that the standards assume that at present there are no policies or standards for their handling of juveniles, or that what policies or standards exist are deficient. On the one hand, the absence of written procedures in police departments encourages this perception by the outside groups that have developed the national standards. On the other hand, the standards, by overlooking a very basic problem create the illusion that police departments have attained a certain level of progress.

- Contrary to the general preference of the standards, some decisions should not be based on formally enunciated guidelines. For example, in small police departments it may not be desirable to articulate criteria for selecting youth officers.
- The implementation of some standards is contingent on the implementation of others. Centralized record-keeping, for example, may be dependent on the creation of centralized juvenile unit in a police department. The standards must grapple with implicit basic organizational questions if they are to become more practical guides to action.
- Some standards do not lend themselves to implementation because the changes they propose cannot well be monitored. For example, a policy stating that considerations of race or sex should not influence a police officer's decisions is an appropriate statement policy, but assuring compliance with such a policy is difficult or impossible.¹³
- Some standards do not lend themselves to implementation because they contain unrealistic assumptions about police practices.

¹³ Herman Goldstein co-author of the ABA Standards on the Urban Police Function, stressed that not all standards are meant to be implemented: "...a number of the standards are intended to do no more than encourage a more accurate understanding of the police function...They are intended to set things straight. They are addressed to the public and to members of the bar in particular." Yet all standards are accorded the same status within their respective volumes. Distinctions such as Goldstein makes lessen the impact of those standards actually intended to be implemented and create the impression of progress where none has been made. See ABA/IACP Symposium on the ABA Standards Relating to the Urban Police Function, October 1973.

For example, some statements in the standards are predicated on patrol officers' being subordinate to juvenile officers; such a relationship, if it exists at all, is extremely rare. Police officers, like other professionals, respect one another's autonomy: a juvenile officer's decision to follow up a case is considered "his business" and patrol officers will not interfere with that decision. Similarly, juvenile officers do not offer advice to patrol officers unless explicitly asked to do so. Attempts to formalize procedures that limit essential aspects of officers' autonomy will fail.

- Implementing the standards is contingent on the stability of personnel inside and outside a police department. We found that the high turnover of personnel in the juvenile justice system, perhaps because of its dependence on public monies, endangers continuity of practice and thus reduces the chances of implementing standards.
- The success of the use of sanctions and incentives to increase accountability is dependent not only on administrators' conveying the importance of juvenile work to all members of the department and community; it also depends on two other factors: (a) citizens must know police rules and regulations and, when juveniles are involved, those aspects of the law pertaining to juvenile procedures; and (b) citizens and police officers must be willing to report police violations. Accountability can never be a function solely of internal police practices no

matter how well-intentioned or capable the police administrator.

- Those who support national standards must realize that the standards mean little to the average citizen. Citizens are primarily interested in the effectiveness of services the police provide for them; unless they grasp the nature of police work, citizens cannot place the standards in perspective. Even practitioners in the juvenile justice system find the standards difficult to follow in everyday practice. Competing sets of standards contribute to this problem. In general, those who work in public agencies find standards threatening; they believe, with some justification, that no agency or department can, seen in isolation from other agencies or departments, measure up to national standards. Selecting one department or agency for review increases its awareness of its deficiencies and makes it more reluctant to participate in a program designed to bring it in line with national standards.

These are issues that need to be considered and addressed by those who have invested so much time and expense in developing standards.

APPENDIX A
SELECTION OF PRIORITY PROBLEMS

Introduction

This appendix contains an abbreviated version of the paper presented to the Police and Citizen Task Forces in June 1979. The purpose of the paper was to identify with factual information the juvenile-related problems that were to be the object of more intensive study and for which policies were to be developed. We collected and analyzed data as quickly as we could from reports filed by patrol officers, reports filed by Youth Bureau officers, and from Department reports submitted monthly to the Federal Bureau of Investigation. In addition, we analyzed responses to questionnaires completed by officers in the Stamford Police Department and students in two Stamford middle schools. The tables at the end of the appendix contain the results of this exploratory research.¹

Data Sources

Before presenting results and explaining how we arrived at recommendations for the selection of priority problems, we will explain briefly how the numbers in the official reports were generated. The following are the

¹ Table A-1 lists all data sources and the dates of the information. All tables referred to in this appendix appear at the end of it.

written reports examined at the Stamford Police Department.

a) Officers' Serial Reports. These were used when an officer investigated a complaint but did not make an arrest. That is, the officer investigated, determined what action was necessary, and wrote up the incident, describing the investigation. If the incident proved to be minor or there was no apparent problem upon the officer's arrival, the incident was written in the department "blotter" (a ledger of all calls for service), and no serial report was written.

If an incident required further investigation, the officer referred the serial report to either the Detective Bureau or the Youth Bureau, depending on the age of the suspect(s). (The officer checked a box at the bottom of the serial report to indicate the referral.) Any person under 16 is by Connecticut law a "juvenile" and is referred to the Youth Bureau, while any person over 16 is referred to the Detective Bureau.

b) Youth Bureau Reports. Youth Bureau officers prepared reports similar to serial reports when they responded to calls for service or followed up reports received from patrol officers or detectives.

There were several ways that an incident involving a juvenile came to the attention of the Youth Bureau:

- an officer's serial report;
- a detective report (i.e., the suspect was found to be under 16);
- directly from the dispatcher at the time the incident was reported or from a patrol officer who requested an officer from the Youth Bureau since juveniles were involved;
- direct calls for service to the Youth Bureau either by phone or in person at the Youth Bureau;
- direct observation of an incident (on-view) by an officer assigned to the Youth Bureau.

c) Arrest Reports. If upon investigation there was an arrest, the patrol officer filled out an arrest report rather than a serial report. Each month, the Department forwarded to the FBI monthly arrest totals by offense and by the age, sex, and race of the persons arrested. This monthly report included the official disposition of cases if this information was known to the police.

Police officers did not fill out arrest reports for juvenile offenders although arrest statistics for juveniles were reported to the FBI. The procedure for juveniles is the referral process: a police officer (in Stamford usually a Youth Bureau Officer) petitions the Superior Court: Juvenile Matters to require a juvenile to answer to the offenses allegedly committed. "Arrest statistics" reported for juveniles were actually referrals to the Superior Court: Juvenile Matters.

d) FBI Reports. The Federal Bureau of Investigation divides offenses into two groups: Part I offenses and Part II offenses. Generally, Part I offenses are felonies and are considered more serious than Part II offenses, which are misdemeanors. For arrest statistics, this distinction and these FBI crime categories were retained:

<u>PART I</u>	<u>PART II</u>
Criminal Homicide	Other Assaults (simple)
Forcible Rape	Arson
Robbery	Forgery and Counterfeiting
Aggravated Assault	Fraud
Burglary	Embezzlement
Larceny-Theft	Stolen Property
Motor Vehicle Theft	Vandalism
	Weapons
	Prostitution and Commercialized Vice
	Sex Offenses
	Drug Abuse Violations

PART I

PART II

Gambling
Offenses Against the Family
Driving under the Influence
Liquor Laws
Drunkenness
Disorderly Conduct
Vagrancy
All Other Offenses (except traffic)
Suspicion
Curfew and Loitering Laws
Runaway ("status" offense)

For serial and Youth Bureau reports, coding sheets were devised to record the type of offenses to which patrol and Youth Bureau officers respond and the frequency of each. A staff member read through each report and tabulated the type of offense, the age, sex, and race of the suspect (if reported), the time and place of the incident, and the outcome (disposition) of the police contact.

The categories derived from serial reports were slightly different from those that appeared in the FBI arrest reports. In many instances, we accepted the language of the narrative in an officer's report rather than fit the description of the event into an official category. For example, shoplifting, which the FBI categorized as larceny/theft, is reported here separately from larceny-theft.

Findings

Data from the FBI arrest statistics, patrol officers' serial reports, and Youth Bureau reports were analyzed in this preliminary identification of priority problems. Two periods were selected for analysis of Police Department data: May 1978, a spring/summer month, and December 1978 to March 1979, a period representative of the winter months. The differences between

the two periods were slight, reflecting a decrease in the volume of reported offenses during the winter but not a difference in the kinds of offenses reported.

a) FBI Arrest Statistics. Each month the Department reported to the FBI the number of arrests for categories of offenses and for certain age groups. As noted above, all juvenile arrests reported to the FBI were referrals to the Superior Court: Juvenile Matters. This does not invalidate comparison of juvenile and adult arrest statistics, so long as one keeps the distinction in mind.

In May 1978, juvenile arrests accounted for 20 percent of all arrests in Stamford. Juveniles were arrested for Part I offenses (30) more than Part II offenses (12). There was a similar pattern for youths aged 16 and 17. However, more adults (18 years of age or older) were arrested for Part II (75) than for Part I (54) offenses. (See Table A-2.) In December 1978, juvenile arrests accounted for 16 percent of all arrests in Stamford (see Table A-3). However, in contrast to May 1978, nearly as many juveniles were arrested for Part I offenses (16) as Part II offenses (17). Again, a similar pattern obtained for those between the ages of 16 and 18 (12 Part I and 12 Part II arrests). For adults, the pattern was identical to that for May.

In May, juvenile arrests for larceny/theft and robbery constituted a large percentage of Part I total offenses. Vandalism (50.0 percent) and disorderly conduct (42.0 percent) accounted for most of the Part II offenses. (See Table A-2.) In December, juvenile arrests for larceny/theft (75.0 percent), burglary (18.8 percent) and aggravated assault (6.2 percent) accounted for all Part I offenses. Disorderly conduct (41.1 percent), drug

violations (11.8 percent), and stolen property (11.8 percent) accounted for the majority of Part II offenses (see Table A-3).

In both months, more juveniles were arrested for larceny/theft than for any other Part I offense or for all other Part I and Part II offenses combined. Disorderly conduct constituted a large percentage of juvenile arrests for Part II offenses in both months. Although more juveniles were arrested for vandalism than any other Part II offense in May, there were no arrests of juveniles for vandalism in December.

Arrest reports provided limited information about the frequency of a patrol officer's encountering an offense in the community. To supplement the analysis of juvenile problems, patrol officers' serial reports for May 1978 and for December 1978 to March 1979 were reexamined.

b) Serial Reports and Youth Bureau Reports. Patrol officers' reports are indicators of how many times officers encounter a particular problem on patrol. A staff member read all serial reports written during May 1978, and during December 1978 to March 1979, and separated the juvenile-related reports.² Table A-4 shows that the monthly average was 14.2 percent of all serials for juvenile-related problems. In May 1978 the percentage was particularly high; from December 1978 to March 1979 there was a slight increase each month.

Table A-5 reports the types of juvenile problems that patrol officers responded to during December 1978 to March 1979.³

² A report was classified as juvenile-related if a juvenile was involved as either a victim, a witness, or a suspect.

³ The rank order of problems in youth-related serial reports was similar for both periods examined. Therefore, the data presented here are based only on the later period.

disorderly youths. In some cases, as noted in the reports, these were young people "hanging out" and making noise, playing football in the street, or committing other such breaches of the peace, prompting citizens to call the police. Vandalism was a problem patrol officers encountered frequently in May and December. During the entire period there was a large number of serials involving throwing of rocks and other objects, usually snowballs, often at the windows of buses or buildings. This "winter sport" often resulted in vandalism.

Of the more serious offenses, thefts (not including shoplifting) and assaults were the problems most frequently handled by patrol officers. Shoplifting, as a type of larceny/theft, also occurred frequently.

Most of the problems patrol officers encountered did not result in continued police involvement; that is, they neither required nor warranted a follow-up investigation by the Youth Bureau. Whether a juvenile-related serial was referred to the Youth Bureau for investigation is an indicator of continued police involvement with the problem. On the average, for the four months examined, only 17.7 percent of all juvenile-related serials were referred to the Youth Bureau, no further action was taken on 75.7 percent, and 2.3 percent were referred to the Detective Bureau.

Tables A-6 ranks the problems most often referred by patrol officers to the Youth Bureau. The five most often referred problems were the same for both periods studied, although the order among them changed: (1) vandalism, (2) disorderly youths, (3) theft, (4) assault, and (5) shoplifting.

An analysis of Youth Bureau reports indicates that the selected priority problems constituted 78 percent of the Bureau's total caseload and 81

percent of all its referrals to the Superior Court: Juvenile Matters.⁴ These problems appeared consistently in these data, and this warranted attention.

c) Police Questionnaire. Thirty-six police officers voluntarily completed a questionnaire that asked them to rate how serious they believed each of 22 juvenile-related problems to be in Stamford and how much trouble each problem gave them when they encountered it on patrol. Officers were asked to rate the problem on a scale of 0 to 5 for both seriousness and troublesomeness; serious or troublesome was not defined. The ratings given by the officers for each problem were averaged. (A copy of the questionnaire appears at the end of this appendix.)

The questionnaire was based on the FBI's official crime categories; that is, most of the problems were violations of the criminal law even though police officers spend more time on non-criminal related matters (i.e., non-crime calls for service). The questionnaire administered to students also incorporated these official crime categories, but in terms the students could understand.

Table A-7 lists the 22 problems by perceived seriousness and troublesomeness. The analysis of this questionnaire suggested that the following juvenile problems warranted particular attention:

- vandalism;
- drug use; and
- family problems with stubborn children.

It is noteworthy that the two lists do not correspond perfectly; some

⁴ A detailed analysis of these data appears in Appendix B, Formal Police Contact with Juveniles.

problems reported to be very "serious" were not reported to be very "troublesome" (e.g., muggings/purse snatches, disrespectful attitudes toward the police). On the other hand, some problems rated low on seriousness were rated higher on troublesomeness (e.g., family problems with stubborn children). It should also be noted that the average seriousness scores were higher than the average troublesomeness scores, for each problem. Officers saw most problems as more serious for Stamford than troublesome for themselves. Finally, note that problems appear on these lists that did not appear on the list derived from Department statistics:

- (1) using and selling drugs;
- (2) disrespect towards the police; and
- (3) truancy.

Officers were also asked to indicate why they found a problem troublesome. The categories on page 2 of the questionnaire were not exhaustive of all the reasons an officer might consider a problem troublesome, but they served as a starting point for further study. Table A-8 shows the number of times an officer checked any troublesome category for all 22 problems added together. Overall, Stamford officers selected "difficulty in apprehending a suspect" more frequently than any of the other "troublesome" categories listed.

Table A-9 reports the 12 most troublesome problems, with the number of times each category of trouble was checked. In most cases, officers defined problems as troublesome because they could not apprehend the perpetrators; but the exceptions to this suggested areas in which policies might be useful (e.g., repeat offenders, family disputes involving juveniles, and truancy).

d) Student Questionnaire. A questionnaire was developed and administered to students in two Stamford middle schools. It consisted of three types of questions:

- (1) Knowledge questions (students' knowledge about the Stamford Police Department, juvenile court, legal rights, and law violations);
- (2) Students' evaluation of the seriousness of selected offenses (corresponding to the list in the police questionnaire); and
- (3) Students' anonymous self-reporting of offenses in which they or their friends had recently engaged.

Responses to the second type of question suggested that students perceived most juvenile problems in a moralistic way and did not distinguish between the seriousness of offenses in general and the seriousness of offenses actually committed by Stamford juveniles. A comparison of student and police perception of the seriousness of offenses indicated that both groups agreed that vandalism and drug use were very serious juvenile problems. However, students did not consider truancy and incorrigibility at all serious, while the police considered them most serious.

TABLE A-1

DATA SOURCES: STAMFORD, 1979

Serial Reports	May 1978 December 1978 January 1979 February 1979 March 1979
Monthly Arrest Reports Submitted to the FBI	May 1978 December 1978
Youth Bureau Reports	May 1978 December 1978 January 1979 February 1979 March 1979
Police Questionnaire	April 1979
Student Questionnaire	May 1979

Table A-2

ARRESTS FOR PART I AND PART II OFFENSES BY AGE: STAMFORD, CONN., MAY 1978

Offense	Age					
	≤ 15		16 - 17		≥ 18	
	Number	Percent	Number	Percent	Number	Percent
Criminal Homicide	0	0.0	0	0.0	1	1.9
Forcible Rape	0	0.0	0	0.0	0	0.0
Robbery	9	30.0	6	20.7	9	16.7
Aggravated Assault	3	10.0	0	0.0	3	5.6
Burgulary	0	0.0	15	51.7	12	22.2
Larceny/Theft	16	53.0	8	27.6	24	44.4
M.V. Theft	2	7.0	0	0.0	5	9.2
Total PART I	30	100.0	29	100.0	54	100.0
Other Assaults	0	0.0	2	16.7	8	10.7
Arson	0	0.0	0	0.0	0	0.0
Forgery & Counterfeiting	0	0.0	1	8.3	6	8.0
Fraud	0	0.0	0	0.0	11	14.7
Embezzlement	0	0.0	0	0.0	0	0.0
Stolen Property	0	0.0	0	0.0	4	5.3
Vandalism	6	50.0	0	0.0	0	0.0
Weapons	0	0.0	0	0.0	4	5.3
Prostitution	0	0.0	0	0.0	2	2.7
Sex Offenses	0	0.0	0	0.0	0	0.0
Drug Abuse/Violations	0	0.0	2	16.7	3	4.0
Gambling	0	0.0	0	0.0	0	0.0
Offenses Against	0	0.0	0	0.0	0	0.0
Driving under Infl.	0	0.0	0	0.0	7	9.3
Liquor Laws	0	0.0	0	0.0	0	0.0
Drunkenness	0	0.0	0	0.0	0	0.0
Disorderly	5	42.0	3	25.0	24	32.0
Vagrancy	0	0.0	0	0.0	0	0.0
All other	0	0.0	4	33.3	6	8.0
Suspicion	0	0.0	0	0.0	0	0.0
Curfew & Loitering	0	0.0	0	0.0	0	0.0
Runaway	1	8.0	0	0.0	0	0.0
Total PART II	12	100.0	12	100.0	75	100.0

Source: Stamford Police Department.

Table A-3

ARRESTS FOR PART I AND PART II OFFENSES BY AGE: STAMFORD, CONN., DECEMBER 1978

Offense	Age					
	≤ 15		16 - 17		≥ 18	
	Number	Percent	Number	Percent	Number	Percent
Criminal Homicide	0	0.0	0	0.0	0	0.0
Forcible Rape	0	0.0	0	0.0	1	1.6
Robbery	0	0.0	6	50.0	3	4.8
Aggravated Assault	1	6.2	1	8.3	4	6.3
Burgulary	3	18.8	1	8.3	11	17.5
Larceny/Theft	12	75.0	2	16.7	40	64.5
M.V. Theft	0	0.0	2	16.7	4	6.3
Total PART I	16	100.0	12	100.0	63	100.0
Other Assaults	1	5.9	2	16.7	13	14.7
Arson	0	0.0	1	8.3	0	0.0
Forgery & Counterfeiting	0	0.0	0	0.0	3	3.4
Fraud	0	0.0	0	0.0	8	9.1
Embezzlement	0	0.0	0	0.0	0	0.0
Stolen Property	2	11.8	0	0.0	0	0.0
Vandalism	0	0.0	0	0.0	0	0.0
Weapons	0	0.0	0	0.0	2	2.3
Prostitution	0	0.0	0	0.0	0	0.0
Sex Offenses	0	0.0	0	0.0	0	0.0
Drug Abuse/Violations	2	11.8	5	41.7	10	11.4
Gambling	0	0.0	0	0.0	0	0.0
Offenses Against	0	0.0	0	0.0	1	1.0
Driving under Infl.	0	0.0	0	0.0	10	11.4
Liquor Laws	0	0.0	2	16.7	3	3.4
Drunkenness	0	0.0	0	0.0	0	0.0
Disorderly	7	41.1	1	8.3	36	40.9
Vagrancy	0	0.0	0	0.0	0	0.0
All other	4	23.5	1	8.3	2	2.3
Suspicion	*	*	*	*	*	*
Curfew & Loitering	0	0.0	0	0.0	0	0.0
Runaway	1	5.9	0	0.0	0	0.0
Total PART II	17	100.0	12	100.0	88	100.0

Source: Stamford Police Department.

TABLE A-4

POLICE OFFICERS' SERIALS MENTIONING JUVENILES: 1978-1979

Month	Total Number of Serials	Juvenile-Related Serials	
		Number	Percent of Total
May 1978	1284	231	18.0
December 1978	1994	213	10.7
January 1979	1666	208	12.5
February 1979	1537	228	14.8
March 1979	1906	309	16.2
Total	8387	1189	14.2

Source: Stamford Police Department.

TABLE A-5

RANK ORDER OF PROBLEMS BASED ON POLICE OFFICERS' REPORTS*

Problem	Serials	
	Number	Percent
Vandalism	25	14.7
Disorderly Youths	17	10.0
Theft	16	9.4
Assault	13	7.7
Shoplifting	12	7.1
Incorrigible	11	6.5
Trespassing	8	4.7
Throwing Rocks/Objects	8	4.7
Runaway	7	4.1
Other	53	31.2
Total	170	100.0

* Includes only serial reports referred to Youth Bureau, May, 1978, December 1979 to March, 1979.

Source: Stamford Police Department.

TABLE A-6

POLICE OFFICERS' ORDERING OF JUVENILE-RELATED PROBLEMS
BY SERIOUSNESS AND TROUBLESOMENESS: STAMFORD, 1979

Problem	Seriousness		Troublesomeness	
	Rank	Mean Score	Rank	Mean Score
Vandalism	1	4.75	1	3.64
Larcenies	2	3.67	4	2.31
Using drugs	3	3.44	2	2.86
Muggings/purse snatchings	4	3.28	7.5(t)	2.19
Disrespect toward police	5.5(t)	3.23	11.5(t)	2.06
Truancy	5.5(t)	3.23	7.5(t)	2.19
Family problems with stubborn children	7	2.94	3	2.56
Selling drugs	8	2.92	6	2.22
Street gangs	9	2.89	10	2.08
Stripping autos	10	2.86	5	2.25
Stealing autos or joyriding	11	2.61	11.5(t)	2.06
Public intoxication	12	2.53	15	1.64
Abuse and neglect of children	13	2.47	9	2.10
Harassment of elderly	14.5(t)	2.39	18	1.35
Fights	14.5(t)	2.39	17	1.50
Runaways	16	2.36	13	1.92
Robberies	17	1.94	14	1.72
Assaults	18	1.77	16	1.61
Firearms	19	1.42	19	1.17
Rape	20	1.17	20	0.86
Gambling	21	0.81	22	0.36
Prostitution	22	0.78	21	0.81

Source: Police Officer Questionnaire, 1979.

TABLE A-7

NUMBER OF RESPONSES TO QUESTION ON TROUBLESOMENESS

Difficult to apprehend juveniles	290	21.0
Parents uncooperative	228	16.5
Dealing with same kids	177	12.8
Community too tolerant	175	12.7
Reluctant victims/witnesses	164	11.9
Too much paperwork	129	9.4
No written policies	77	5.6
Personally distressing	59	4.3
When to intervene	44	3.2
Not trained	36	2.6
Total	1,379	100.0

Note: Based on Responses to 36 Questionnaires.

Source: Police Officer Questionnaire, 1979.

TABLE A-8

MOST TROUBLESOME PROBLEMS BY REPORTED REASON FOR TROUBLESOMENESS: STAMFORD, 1979

Problems	Difficult to Apprehend	Parents Uncooperative	Community too Tolerant	Same kids	Reluctant Victims/Witnesses	Too much paperwork	No Written Policies	Personally Distressing	When to Intervene	Not Trained
Vandalism	29	13	8	10	12	7	3	2	2	1
Using Drugs	20	17	18	11	8	7	3	7	4	3
Family Problems	5	10	3	7	2	7	6	3	6	7
Larcenies	16	15	10	10	8	8	5	3	2	0
Stripping Autos	23	8	5	6	6	4	1	0	3	1
Selling Drugs	22	12	12	9	11	7	4	2	2	2
Muggings	24	9	8	10	9	7	3	6	1	1
Truancy	7	17	11	15	10	7	9	3	6	2
Child Abuse	3	11	8	1	8	6	2	5	2	1
Street Gangs	7	13	9	15	9	8	2	3	1	0
Disrespect	4	18	11	9	10	4	6	2	2	1
Stealing Autos	21	11	10	8	6	8	4	5	0	1

Note: Based on Responses to 36 Questionnaires.

Source: Police Officer Questionnaire, 1979.

POLICE QUESTIONNAIRE

Instructions

Below are listed some juvenile problems that are often encountered by police and other members of the Stamford community. Please rate how serious you feel the problem is, and how much trouble the problem gives you. When you think about the seriousness of each problem, we want to know your own opinion, not what the law says or how you think the courts might act.

Beside each juvenile problem is a blank space. To complete the questionnaire, put a number from 0 to 5 indicating your answer to the question above the column of blanks. In all cases, a 0 indicates no trouble or least serious, 3 indicates moderate trouble or seriousness and a 5 indicates most trouble or most serious. Every blank should have a number in it.

How serious do you believe each of the following juvenile problems is in Stamford?

In general, considering all your activities as a police officer, how much trouble do you have when dealing with each of these juvenile problems?

(0 = least serious
5 = most serious

(0 = no trouble at all
5 = most trouble

- 1. Robberies - armed or unarmed _____
- 2. Assaults with dangerous weapons _____
- 3. Fights involving gangs or individuals _____
- 4. Rape _____
- 5. Prostitution _____
- 6. Stripping automobiles _____
- 7. Vandalism of public and private property _____
- 8. Public intoxication _____
- 9. Family problems with stubborn children _____
- 10. Runaway children _____
- 11. Juveniles truant from school _____
- 12. Disrespectful attitudes toward police _____
- 13. Using drugs _____
- 14. Gambling offenses _____
- 15. Abuse and neglect of children _____
- 16. Harassment of elderly _____
- 17. Larcenies, thefts and shoplifting _____
- 18. Street gangs on corners or in hallways _____
- 19. Muggings/ purse snatchings _____
- 20. Stealing automobiles or joyriding _____
- 21. Selling drugs _____
- 22. Carrying or possessing firearms _____
- If there are other problems please indicate here
- 23. _____
- 24. _____

POLICE QUESTIONNAIRE

On the first page you indicated which juvenile problems gave you trouble. Here we would like you to indicate why or in what way each problem is troublesome. Beside each problem indicate with a check mark (✓) all those statements that apply to the problem. Check as many statements as you feel pertain to the problem.

	<i>Difficult to apprehend juveniles</i>	<i>Too much paper work</i>	<i>I don't know if or when I should intervene</i>	<i>Dealing with the same kids all the time</i>	<i>Not a police problem but residents expect the police to respond anyway</i>	<i>Dealing with this problem is personally distressing</i>	<i>I'm not trained to deal with this problem</i>	<i>No written police policies on this matter</i>	<i>Parents of juveniles are uncooperative</i>	
1. Robberies - armed or unarmed	___	___	___	___	___	___	___	___	1.	
2. Assaults with dangerous weapons	___	___	___	___	___	___	___	___	2.	
3. Fights involving gangs or individuals	___	___	___	___	___	___	___	___	3.	
4. Rape	___	___	___	___	___	___	___	___	4.	
5. Prostitution	___	___	___	___	___	___	___	___	5.	
6. Scripping automobiles	___	___	___	___	___	___	___	___	6.	
7. Vandalism of public and private property	___	___	___	___	___	___	___	___	7.	
8. Public intoxication	___	___	___	___	___	___	___	___	8.	
9. Family problems with stubborn children	___	___	___	___	___	___	___	___	9.	
10. Runaway children	___	___	___	___	___	___	___	___	10.	
11. Juveniles truant from school	___	___	___	___	___	___	___	___	11.	
12. Disrespectful attitudes toward police	___	___	___	___	___	___	___	___	12.	
13. Using drugs	___	___	___	___	___	___	___	___	13.	
14. Gambling offenses	___	___	___	___	___	___	___	___	14.	
15. Abuse and neglect of children	___	___	___	___	___	___	___	___	15.	
16. Harassment of elderly	___	___	___	___	___	___	___	___	16.	
17. Larcenies, thefts & shoplifting	___	___	___	___	___	___	___	___	17.	
18. Street gangs on corners or in hallways	___	___	___	___	___	___	___	___	18.	
19. Muggings/ purse snatchings	___	___	___	___	___	___	___	___	19.	
20. Stealing automobiles or joyriding	___	___	___	___	___	___	___	___	20.	
21. Selling drugs	___	___	___	___	___	___	___	___	21.	
22. Carrying or possessing firearms	___	___	___	___	___	___	___	___	22.	
23. If there are other problems, indicate here	___	___	___	___	___	___	___	___	23.	
24.	___	___	___	___	___	___	___	___	24.	

APPENDIX B
FORMAL POLICE CONTACT WITH JUVENILES

Introduction

This appendix reports an analysis of Stamford patrol officers serial reports and Youth Bureau reports that contain information about juveniles. The purposes of this analysis were

- (1) to describe the nature of formal contacts between Stamford police officers and Stamford juveniles; and
- (2) to study some organizational links among patrol, detective, and Youth Bureau officers as revealed by the distribution of these reports.

Description of Data

Two data sets were analyzed: 1255 serial reports filed by patrol officers of the Stamford Police Department and 313 Youth Bureau reports for the periods May 1978 and December 1978 to March 1979. The data for the two periods were combined but serial reports were analyzed separately from Youth Bureau reports. The following variables were coded from the reports:

- (a) type of report (serial or Youth Bureau);
- (b) source initiating the call for service or follow-up investigation;
- (c) age, sex, and race of the first three persons involved in the incident;

- (d) description of the incident;
- (e) reported police action (disposition); and
- (f) current status of the report.

The specific definitions for each of these variables are found in the tables that accompany this text.¹

Missing Data

In most instances data were analyzed by type of priority problem.² However, data were missing for some variables, so that in many cases the number of cases for the variable did not add up to the total number of serials or Youth Bureau reports. This was especially true with the variables of age, sex, and race, because officers had not recorded the information. To compensate for this, we aggregated across all six priority problems, counting responses to the six problems as if the police were responding to only one kind of problem.

Age

While most Youth Bureau reports described incidents involving persons who are juveniles (aged 11-16), patrol officers reported encountering an older group of suspects: youths aged 16-18.³ (See Table B-1.) The

¹ All tables referred to in this appendix appear at the end of it and begin with the prefix B.

² See Appendix A: Selection of Priority Problems.

³ Patrol officers frequently describe in writing the person or persons contacted as "Youths." Such written descriptions, plus those reports in which an actual age of 16-18 is given constitute the basis for this tabulation. Without more exact information it may be argued that the number of youths (vs. juveniles) was exaggerated.

proportion of older youths was especially marked for vandalism and disorderly conduct episodes. Youth Bureau officers, who encountered or contacted mostly juveniles, reported a small number of disorderly conduct and vandalism cases.

Sex

Patrol officers reported that 78 percent of the (first) persons involved in all priority problems were male, and 22 percent female; the Youth Bureau records showed the same percentages for this variable (see Table B-2). In general, this pattern held for four priority problems; incorrigible youth and vandalism were exceptions (see Table B-3). While patrol officers reported that most (63 percent) of the incorrigible youths they encountered were male, the Youth Bureau reports indicated the opposite: six of eight were female. In the case of vandalism the overwhelming majority of persons involved were reported to be male. However, one must keep in mind that in many reports the sex of the juvenile was not recorded.

Race

Of the (first) persons police reported they contacted 65 percent were white and 35 percent non-white (including Hispanics). (See Table B-4.) Caution must be exercised in interpreting these data, as many serials contained no information on the race of the persons involved. Youth Bureau officers reported dealing with a slightly higher proportion of non-whites.

Types of Incidents

The 1568 reports mentioned 553 different kinds of incidents involving

juveniles. We listed as many individual incidents as we could under one of the six priority problems (assault, disorderly conduct, drugs, incorrigible youths, larceny/theft, and vandalism). The classification criterion was a legal one: the charge that could be lodged against a person involved in the incident based on the officer's description of the incident in the serial or Youth Bureau report. Table B-5 shows that 105 different kinds of episodes are listed under the six priority problems.

Total Number of Incidents and Frequency of Occurrence

Fourteen percent of all patrol officers' serial reports involved a juvenile-related offense (1208 of 8387). More than half of these serial reports (51.9 percent) mentioned disorderly conduct episodes. Over half (58.2 percent) of the Youth Bureau reports mentioned larceny/theft events. With more larceny/theft incidents mentioned in Youth Bureau reports than in serial reports, it is safe to assume that for this problem the Youth Bureau generated its own caseload in addition to cases referred to it by patrol officers. Conversely, the Youth Bureau reported handling proportionately far fewer disorderly conduct episodes than did patrol officers.

The disorderly conduct and vandalism categories were comprised of more different kinds of incidents (37.1 percent and 27.6 percent, respectively of all incidents that described the six priority problems) than any of the other problems. (See Table B-5 and Tables B-6 to B-11.) According to officers' descriptions in the serial reports and our definitions, many different kinds of events qualified for the labels disorderly conduct and vandalism. By their own description, officers were confronted not with a few problems occurring repeatedly, but with many different kinds

of problems occurring less frequently. Shoplifting episodes comprised most (74.6 percent) of the Youth Bureau's 142 reports of larceny/theft (see Table B-10).

Time

A majority of all priority-problem events were reported to patrol officers during the evening shift (3-11PM). However, many vandalism episodes (34.2 percent) were reported during the day (see Table B-12).

Persons Encountered

Persons patrol officers encountered were likely to be described in official reports as suspects rather than victims or witnesses. Assaults were an exception to this finding: about 60 percent of the (first) persons encountered were victims of assaults (see Table B-14). It is interesting to note that patrol officers almost never reported contacting someone they described as a witness. For example, only 1.8 percent of (first) persons in disorderly conduct episodes (7 of 381) and 1.4 percent of the (first) persons in vandalism episodes (2 of 143) were described in serial reports as witnesses. Similarly, Youth Bureau officers reported that they dealt almost exclusively with suspects.

Number of Persons Involved

In almost half the serial reports for disorderly conduct and vandalism incidents, more than three persons were involved. The other problems usually involved fewer than three persons (see Table B-15).

Police Action and Status of Reports

With the exception of vandalism, patrol officers reported encountering juveniles at the scene at least half the time (see Table B-16). In almost 75 percent of the vandalism episodes, officers reported having no contact with juveniles. Twenty-eight percent of serials in which officers reported contact with juveniles were referred to the Youth Bureau for follow-up (96 of 342).

The most frequently reported patrol officer action on serial reports for all priority problems except the small number of reported drug offenses was "no further action required or necessary" (see Table B-17). However, for each priority problem patrol officers referred sizable numbers of reports to the Youth Bureau: overall, about 20 percent of all juvenile-related serials from each category were passed on to the Youth Bureau (see Table B-18). In about 14 percent of these reports forwarded to the Youth Bureau, patrol officers reported that no action was required or taken. About half of the reports stating that a juvenile was taken home were sent to the Youth Bureau (see Table B-19). Police contact with suspects at the patrol level was not necessarily an important factor in deciding whether to contact a parent. Table B-20 shows that very few patrol officers' contacts with juvenile suspects at the scene resulted in contacting the juveniles' parents.

Youth Bureau records indicated that 55 of the 76 "diverted" cases consisted of transporting the juvenile home or contacting the parent.⁴ (See

⁴

The category "diverted" is our own constructed for the purpose of quantifying the narratives contained in Youth Bureau reports. See Recommendation C-1 in Chapter III.

Tables B-21 to B-23.) For the five-month period, the Youth Bureau referred 55 percent (N=174) of all its cases (N=313) to the Superior Court: Juvenile Matters.⁵

Youth Bureau officers were more likely than patrol officers to contact a juvenile's parents for one of the problems selected for study (see Table B-20). This was explained, in part, by the investigative role of Youth Bureau officers and the greater likelihood that it would be a Youth Bureau Officer who questioned a suspect.

Exercise of Custody and Detention

We considered the police to have taken custody of a juvenile in those situations in which patrol officers reported they

- a) took the juvenile home or to the parents;
- b) called the Youth Bureau to the scene;
- c) transported the juvenile to the Youth Bureau; or
- d) "arrested" the juvenile.

We considered the police to have taken custody of a juvenile in those situations in which Youth Bureau officers reported they

- a) took the juvenile home or released him/her to the parents; or
- b) took the juvenile to the state detention facility.

Patrol officers were most likely to exercise custody when the problem was drugs (see Table B-24). This finding should be viewed with caution as there were only seven drug incidents. In cases of assault and theft

⁵

A detailed analysis of cases in which juveniles were referred to Court is presented in Appendix C.

custody was also exercised frequently. Custody was exercised least in incidents of vandalism, disorderly conduct, and incorrigibility. In general, Youth Bureau officers were more likely than patrol officers to exercise custody of a juvenile, and were most likely to do so in incidents of theft, assault, drugs, and vandalism (see Table B-25).

A juvenile might be detained temporarily at Stamford Police headquarters when patrol officers arrested him/her and needed to contact a juvenile officer. A juvenile holding room, separate from adult holding cells, was used for this purpose. However, no record of the frequency of this practice was kept by the Department.

Stamford Police used the state juvenile detention facility in Bridgeport sparingly. Only ten percent of all Youth Bureau cases (18 of 177) resulted in the juvenile's being placed in the state juvenile detention facility. Fourteen juveniles accounted for these eighteen cases: two were detained more than once on separate charges; one, a chronic runaway, was detained four times, while the other was detained once for assault and another time for robbery (see Table B-26). Twelve of the fourteen detained juveniles were males; eight were black and six white.

Aside from four juveniles referred for family problems (runaways), detention was used primarily in cases involving assaults, robberies, or burglaries (see Table B-26).

Formal Processing of Cases Within the Police Department

Fourteen percent of all patrol officers' serial reports involved a juvenile-related offense (1208 of 8387). Twenty percent of these serials were referred to the Youth Bureau for a follow-up investigation (237 of

1208), an average of forty-seven serials per month. Twenty-seven percent of the 237 serial reports referred to the Youth Bureau resulted in a follow-up investigation (see Table B-27).

Eighty percent (190 of 237) of the patrol serials referred to the Youth Bureau for follow-up investigation involved a priority problem. Incidents of disorderly youths, theft, vandalism, assault, and incorrigible juveniles were most often referred by patrol officers to the Youth Bureau for follow-up investigation. Twenty-five percent (48 of 190) of the patrol serials actually resulted in a follow-up investigation. Of the priority problems, Youth Bureau officers were more likely to follow up patrol reports of assaults and incorrigible juveniles.⁶ Incidents of disorderly youths, theft and vandalism were most frequently referred by patrol officers and had an almost equal chance of being followed up (see Table B-28).

In general, we found that Youth Bureau follow-ups of detective reports were likely to produce a court referral. Of all patrol serials referred to the Youth Bureau and followed up, 29.2 percent (19 of 65) were referred to court (see Figure B-1). Similarly, 29 percent of patrol serials for the priority problems resulted in referrals to court (see Table B-29). But 51.4 percent of all detective reports referred to the Youth Bureau resulted in court referral (see Table B-30).

Patrol officers' reports of assault were most often followed up (7 of 21, 33 percent) but were not likely to produce a referral to court (see Figure B-2). By contrast, three of the four assault cases referred by

⁶ Reports of a missing child are almost always followed up by Youth Bureau officers. We were told that these cases usually involve an incorrigible juvenile who has run out of the house in the heat of a dispute with his/her parents.

detectives resulted in court referrals. Serial reports of disorderly youths and incorrigible juveniles (Figures B-3 and B-4) were frequently investigated but produced few court referrals. Incidents of theft and vandalism were followed up less frequently but were referred to court at higher rates (see Figures B-5 and B-6).⁷ There were few serial reports for drugs; only one was followed up but it was not referred to court (see Figure B-7).

⁷ Six of the eight referrals to court were incidents of shoplifting.

TABLE B-1
 NUMBER OF PERSONS UNDER 18 REPORTED INVOLVED IN
 INCIDENT BY AGE AND TYPE OF INCIDENT:
 STAMFORD, 1978-1979*

Age	Assault		Disorderly Conduct		Drugs		Incorriable Youths		Theft		Vandalism													
	Serials		Youth B.		Serials		Youth B.		Serials		Youth B.													
	N	%	N	%	N	%	N	%	N	%	N	%												
Child (8-10)	5	8.5	1	4.0	29	6.7	2	5.6	0	0.0	0	0.0	1	1.8	0	0.0	7	6.2	11	8.1	8	5.2	1	4.2
Juvenile (11-16)	30	50.8	23	92.0	112	25.9	23	63.9	3	33.3	4	100.0	31	55.4	8	100.0	56	49.6	118	86.8	36	23.2	19	79.2
Youth (16-18)	24	40.7	1	4.0	291	67.4	11	30.5	6	66.7	0	0.0	24	42.8	0	0.0	50	44.2	7	5.1	111	71.6	4	16.6
Total	59	100.0	25	100.0	432	100.0	36	100.0	9	100.0	4	100.0	56	100.0	8	100.0	113	100.0	136	100.0	155	100.0	24	100.0

* May 1978, December 1978 - March 1979.
 Source: Stamford Police Department.

TABLE B-2

NUMBER OF PERSONS INVOLVED IN ALL PRIORITY PROBLEM INCIDENTS BY
SEX AND TYPE OF REPORT: STAMFORD, 1978-1979*

Sex	Serials		Youth Bureau	
	Number	Percent	Number	Percent
Male	419	78.0	184	78.0
Female	118	22.0	52	22.0
Total	537	100.0	236	100.0

*May 1978, December 1978 - March 1979.

Source: Stamford Police Department.

Table B-3

SEX OF PERSONS INVOLVED IN INCIDENTS
 BY TYPE OF INCIDENT AND REPORT:
 STAMFORD, 1978-1979*

Sex	Assault		Disorderly Conduct		Drugs		Incorrigible Youths		Theft		Vandalism													
	Serials		Youth B.		Serials		Youth B.		Serials		Youth B.													
	N	%	N	%	N	%	N	%	N	%	N	%												
Male	42	70.0	20	76.9	185	81.9	27	79.4	7	77.8	3	75.0	37	62.7	2	25.0	82	77.4	112	79.4	66	85.7	20	87.0
Female	18	30.0	6	23.1	41	18.1	7	20.6	2	22.2	1	25.6	22	37.3	6	75.0	24	22.6	29	20.6	11	14.3	3	13.0
Total	60	100.0	26	100.0	226	100.0	34	100.0	9	100.0	4	100.0	59	100.0	8	100.0	106	100.0	141	100.0	77	100.0	23	100.0

* May 1978, December 1978-March 1979.

Source: Stamford Police Department.

TABLE B-4
 RACE OF PERSONS CONTACTED BY POLICE
 FOR ALL PRIORITY PROBLEMS:
 STAMFORD, 1978-1979*

Race	Serials		Youth Bureau	
	Number	Percent	Number	Percent
White	101	65.2	34	55.7
Non-White	54	34.8	27	44.3
Total	155**	100.0	61***	100.0

* May, 1978, December 1978 - March, 1979.
 ** Missing data = 196 observations.
 *** Missing data = 144 observations.

Source: Stamford Police Department.

TABLE B-5
 TYPES OF INCIDENTS AND NUMBER OF REPORTS
 BY PRIORITY PROBLEMS:
 STAMFORD, 1978-1979*

Offense	Different Incidents		Reports			
			Serial		Youth Bureau	
	Number	Percent	Number	Percent	Number	Percent
Assault	9	8.6	62	7.3	26	10.7
Disorderly Conduct	39	37.1	445	51.9	39	16.0
Drugs	4	3.8	10	1.2	4	1.6
Incorrigible Youths	6	5.7	60	7.0	8	3.3
Larceny/Theft	18	17.2	118	13.8	142	58.2
Vandalism	29	27.6	161	18.8	25	10.2
Total	105	100.0	856	100.0	244	100.0

* May 1978 - December 1978 - March 1979.

Source: Stamford Police Department.

TABLE B-6
 NUMBER OF ASSAULTS BY TYPE
 OF REPORT:
 STAMFORD, 1978 - 1979*

Incident	Serial Reports		Youth Bureau Reports	
	Number	Percent	Number	Percent
Assault	35	56.5	15	57.7
Threatening	20	32.3	6	23.1
Other	7	11.2	5	19.2
Total	62	100.0	26	100.0

*May 1978, December 1978 - March 1979.

Source: Stamford Police Department.

TABLE B-7
 NUMBER OF DISORDERLY CONDUCT
 INCIDENTS BY TYPE OF INCIDENT AND REPORT:
 STAMFORD, 1978 - 1979*

Incident Description	Serial Reports		Youth Bureau Reports	
	Number	Percent	Number	Percent
Disorderly Youth	153	34.4	6	15.4
Suspicious Youth	54	12.1	0	0.0
Throwing Snowballs	41	9.2	2	5.1
Trouble w. Youth	40	9.0	15	38.5
Throwing Stones	33	7.4	1	2.6
Fireworks	22	4.9	0	0.0
Trouble w. Neighbor	15	3.4	0	0.0
Children Playing	10	2.2	0	0.0
Other	77	17.4	15	38.4
Total	445	100.0	39	100.0

* May 1978, December 1978 - March 1979.

Source: Stamford Police Department.

TABLE B-8

NUMBER OF DRUG INCIDENTS BY TYPE
OF INCIDENT AND TYPE OF REPORT:
STAMFORD, 1978 - 1979*

Incident	Serial Reports		Youth Bureau Reports	
	Number	Percent	Number	Percent
Poss. of Marijuana	5	50.0	4	100.0
Sale of Narcotics	4	40.0	0	0.0
Other	1	10.0	0	0.0
Total	10	100.0	4	100.0

* May 1978, December 1978 - March 1979.

Source: Stamford Police Department.

TABLE B-10

NUMBER OF LARCENY/THEFT INCIDENTS
BY TYPE OF INCIDENT AND TYPE OF REPORT:
STAMFORD 1978-1979*

Incident Descriptions	Serial Reports		Youth Bureau Reports	
	Number	Percent	Number	Percent
Shoplifting	41	34.7	106	74.6
Stolen Bicycle	26	22.0	6	4.2
Theft	25	21.2	11	7.7
Tampering w. MV	10	8.5	1	0.7
Other	16	13.6	18	12.8
Total	118	100.0	142	100.0

* May 1978, December 1978 - March 1979.

Source: Stamford Police Department.

TABLE R-12

TIME OF INCIDENT (PATROL SHIFT) BY TYPE OF INCIDENT
STAMFORD, 1978-1979*

Time	Assault		Disorderly Conduct		Drugs		Incorrigible Youths		Theft		Vandalism	
	Serials	Youth B.	Serials	Youth B.	Serials	Youth B.	Serials	Youth B.	Serials	Youth B.	Serials	Youth B.
	N %	N %	N %	N %	N %	N %	N %	N %	N %	N %	N %	N %
Day (7am-3pm)	15 24.2	12 46.2	113 25.5	18 46.2	6 60.0	2 50.0	11 18.3	1 12.5	35 29.7	73 51.4	55 34.2	7 28.0
Evening (3pm-11pm)	40 64.5	10 38.5	283 63.7	11 28.2	3 30.0	0 0.0	37 61.7	7 87.5	73 61.9	61 43.0	77 47.8	12 48.0
Last (11pm-7am)	7 11.3	4 15.4	48 10.8	10 25.6	1 10.0	2 50.0	12 20.0	0 0.0	10 8.5	8 5.6	29 18.0	6 100.0
Total	62 100.0	26 100.0	444 100.0	39 100.0	10 100.0	4 100.0	60 100.0	8 100.0	118 100.0	142 100.0	161 100.0	25 100.0

* May 1978, December 1978 - March 1979.

** Supervisor - serial report
serial or missing person report - Youth Bureau Report.

Source: Stamford Police Department.



Table B-13

SOURCE OF REPORT BY TYPE OF INCIDENT: STAMFORD, 1978-1979*

Source	Assault		Disorderly Conduct		Drugs		Incorrigible Youths		Theft		Vandalism													
	Serials		Youth B.		Serials		Youth B.		Serials		Youth B.													
	N	%	N	%	N	%	N	%	N	%	N	%												
Dispatch	55	88.7	3	12.0	416	93.9	0	0.0	5	50.0	0	0.0	58	96.7	0	0.0	105	89.0	13	9.2	154	95.7	1	4.0
On-View	5	8.1	3	12.0	16	3.6	4	10.3	5	50.0	0	0.0	1	1.7	2	25.0	10	8.5	68	47.9	6	3.7	4	16.0
Phone	0	0.0	5	20.0	4	0.9	11	28.2	0	0.0	4	100.0	1	1.7	0	0.0	1	0.8	28	19.7	1	0.6	7	28.0
Citizen	2	3.2	1	4.0	6	1.4	5	12.8	0	0.0	0	0.0	0	0.0	1	12.5	2	1.7	4	2.8	0	0.0	1	4.0
Detective	0	0.0	3	12.0	0	0.0	1	2.6	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	13	9.2	0	0.0	0	0.0
Other**	0	0.0	10	40.0	1	0.2	18	46.2	0	0.0	0	0.0	0	0.0	5	62.5	0	0.0	16	11.3	0	0.0	12	48.0
Total	62	100.0	25	100.0	443	100.0	39	100.0	10	100.0	4	100.0	60	100.0	8	100.0	118	100.0	142	45.5	161	100.0	25	100.0

* May 1978, December 1978 - March 1979.

** Includes aerial or missing person reports received by the Youth Bureau.

Source: Stamford Police Department.

Table B-14

STATUS OF PERSONS ENCOUNTERED BY POLICE
BY TYPE OF INCIDENT: STAMFORD, 1978-1979*

Status of Persons Encountered	Incident																							
	Assault				Disorderly Conduct				Drugs				Incorrigible Youths				Theft				Vandalism			
	Serials		Youth B.		Serials		Youth B.		Serials		Youth B.		Serials		Youth B.		Serials		Youth B.		Serials		Youth B.	
	N	Z	N	Z	N	Z	N	Z	N	Z	N	Z	N	Z	N	Z	N	Z	N	Z	N	Z	N	
Suspect	15	34.1	15	57.7	349	91.6	31	79.5	6	85.7	4	100.0	38	88.3	8	100.0	71	73.2	134	95.0	135	95.1	20	80.0
Victim	27	61.4	10	38.5	25	6.6	6	15.4	1	14.3	0	0.0	5	11.7	0	0.0	25	25.8	7	5.0	5	3.5	2	8.0
Witness	2	4.5	7	3.8	7	1.8	2	5.1	0	0.0	0	0.0	0	0.0	0	0.0	1	1.0	0	0.0	2	1.4	3	12.0
Total	44	100.0	26	100.0	381	100.0	39	100.0	7	100.0	4	100.0	43	100.0	8	100.0	97	100.0	141	100.0	142	100.0	25	100.0

* March 1978, December 1978 - March 1979.

Source: Stamford Police Department.



TABLE B-15

NUMBER OF PERSONS REPORTED INVOLVED IN INCIDENT
BY TYPE OF INCIDENT: STAMFORD, 1978-1979*

Number of Persons Involved in Incident	Incident																								
	Assault		Disorderly Conduct		Drugs		Incorrigible Youths		Theft		Vandalism														
	Serials N	Youth B. %	Serials N	Youth B. %	Serials N	Youth B. %	Serials N	Youth B. %	Serials N	Youth B. %	Serials N	Youth B. %													
Less than Three	57	91.9	17	85.0	218	49.1	28	77.8	10	100.0	0	0.0	60	100.0	6	100.0	104	88.1	120	93.8	86	53.4	17	73.9	
More than Three	5	8.1	3	15.0	226	50.9	8	22.2	0	0.0	100.0	0	0.0	0	0.0	0	0.0	14	11.9	8	6.2	75	46.6	6	26.1
Total	62	100.0	20	100.0	444	100.0	36	100.0	10	100.0	3	100.0	60	100.0	6	100.0	118	100.0	128	100.0	161	100.0	23	100.0	

*May 1978, December 1978 - March 1979.

Source: Stamford Police Department.

Table B-16

NUMBER OF POLICE REPORTS OF PERSONS UNDER 18 CONTACTED AT SCENE OF INCIDENT
BY TYPE OF REPORT AND TYPE OF INCIDENT: STAMFORD, 1978-1979*

Contact	Assault		Disorderly Conduct		Drugs		Incorrigible Youths		Theft		Vandalism													
	Serials	Youth B.	Serials	Youth B.	Serials	Youth B.	Serials	Youth B.	Serials	Youth B.	Serials	Youth B.												
	N	%	N	%	N	%	N	%	N	%	N	%												
Yes	36	81.8	20	80	169	44.1	26	68.4	6	85.7	4	100.0	34	77.3	4	50.0	69	71.1	132	93.6	37	26.2	19	76.0
No	8	18.2	5	25.0	214	55.9	12	31.6	1	14.3	0	0.0	10	22.7	4	50.0	28	28.9	9	6.4	104	73.8	6	24.0
Total	44	100.0	25	100.0	383	100.0	38	100.0	7	100.0	4	100.0	44	100.0	8	100.0	97	100.0	141	100.0	141	100.0	25	100.0

* May 1978, December 1978 - March 1979.

Source: Stamford Police Department.

TABLE B-17

REPORTED POLICE ACTION BY TYPE OF INCIDENT: STAMFORD, 1978-1979*

Action	Incident											
	Assault		Disorderly Conduct		Drugs		Incorrigible		Theft		Vandalism	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
No Action	31	73.8	349	91.1	2	28.6	40	90.9	73	75.3	127	90.1
Warning	0	0.0	14	3.7	0	0.0	2	4.5	1	1.0	0	0.0
Home or Parent	4	9.5	11	2.9	1	14.3	0	0.0	9	9.3	7	5.0
Call Youth Bureau	0	0.0	1	0.3	0	0.0	1	2.3	0	0.0	0	0.0
To Youth Bureau	0	0.0	3	0.8	0	0.0	1	2.3	6	6.2	4	2.8
Arrest	5	11.9	2	0.5	2	28.6	0	0.0	8	8.2	3	3.1
Other	2	4.8	3	0.8	2	28.6	0	0.0	0	0.0	0	0.0
Total	42	100.0	383	100.0	7	100.0	44	100.0	97	100.0	141	100.0

* May 1978, December 1978 - March 1979.

Source: Stamford Police Department.

TABLE B-18
 STATUS OF SERIAL REPORT BY
 TYPE OF INCIDENT:
 STAMFORD, 1978-1979*

Report Status	Incident											
	Assault		Disorderly Conduct		Drugs		Incorrigible		Theft		Vandalism	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Filed	34	57.6	375	84.4	4	40.0	44	73.3	66	56.4	118	73.3
Referred to YB	19	32.2	55	12.4	3	30.0	11	18.3	43	36.8	32	19.9
Referred to Detective Bureau	2	3.4	6	1.3	1	10.0	1	1.7	3	2.6	3	1.9
Arrested	2	3.4	2	0.4	1	10.0	0	0.0	3	2.6	0	0.0
Other	2	3.4	7	1.5	1	10.0	4	6.7	2	1.7	8	5.0
Total	59	100.0	444	100.0	10	100.0	60	100.0	117	100.0	161	100.0

* May 1978, December 1978 - March 1979.

Source: Stamford Police Department.

CONTINUED

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TABLE B-19

POLICE ACTION ON SIX PRIORITY PROBLEMS
 BY STATUS OF SERIAL REPORT:
 STAMFORD, 1978-1979*

Police Action	Status of Report					
	Filed		Referred to Y.B.		Other	
	Number	Percent	Number	Percent	Number	Percent
No Action	511	91.7	86	69.9	25	73.5
Warned	12	2.2	3	2.4	2	5.9
Home or Parent	16	2.9	14	11.4	2	5.9
Call Youth Bureau	0	0.0	2	1.6	0	0.0
To Youth Bureau	5	0.9	9	7.3	0	0.0
Arrest	8	1.4	7	5.7	5	14.7
Other	5	0.9	2	1.6	0	0.0
Total	557	100.0	123	100.0	34	100.0

*May 1978, December 1978 - May 1978.

Source: Stamford Police Department.

Table B-20

PARENTAL CONTACT AS A PERCENTAGE OF POLICE CONTACT WITH JUVENILE SUSPECTS: STAMFORD, 1978-1979*

Incident	Patrol			Youth Bureau		
	Total number of incidents**	Number of times parent contacted	Percent	Total number of incidents**	Number of times parent contacted	Percent
Assault	36	4	11.1	19	14	73.7
Disorderly	169	11	6.5	23	14	60.8
Drugs	6	1	1.6	4	3	75.0
Incorrigible	34	0	0.0	2	2	100.0
Theft	69	9	13.0	126	111	88.0
Vandalism	37	7	18.9	19	16	84.2
Total	351	32	9.1	193	160	82.9

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*May 1978, December 1978-March 1979.

**Juvenile contacted on scene.

Source: Stamford Police Department.

Table B-21

REPORTED POLICE ACTION BY TYPE OF INCIDENT: STAMFORD YOUTH BUREAU REPORTS, 1975-1979*

Action	Incident											
	Assault		Disorderly Conduct		Drugs		Incorrigible		Theft		Vandalism	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
No Action	4	17.4	12	36.4	1	25.0	3	50.0	14	10.4	7	28.0
Warning	1	4.3	4	12.1	0	0.0	0	0.0	2	1.5	0	0.0
Home or Parent	15	65.2	17	51.5	3	75.0	3	50.0	113	84.3	17	68.0
Detention	3	13.0	0	0.0	0	0.0	0	0.0	5	3.7	1	4.0
Total	23	100.0	33	100.0	4	100.0	6	100.0	134	100.0	25	100.0

* May 1978, December 1978 - March 1979.

Source: Stamford Police Department.

TABLE B-22

STATUS OF YOUTH BUREAU REPORT BY TYPE OF INCIDENT:
STAMFORD, 1978-1979*

Report Status	Incident											
	Assault		Disorderly Conduct		Drugs		Incorrigible		Theft		Vandalism	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
"Diverted"	6	24.0	15	42.9	2	50.0	2	28.6	43	30.9	9	37.5
Warned	2	8.0	3	8.6	0	0.0	2	28.6	1	0.7	10	41.7
Referred to Court**	12	48.0	5	14.3	2	50.0	0	0.0	76	54.7	0	0.0
No Action	5	20.0	12	34.3	0	0.0	3	42.9	19	13.7	5	20.8
Total	25	100.0	35	100.0	4	100.0	7	100.0	139	100.0	24	100.0

*May 1978, December 1978 - March 1979.

** Includes persons referred and detained.

Source: Stamford Police Department.

TABLE 3-23

POLICE ACTION ON SIX PRIORITY PROBLEMS
 BY STATUS OF YOUTH BUREAU REPORT
 STAMFORD, 1978-1979*

Police Action	Status of Report							
	"Diverted"		Referred to Court		Other		Total	
	Number	Percent**	Number	Percent	Number	Percent	Number	Percent
No Action	19	46.3	4	9.8	18	43.9	41	100.0
Warned	0	0.0	0	0.0	6	100.0	6	100.0
Home or Parent	55	33.2	95	57.2	16	9.6	166	100.0
Detention	2	22.2	5	55.6	2	22.2	9	100.0
Total	76	34.2	104	46.9	42	18.9	222	100.0

* May 1978, December 1978 - March 1979.
 ** Percent of total.

Source: Stamford Police Department.



TABLE 3-23
 POLICE ACTION ON SIX PRIORITY PROBLEMS
 BY STATUS OF YOUTH BUREAU REPORT
 STAMFORD, 1978-1979*

Police Action	Status of Report							
	"Diverted"		Referred to Court		Other		Total	
	Number	Percent**	Number	Percent	Number	Percent	Number	Percent
No Action	19	46.3	4	9.8	18	43.9	41	100.0
Warned	0	0.0	0	0.0	6	100.0	6	100.0
Home or Parent	55	33.2	95	57.2	16	9.6	166	100.0
Detention	2	22.2	5	55.6	2	22.2	9	100.0
Total	76	34.2	104	46.9	42	18.9	222	100.0

* May 1978, December 1978 - March 1979.
 ** Percent of total.

Source: Stamford Police Department.

TABLE B-24

POLICE OFFICERS' EXERCISE OF CUSTODY BY TYPE OF INCIDENT: STAMFORD, 1978-1979*

Action	Incident											
	Assault		Disorderly		Drugs		Incorrigible		Theft		Vandalism	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
No Action	31	73.8	349	91.1	2	28.6	40	91.0	73	75.3	127	90.1
Warning	0	0.0	14	3.7	0	0.0	2	4.5	1	1.0	0	0.0
Custody Exercised	11	26.2	20	5.2	5	71.4	2	4.5	14	23.7	14	9.9
Total	42	100.0	383	100.0	7	100.0	44	100.0	88	100.0	141	100.0

254 *May 1978, December 1978-March 1979.

Source: Stamford Police Department.

TABLE B-25

YOUTH BUREAU OFFICERS' EXERCISE OF CUSTODY BY TYPE OF INCIDENT: STAMFORD, 1978-1979*

Action	Incident											
	Assault		Disorderly		Drugs		Incorrigible		Theft		Vandalism	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
No Action	4	17.4	12	36.4	1	25.0	3	50.0	14	10.4	7	28.0
Warning	1	4.1	4	12.1	0	0.0	0	0.0	2	1.5	0	0
Custody Exercised	18	78.5	17	51.5	3	75.0	3	50.0	118	88.1	18	72.0
Total	23	100.0	33	100.0	4	100.0	6	100.0	134	100.0	25	100.0

*May 1978, December 1978 - March 1979.

Source: Stamford Police Department.

TABLE B-26

OFFENSES FOR WHICH JUVENILES WERE DETAINED:
STAMFORD, 1978-1979

Offense	Cases		Juveniles	
	Number	Percent	Number	Percent
Family Problems	7	38.9	4	28.6
Assaults	5	27.8	5	35.7
Burgulary-trespass	3	16.7	3	21.5
Theft	2	11.1	2	14.2
Robbery	1	5.6	*	*
Total	18	100.0	14	100.0

* Juvenile was previously referred for assault.

Source: Superior Court: Juvenile Matters.

TABLE B-27

FOLLOW-UP OF ALL SERIALS
REFERRED TO YOUTH BUREAU:
STAMFORD, 1978-1979

Month	Serials		
	Number Referred to Y.B.	Number Followed-up	Percent Followed-up
May 1978	55	24	46.3
Dec. 1978	59	11	16.0
Jan. 1979	37	13	35.1
Feb. 1979	35	7	28.5
March 1979	51	10	19.6
Total	237	65	27.4

Source: Stamford Police Department.

TABLE B-28
 NUMBER OF PATROL SERIALS FOR
 PRIORITY PROBLEMS FOLLOWED UP:
 STAMFORD, 1978-1979

Priority Problems	Patrol Serials		
	Number Referred to Y.B.	Number Followed-up by Y.B.	Percent of Referrals Followed up
Thefts	50	12	24.0
Vandalism	42	9	21.0
Disorderly	53	14	26.0
Incorrigible	19	5	26.0
Assault	21	7	33.0
Drugs	5	1	20.0
Total	190	48	25.2

* May 1978, December 1979 - March, 1979.

Source: Stamford Police Department.

TABLE B-29
 NUMBER OF PATROL SERIALS FOR PRIORITY PROBLEMS
 FOLLOWED UP BY YOUTH BUREAU:
 STAMFORD, 1978-1979

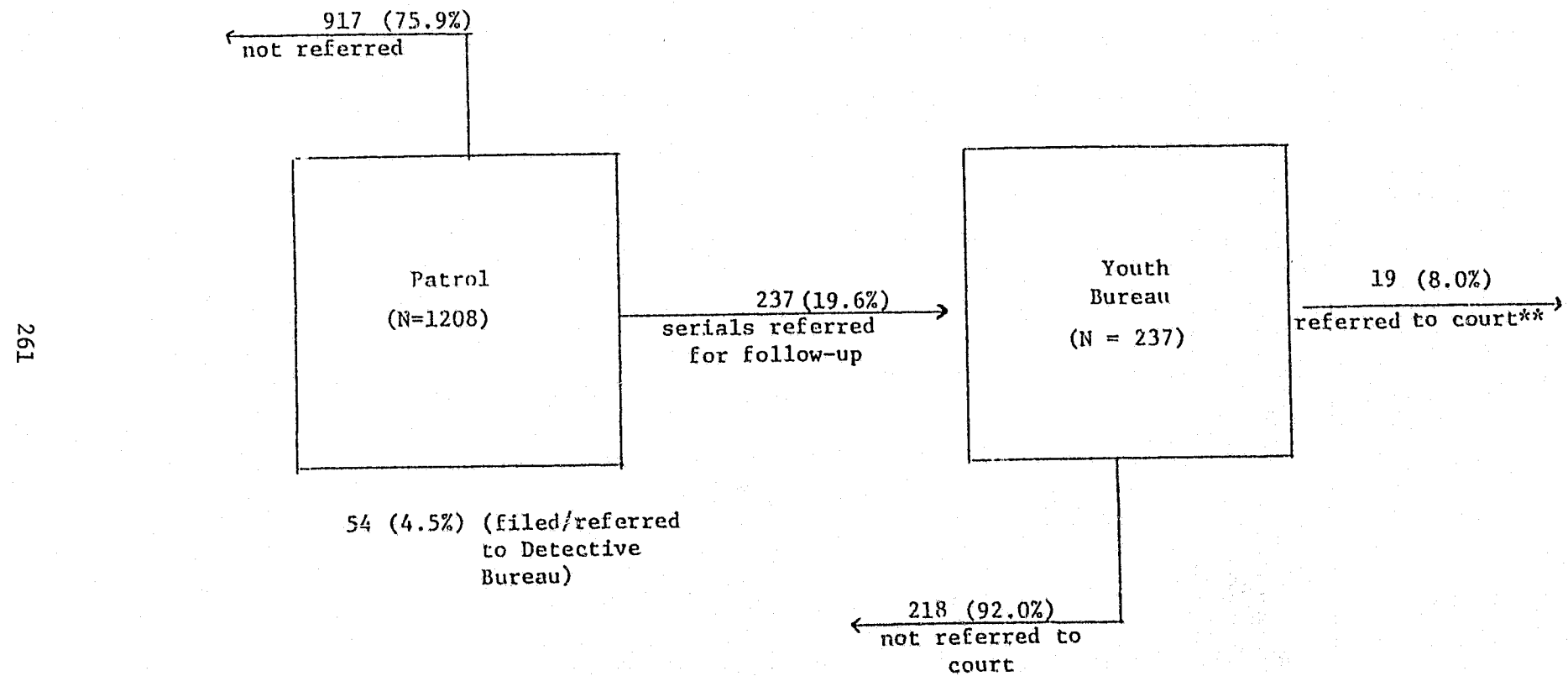
Priority Problem	Serial Reports		
	Number Followed-up by Youth Bureau	Number Referred to Court	Percent of Total
Thefts	12	8	66.6
Vandalism	9	4	44.4
Disorderly	14	3	21.4
Incorrigible	5	1	20.0
Assaults	7	0	0.0
Drugs	7	0	0.0

* May 1978, December, 1979 - March, 1979.

Source: Stamford Police Department.

FIGURE B-1

DISPOSITION OF ALL SERIAL REPORTS INVOLVING JUVENILES:
STAMFORD, 1978-1979

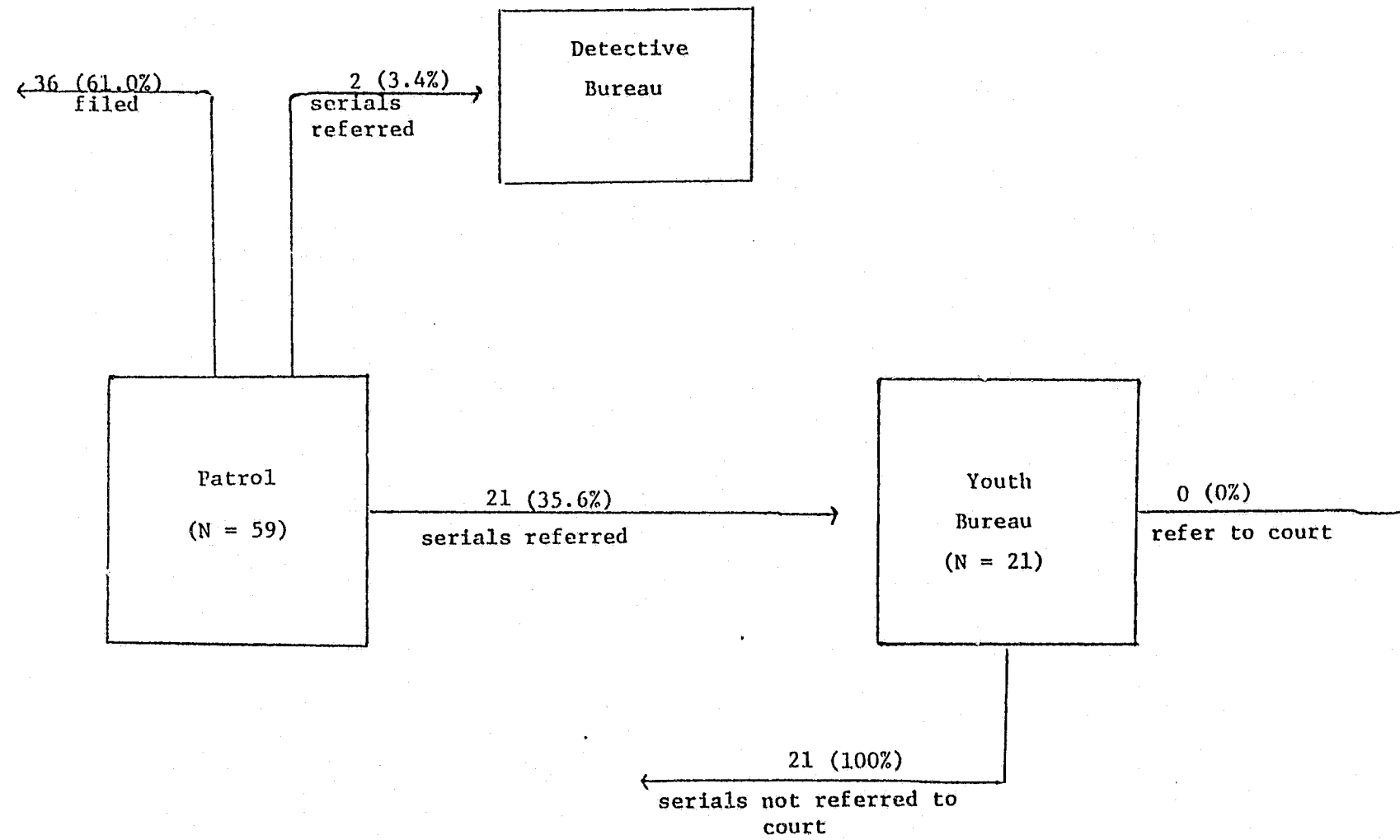


* Forty six serials were investigated but not referred to court.

** Investigated and referred to court.

Source: Stamford Police Department.

DISPOSITION OF SERIAL REPORTS OF ASSAULTS:
STAMFORD, 1978-1979



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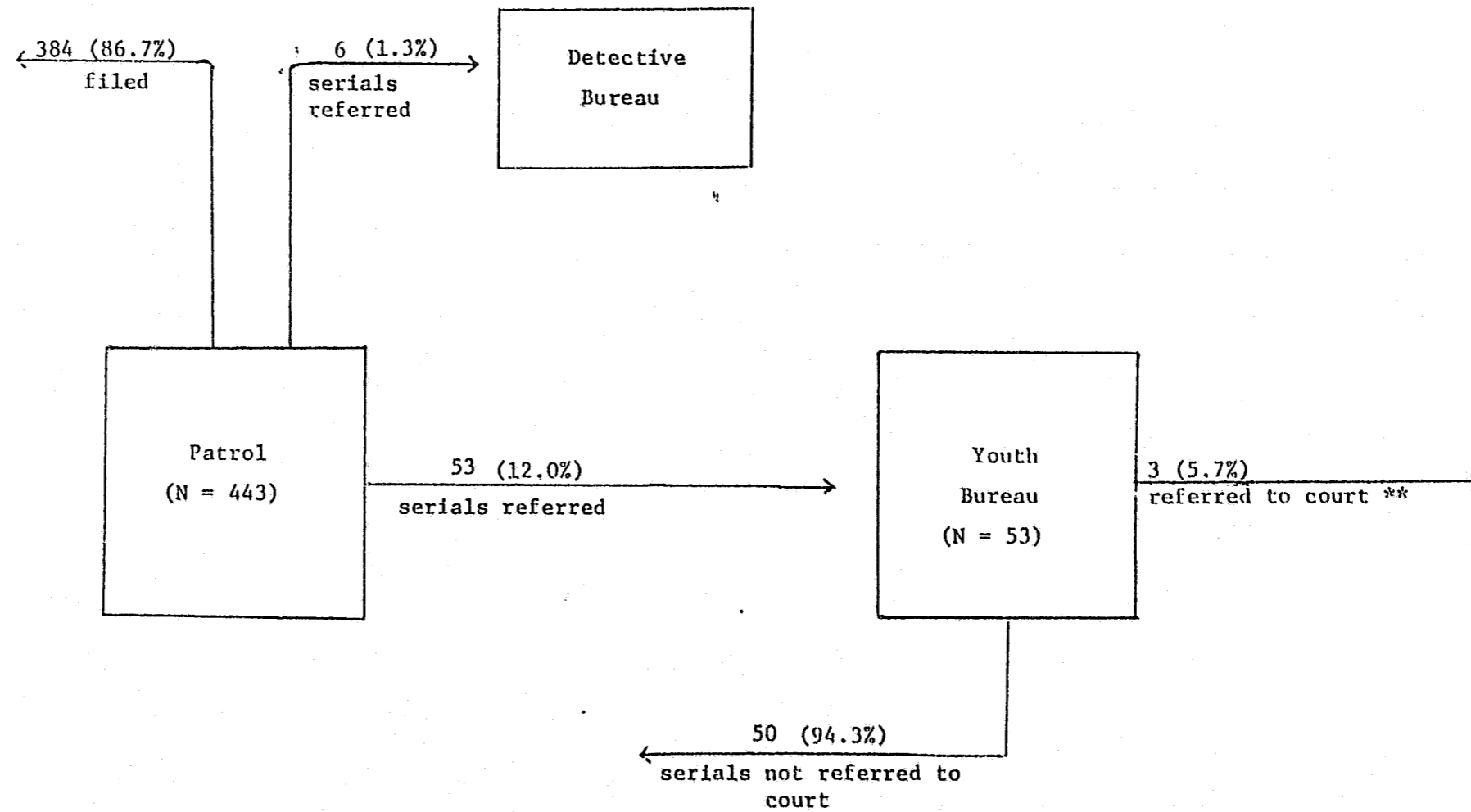
* Seven serials were investigated but not referred to court.

** Investigated and referred to court.

Source: Stamford Police Department.

FIGURE B-3

DISPOSITION OF SERIAL REPORTS OF DISORDERLY CONDUCT INCIDENTS:
STAMFORD, 1978-1979



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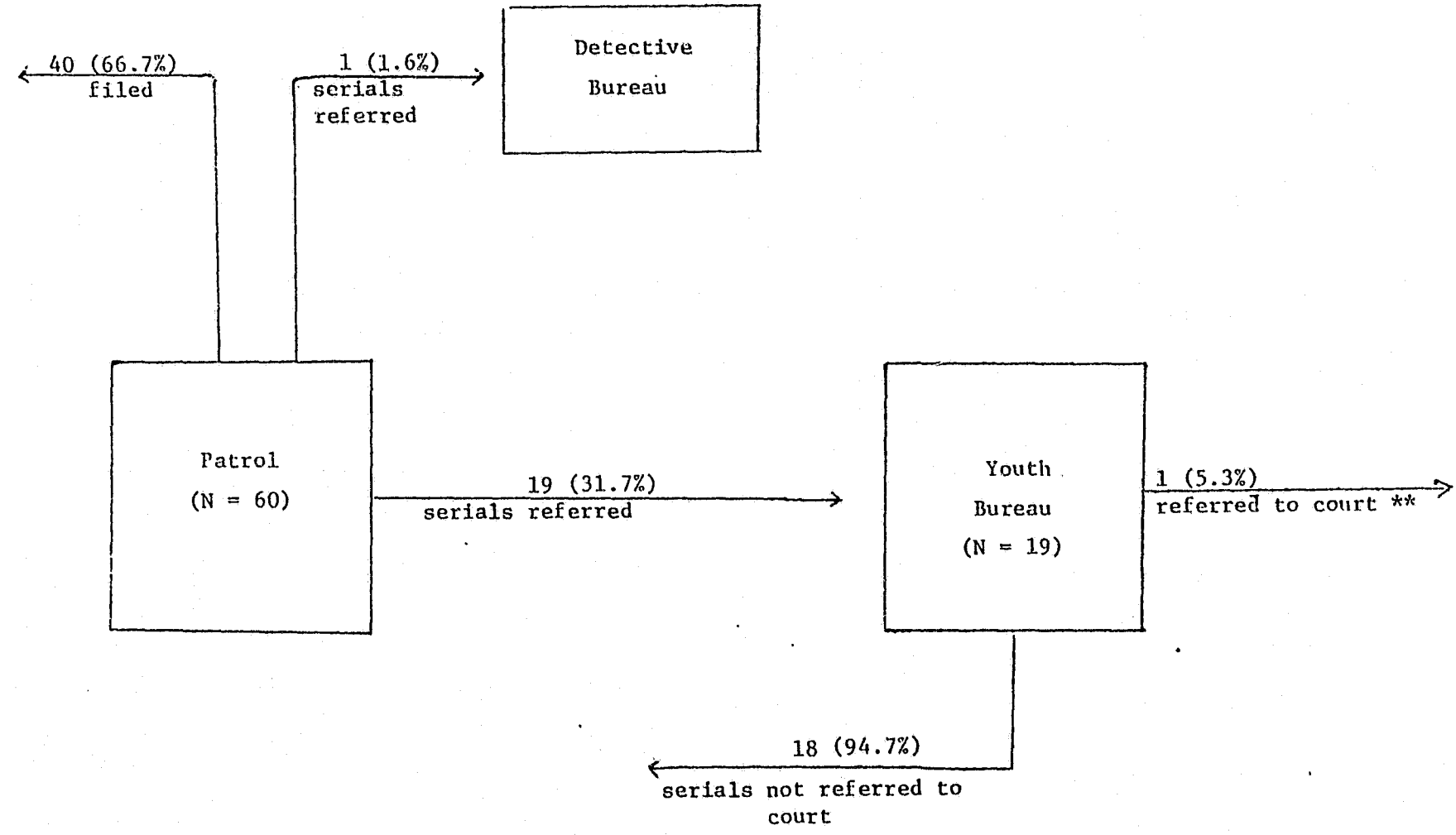
* Eleven serials were investigated but not referred to court.

** Investigated and referred to court.

Source: Stamford Police Department.

DISPOSITION OF SERIAL REPORTS OF INCORRIGIBLE YOUTHS:
STAMFORD, 1978-1979

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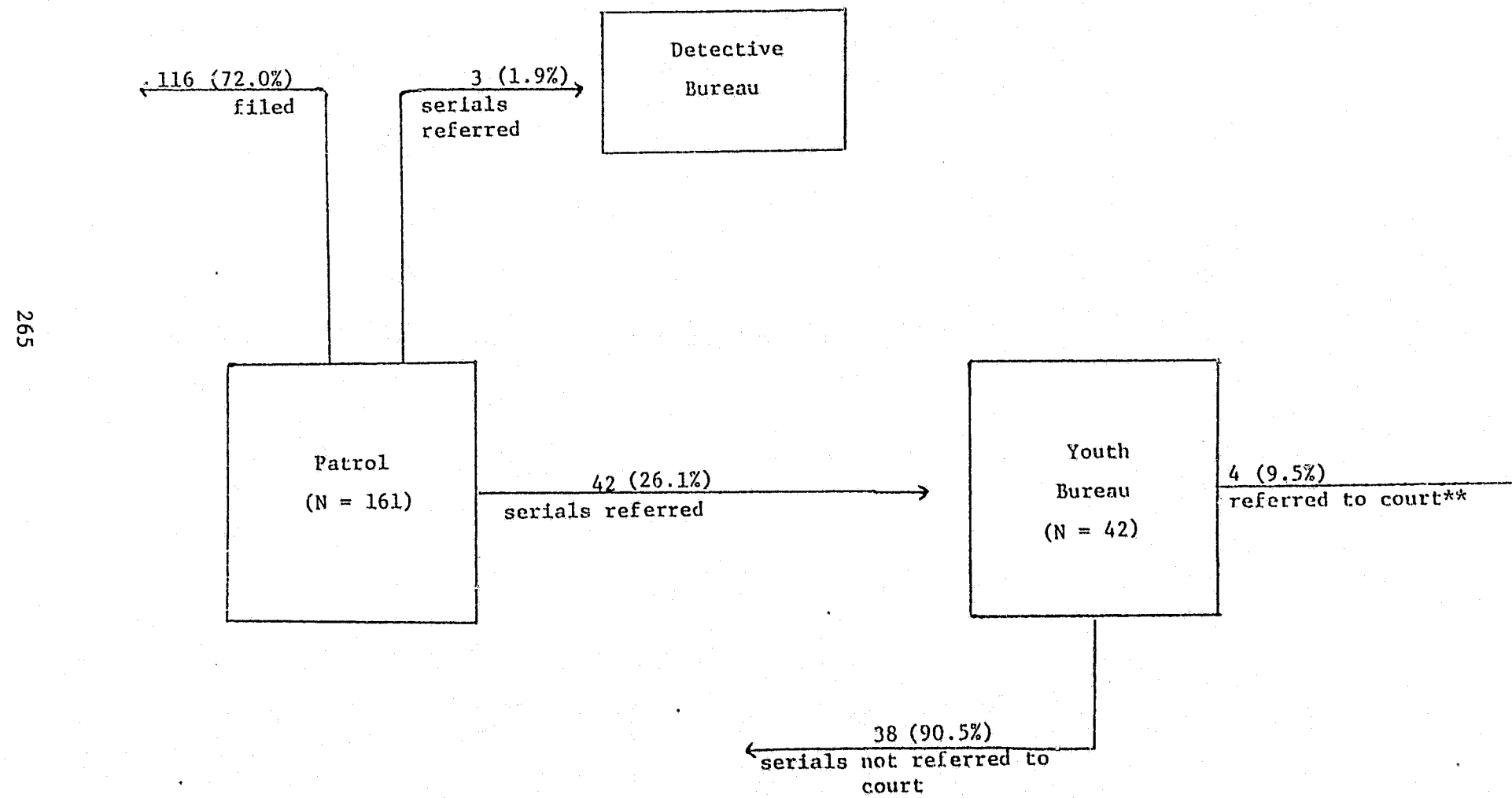
* Four serials were investigated but not referred to court.

** Investigated and referred to court.

Source: Stamford Police Department.

FIGURE B-5

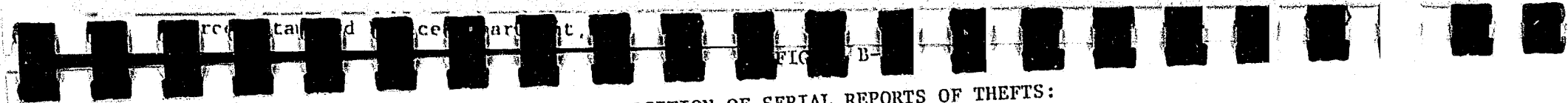
DISPOSITION OF REPORTS OF VANDALISM:
STAMFORD, 1978-1979



* Five serials were investigated but not referred to court.

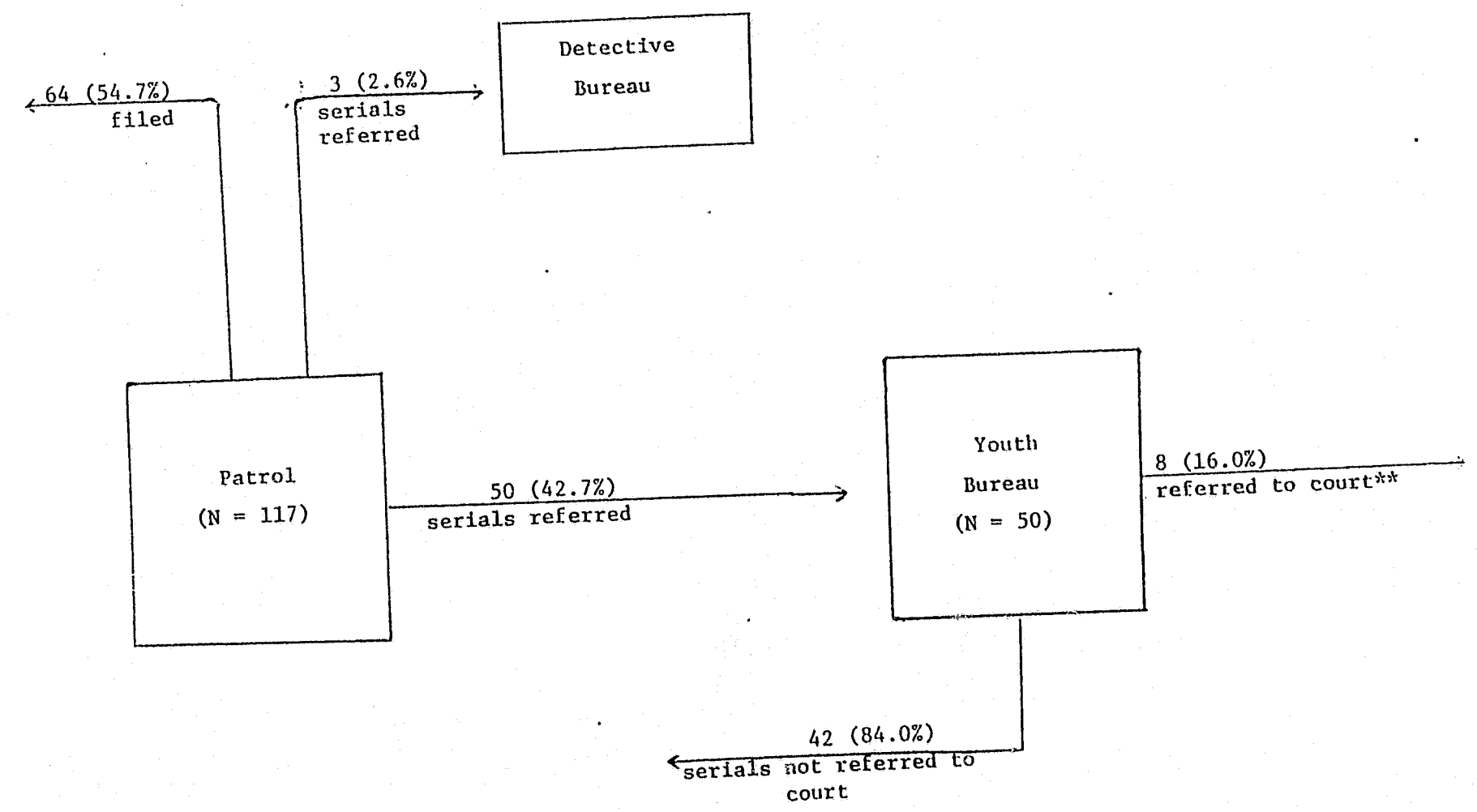
** Investigated and referred to court.





DISPOSITION OF SERIAL REPORTS OF THEFTS:
STAMFORD, 1978-1979

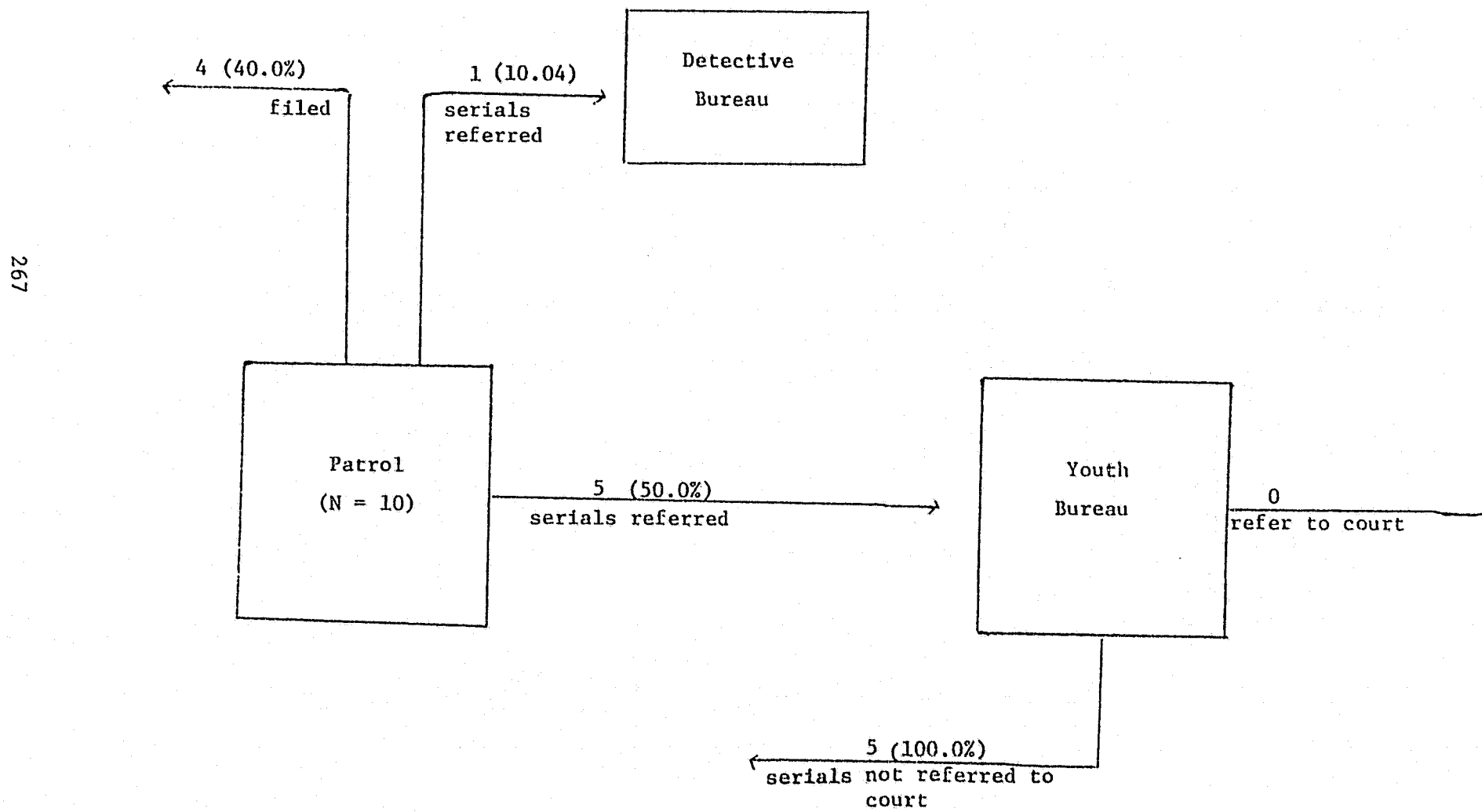
266



* Four serials investigated but not referred to court.
** Investigated and referred to court.
Source: STamford Police Department.

FIGURE B-7

DISPOSITION OF SERIAL REPORTS OF DRUGS (MARIJUANA):
STAMFORD, 1978-1979



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* One serial investigated but not referred to court.

Source: Stamford Police Department.

APPENDIX C
PROCESSING DELINQUENCY CASES IN CONNECTICUT

Introduction

This appendix describes the processing of a typical delinquency case according to procedures established by Connecticut statutes and court rules. Specifically addressed are the subject-matter jurisdiction of the juvenile court; including transfer to criminal court; the arrest, detention, bail, and case screening decisions; and the keeping and sealing of records. The second part of this appendix reports the results of an analysis of data on the processing of delinquency cases in Stamford.

I. Jurisdiction

A "child" under Connecticut law is defined as any person under sixteen years of age; a "youth" is any person sixteen to eighteen years of age. A child may be found "delinquent" for the commission of acts that would be deemed criminal if committed by an adult.¹ Juvenile matters² are heard in

¹ Conn. Gen. Stat. §46b-120. This statute also defines a family with service needs as that "which includes a child who (a) has without just cause run away from his parental home... (b) is beyond the control of his parent, parents, guardian or other custodian; (c) has engaged in indecent or immoral conduct; or (d) has been habitually truant or who, while in school has been continuously and overtly defiant of school rules and regulations" Prior to a 1979 amendment status offenses (i.e., those offenses that arise solely from the actor's status as a juvenile) were equated with delinquent behavior. The police and courts will be provided with greater flexibility in the handling of such juveniles by instituting procedures separate and different from those used for delinquents.

² §46b-121.

a separate division of the Superior Court.³ All proceedings against children begin in the juvenile session. However, certain cases may be transferred to criminal court, where the juvenile will be proceeded against as if he/she were an adult. The court may transfer the case of a child referred for the commission of a Class A felony or for any serious juvenile offense, if the child has previously been adjudicated a delinquent for a serious juvenile offense, the child had attained age fourteen at the time the alleged delinquent act was committed, and the court finds there is probable cause to believe that (1) the child committed the act with which he or she is charged and (2) there is no institution for the care and treatment of children that is suitable for the child.⁴ The court shall transfer to the regular criminal docket a matter in which any child has attained age fourteen and (1) is referred for the commission of murder, provided the alleged murder was committed after the child attained age fourteen, or (2) is charged with a Class A or B felony (generally, violent crimes) and the child has previously been adjudicated delinquent for violating such provisions.⁵ If a child is transferred to the criminal session, the child will stand trial and, if convicted, be sentenced as if she/he were sixteen. If the action is dismissed or nolle, or if the child is found not guilty, the child resumes the legal status of a child.⁶

³ §46b-122.

⁴ §46b-126.

⁵ §46b-127.

⁶ §46b-126 and §46b-127.

II. Bringing the Child Before the Court: Arrest and Referral

A child alleged to be a delinquent may be brought before the court as a result of a custodial arrest or a referral without arrest. A child may be arrested for delinquent conduct with or without a warrant only when apprehended in the act, on speedy information, or when imperative circumstances exist.⁷ Whenever a child is brought before a judge of the Superior Court, such judge may subject the child to bail or release the child to the custody of the parent or guardian. Upon the arrest of any child by an officer such officer may immediately turn that child over to the probation or other officer appointed for juvenile matters, or to a juvenile detention center.⁸ If detention is deemed appropriate,⁹ the child is transferred to a juvenile detention facility, where the admissions officer reviews the initial detention decision and determines whether the child should remain in detention or be released to the parent or guardian.

⁷ P.A. 80-237. To arrest on speedy information means the quick pursuit and apprehension of the suspect following police receipt of a report of a crime and a description of the suspect at the scene or very shortly after the activity has taken place. For a discussion of the Constitutional protections provided in adult criminal proceedings (e.g., standards relating to arrest, search and seizure) that are applicable in juvenile proceedings, see Auerbach Service Bureau, Legal Rights of Children (Hartford, Connecticut, 1977).

⁸ P.A. 80-237.

⁹ §46-131. The factors to be considered in deciding to detain the child are whether there is a) a strong probability that the child will run away, or b) a strong probability that the child will commit or attempt to commit other offenses injurious to him or herself or to the community before court disposition, or c) reasonable cause to believe that the child's continued residence in the home pending disposition will not safeguard the best interests of the child and the community because of the serious and dangerous nature of the act or acts set forth in the attached delinquency petition, or d) a need to hold the child for another jurisdiction, or e) a need to hold the child to assure his or her appearance before the court, in view of a previous failure to respond to the court process.

Detention following arrest and prior to any judicial hearing is limited to 24 hours unless a petition alleging delinquent conduct has been filed.¹⁰ If a delinquency petition is filed, detention may be extended for another 24 hours. However, the court can extend this 24-hour period to ten days if it issues an ex parte order of detention--that is, an application. At the end of these ten days (or after 24-48 hours if no detention order was issued), a detention hearing is held. At this hearing the court reviews any evidence relevant to the issue of detention, including written reports and social records. The court may then release the child or detain the child for up to 15 days (including the date of admission) or until the adjudicatory hearing, whichever is shorter, unless the order is renewed. The order must authorize the director of probation, the case work supervisor, or the designated representative to release the child to the custody of the parents if in his or her opinion detention is no longer necessary.¹¹ A child held in detention prior to adjudication cannot be held in a jail or other correctional facility in which adults are or may be confined.¹² The statutes and rules strongly favor avoiding the use of arrest, with or without detention, in disposing of juvenile matters.

The juvenile delinquency process can also be initiated by a complaint and the issuance of a summons to appear in court. The complaint in such a case is a written statement presented to the court alleging that a child's conduct or situation brings that child within the jurisdiction of the court. This statement functions as application to the court to make inquiry into

¹⁰ Rules Sec. 1030 (2).

¹¹ Rules Secs. 1030 and 1032.

¹² §46b-131.

the circumstances presented and determine whether a charging document in the form of a petition should be filed.¹³ When the complaint is received by the court, it is referred to the intake unit of the probation department, which decides whether to assign the complaint to a probation officer for investigation.¹⁴ Under Connecticut law the decision is based on two considerations: whether the allegations are sufficient to bring the child within the court's jurisdiction, and whether the interests of the public or the child warrant intervention.¹⁵ If, in the opinion of the intake unit, the facts are not serious enough to warrant intervention, the complaint is dismissed. However, the intake unit can refer the child to an appropriate service agency in an attempt to initiate participation by the child and parents in a voluntary treatment program.¹⁶ If the facts are serious enough, intake assigns the case to a probation officer, who will mail to the child and the parents a notice to appear; it advises them of the existence and nature of the complaint and the date, time, and place of the initial conference with the probation officer.

At the commencement of any proceeding involving a delinquent child, the child and the parent or guardian must be informed of their right to have counsel present and, if they cannot afford private counsel, to have counsel

¹³ A formal pleading is drawn by a probation officer of the court, under oath, alleging delinquent conduct and invoking a judicial hearing.

¹⁴ "Intake" is defined as the stage in case processing in which complaints are initially screened to determine whether some form of court action appears to be required, including the necessity of detention, and, when court intervention is not justified, the appropriateness of referral to another community resource. Rules Sec. 1023.

¹⁵ §46b-128.

¹⁶ §Rules Sec. 1024 (2).

appointed.¹⁷ If either the child or the parent requests counsel, the interview ends and all further interviews must take place in the presence of counsel. If the child and the parent agree to proceed with the investigation with or without counsel and the child is willing to admit responsibility for the alleged misconduct, the probation officer is authorized to proceed to investigate the child's social history.¹⁸ Any statements made admitting responsibility or waiving counsel must be put in writing and signed by both the parent and the child.¹⁹

Should the child and the parents deny responsibility for the alleged offense, the interview ends. The interview also ends if the child orally acknowledges responsibility for an alleged offense that because of its nature, necessitates a judicial hearing but refuses to execute a written statement of responsibility. At that point, the child and the parents are to be informed that, if the evidence warrants, the case will be set down for a judicial hearing to determine the child's responsibility for the alleged delinquent act. The probation officer shall not attempt to formulate a social history or otherwise judicially intervene in the life of the child or the family except to consider factors that pertain to the issue of detention.²⁰

Connecticut law makes another provision for non-judicial supervision that also obviates the need for a court hearing. If a child has admitted

¹⁷ §46b-135

¹⁸ Rules Sec. 1025.

¹⁹ The age and intelligence of the child, the mutuality of interests between parent and child, and the intelligence and cultural level of the parents are to be carefully weighed in determining the competency to execute such waiver or waivers. Rules Sec. 1025.

²⁰ Rules Sec. 1025.

responsibility to the probation officer, and the information obtained by the probation officer during the social investigation suggests that "some form of court accountability less exacting than that arising out of a court appearance appears to be in the child's best interests," the child may be placed under non-judicial supervision.²¹ For this to occur the child and the parent(s) must agree to the program. This course of action is considered a final disposition of the case and, even if the program is not successfully completed, the same case cannot be used as a basis for formal court action.

If the child has denied responsibility or the probation officer has determined that the seriousness of the alleged behavior and the best interest of the public or the child so require, the formal judicial process is begun by the probation officer's filing a verified petition.²² It is important to note that there is legal review of the circumstances of the case only when the child has denied responsibility for the behavior that would establish court jurisdiction.²³ If the child acknowledges responsibility no judicial court review of the legal sufficiency of the allegations is required; such sufficiency is determined by the probation staff.

III. Delinquency Hearings

Consistent with the traditional notions of juvenile court philosophy that require confidentiality for the proceeding and the avoidance of harmful stigma, juvenile court facilities are not open to the public, and are

²¹ Rules Sec. 1026.

²² §46b-128.

²³ Probation Manual for Juvenile Court, State of Connecticut. p. 2.7.

separate from criminal court facilities.²⁴ Further, section 1034 of the court rules relating to juvenile procedure provides that "the proceeding shall be at all times as informal as the requirements of due process and fairness permit."²⁵ The Connecticut legislature has codified the ruling of the United States Supreme Court²⁶ in which the right to counsel was held applicable to juveniles and has extended that right to "any proceeding on behalf of a delinquent child...."²⁷

Under section 1033 of the court rules, the hearing process consists of an adjudicatory stage distinct from sentencing. However, the sentencing phase may follow directly upon the resolution of the court's adjudication when there has been an admission and if the social investigation has been completed by the probation officer as provided in Section 1024.

Connecticut has a strict exclusionary rule with regard to the use of a child's statements, admissions, or confessions at adjudication. Any statement by a child is inadmissible in a delinquency proceeding unless it was made in the parents' presence after the parent and child had been given Miranda warnings.²⁸ It is important to note that the language of the statute

²⁴ §46b-122.

²⁵ To further this end, Rules Sec. 1035 allows for testimony to be given in a narrative form.

²⁶ In re Gault, 387 U.S. 1 (1967).

²⁷ §46b-135.

²⁸ §46b-137, "Any admission, confession or statement, written by a child shall be inadmissible, in any proceeding for delinquency against the child making such admissions, confession, or statement unless made by such child in the presence of his parent or parents or guardian and after the parent or parents or guardian and child have been advised (1) of the child's right to retain counsel...(2) of the child's right to refuse to make any statements and (3) that any statements he makes may be introduced into evidence against him...."

does not appear to limit the exclusion to statements made after an arrest. This interpretation is further supported by the language of the court rule that states that "No extra-judicial statement, admission or confession of a respondent made to any person shall be admitted into evidence..." unless the statutory conditions of a clear understanding and waiver of Miranda in the presence of a parent were met.²⁹

If the prosecution meets its burden of proof beyond a reasonable doubt and the trial judge makes a finding of delinquency, the adjudicatory hearing is complete and the proceedings focus on the issue of disposition or sentencing. At this dispositive hearing, the social investigation becomes part of the evidence to be considered; the court may admit into evidence any testimony that is considered relevant to the issue and has probative value. The probation officer responsible for the social investigation must be present, and is subject to cross-examination on the contents of that investigation. The dispositional alternatives available to the court range from ordering the child to remain in the parental home³⁰ to committing the child to the Department of Children and Youth Services for two years.³¹ The court may also order the child to do work in public buildings or on public property, or to make restitution of the fruits of the offense.³²

29 Rules Sec. 1035.

30 §46b-140.

31 §46b-141.

32 §46b-140.

III. Recordkeeping

The confidentiality of juvenile proceedings requires that they not be open to the public. Records of these proceedings, their disclosure, and erasure are also subject to the policy of confidentiality. Court records, including probation reports and any diagnostic or other studies, are confidential and are open to inspection only upon court order, except that such records are available to an attorney representing the child or youth and to the parent or guardian.³³ Delinquency records of any person who has not reached the age of twenty-one are available to a judge for consideration in sentencing that person if she/he has been convicted of a felony.³⁴ However, evidence in and the the disposition resulting from a delinquency proceeding are not admissible as evidence in criminal proceedings.³⁵

Police, court and agency records are all subject to erasure when certain statutory conditions are met. In response to the child's or parent's petition to the superior court to erase the records, the court shall issue an order of erasure for all such records if it finds that at least two years have passed since a child adjudicated delinquent was subject to court-imposed supervision.³⁶ The statute plainly refers to any recorded references, including arrests, complaints, referrals, petitions, reports and orders. Copies of the erasure order are to be sent to all persons, agencies, or institutions known to have qualifying information. A response of "no record"

33 §46b-124.

34 §46b-124.

35 See §46b-147 for limited exceptions.

36 §46b-146.

is thereafter required to any person seeking disclosure, except that the fact of the erasure may be substantiated when, in the opinion of the court, it is in the best interest of the child to do so.

Erasure of records of a child found not delinquent is handled differently. While the child or parent must initiate the petition for erasure when the child has been found delinquent, the erasure order is to issue automatically when a child has been dismissed as not delinquent. It should be noted, however, that the accompanying court rule qualifies the statutory mandate by the addition of the phrase, "if such child has no prior outstanding and unerased police record or court record pertaining to a delinquency petition...."³⁷ This condition would appear to make erasure of the dismissed charge dependent upon a clean record as well as a finding of not delinquent.

IV. Data Analysis

The project selected five months, May 1978 and December 1978 through March 1979, for studying the formal processing of referrals of Stamford juveniles from the Stamford Police Department's Youth Bureau to the Superior Court: Juvenile Matters.³⁸ The Youth Bureau blotter for the above periods was examined and cases in which Stamford juveniles were referred to the Court were identified and coded. In addition, project staff used the individual referral files to code the referral history of each individual juvenile referred to the Court. Information coded for each referred juvenile included

³⁷ Rules Sec. 1062.

³⁸ These periods corresponded to the months for which the project analyzed patrol officers' and Youth Bureau reports, as reported in Appendix B.

- sex;
- race;
- town of residence;
- school level;
- date(s) of offense(s);
- type(s) of offense(s);
- date of referral;
- referring officer;
- prior offense(s);
- person to whom the child was released; and
- whether the child was detained in the Bridgeport juvenile detention facility.

Information on the processing of police referrals from intake at the Court to disposition was obtained from the Superior Court: Juvenile Matters. Thus each referral was tracked from its initiation by the Youth Bureau to its disposition by the Court. We coded the following: the date the referral was received by the Court; the number of previous referrals; the child's age at the time of the first referral; the date of disposition; how the case was handled (judicially or non-judicially); the disposition of the referral; and any placement information. In addition, aggregate statistical data on the selected juvenile problems designated priority problems were obtained from the Office of Judicial Information.³⁹ These data, for the period

³⁹ Using the information we collected and the recommendations of the Police and Citizen Task Forces, the project selected the following priority problems for study: vandalism, shoplifting/theft, assault, drug use, disorderly conduct, truancy, and school misconduct. See Appendix A.

January 1978 - June 1979, included information on the

- age;
- sex;
- race of the juvenile offender;
- source of the referral;
- number of prior referrals;
- age at first referral; and
- whether the referral was dismissed at intake.

Source of Referrals

The Stamford Police Department is the primary source of referrals to the Superior Court: Juvenile Matters. From January 1978 to June 1979, the Stamford Police was the source of 97.3 percent of all juvenile cases referred to Superior Court: Juvenile Matters (see Table C-1). The Youth Bureau is the only unit in the Department that refers juveniles.

Description of Referred Juveniles

During the five months, the Youth Bureau made a total of 174 referrals. One-hundred fifty-nine individual juveniles accounted for the 174 referrals.⁴⁰ Although males constituted the majority of cases (84.5 per cent) referred to Court (Table C-2) during January 1978 to June 1979, approximately 38 percent of those referred for the priority problems were female. Eighty-four

⁴⁰

All figures reported in this analysis are based on the number of referrals (174), because each referral is processed as a case. Eleven juveniles were repeaters during the period we analyzed. Consequently, some calculations (for age, sex, race and school level) resulted in approximate figures but these do not change major conclusions.

percent of the juveniles referred were between the ages of thirteen and fifteen (see Table C-3). Fourteen-year-olds had the most referrals (35.6 percent). Almost equal numbers of whites (52.9 percent) and blacks (47.1 percent) were referred (see Table C-4). However, the number of blacks referred was disproportionate to their number in the total juvenile population which was 86.4 percent white and 13.6 percent black.⁴¹ (See Table C-5.) From January 1978 to June 1979, more blacks (53 percent) than whites (44 percent) were referred to the Court (see Table C-6).

Close to half (47.7 percent) of the juveniles referred resided in Zone 1 of the city (see Table C-7). Within that zone the majority of families are of low income.⁴² In general, juveniles from more affluent sections of the city (zones 3 and 4) constituted a very small percentage of the juveniles referred (see Table C-8).

Approximately half (49.4 percent) of all referred juveniles were high school students. Middle school students constituted 39.2 percent, and elementary school students comprised only 11.4 percent (see Table C-9).

Well over half (64.4 percent) the cases referred involved juveniles who had no previous police referral; in 15 percent the juveniles had one previous referral, and in another 15 percent the juveniles had between two and five previous referrals (see Table C-10). One officer in the Youth

⁴¹ The number of those 8-15 years old was based on 1970 census data, the only data available. Recent projections by the City of Stamford for 1980 indicate an increase in the black population, with the ratio for the 5-19 age group approximately 80 percent white to 20 percent black. Even with this imprecise projection, we can still be sure that a disproportionate number of black juveniles is being referred.

⁴² Derived from 1970 census data on median income.

Bureau accounted for 68.4 percent of all referrals to the Court (see Table C-11).

Number of Types of Problems Referred

Table C-12 indicates that usually there was only one charge per referral (68.4 percent). The remaining referrals had multiple charges, usually two (25.3 percent). Theft (52.4 percent) was the most frequent first charge, followed by assault (10.3 percent), burglary-trespass (10.3 percent), and vandalism (6.3 percent). Family problems and robbery each constituted 5.2 percent of first charges; juveniles charged with using marijuana and disorderly youths were the least frequently referred (see Table C-13). During the period analyzed, there were no police referrals truancy.

Thefts constituted a disproportionate number of all referrals to the Court, but the problem was not as serious as it appears: a breakdown of all thefts indicates that Shoplifting IV and Larceny IV,⁴³ the least serious types of larceny, constituted 82.7 percent of all referrals for theft (See Table C-14.)

Across all offenses, males were referred to the court more frequently than females (see Table C-15). Females were primarily referred for shoplifting (19 cases, 73.1 percent) and assault (3 cases, 11.5 percent). Aside from shoplifting, males were primarily referred for more serious offenses: burglary/trespass (11.7 percent), theft excluding shoplifting (11.0 percent), and assault (10.3 percent). Juveniles referred for the less serious offenses (i.e., family problems, vandalism, using marijuana, and being

⁴³ We suspect that most of the Larceny IV referrals were shoplifting IV cases. One department store in Stamford accounted for almost all referrals for shoplifting.

disorderly) were also almost exclusively male.

An analysis of offenses by race (Table C-16) shows that, with the exception of non-shoplifting thefts, an approximately equal number of whites and blacks were referred for more serious offenses (assault, robbery, and burglary-trespass). More whites were referred for less serious offenses (family problems, vandalism and using marijuana). A disproportionate number of referrals for both whites and blacks were referred for shoplifting. Blacks (62.3 percent) were referred more frequently for shoplifting than whites (37.7 percent). However, whites were referred more often for more serious thefts (i.e., thefts excluding shoplifting) than blacks (see Table C-16).

Shoplifting

A total of 77 shoplifting cases was processed during the period selected for analysis. Thus, shoplifting constituted 44.3 percent of all first charges listed on the referrals. Juveniles referred for shoplifting were predominantly male (75.3 percent) and black (62.3 percent). (See Tables C-17 and C-18.) Of juveniles in the 8-12 year age group, referred to Court, shoplifting accounted for 24 of the 26 cases referred (92.0 percent). (See Table C-19.)

Close to half (45.3 percent) of the juveniles referred for shoplifting were enrolled in the middle schools (see Table C-20). This finding is consistent with findings from interviews with middle school personnel, who reported that students from the middle schools who got into trouble did so for shoplifting. Eighty percent (61 cases) of the cases involved juveniles with no previous referral (see Table C-21). One police officer in the

Youth Bureau accounted for 94.8 percent (73 cases) of all shoplifting cases referred to the Court (see Table C-22).

Disposition of Offense

Cases referred to the Court are handled either judicially (before a judge) or non-judicially (usually by the Court's intake officer). In our sample, more cases were handled non-judicially (58.0 percent), with the remaining 42 percent handled judicially (see Table C-23).

From Table C-24 one can see that in 45.5 percent (30 cases) of the cases handled judicially, the juvenile was adjudicated not delinquent and the case or petition was dismissed. In the remaining 36 cases (54.4 percent), the juvenile was adjudicated delinquent. Among these cases, 34.9 percent (23 cases) of the juveniles were placed on some form of probation, most often probation with placement. Most juveniles given probation received some type of formal treatment plan as a condition of their probation. In eleven cases (16.6 percent), the juvenile was committed to the Department of Children and Youth Services (D.C.Y.S.), which in cases involved a direct placement at the Long Lane School in Middletown. In only 2 cases (3.1 percent) was a child adjudicated delinquent and merely given a warning. Thus, it is usual for the Court, upon adjudicating a juvenile "delinquent," to provide treatment.

Among the cases handled non-judicially, 38.5 percent (35 cases) were dismissed, while in another 52.7 percent (48 cases) the juvenile was dismissed but given a warning (see Table C-25). In eight cases (8.8 percent) the juvenile was placed on non-judicial supervision.

Analyzing the disposition of the first offense by type of offense

(Table C-26), we find that family problems (primarily runaways) resulted in more serious dispositions by the Court, even though as an offense this category is the least serious. In three of the nine cases, the juvenile was placed on probation. Of all juveniles committed to Long Lane School, most were sent for family problems or robberies. However, the majority of all D.C.Y.S. commitments were cases involving the more serious offenses (e.g., robbery or burglary).

Forty-four percent (33 cases) of the shoplifting cases were dismissed; 38 percent (29 cases) were dismissed with a warning (see Table C-28). The remaining cases resulted in either non-judicial supervision (7 cases), or probation (6 cases). Thus, while shoplifting cases constituted a sizable number of police referrals, the Court did very little with these offenders. In fact, since warnings are also a form of dismissal, 83 percent of all shoplifting cases resulted in dismissal.

Data were analyzed to determine whether background variables (i.e., sex, race, family income) seriousness of offense, or recidivism affected the seriousness of Court dispositions.⁴⁴ None of the background variables affected dispositions. When a disposition was analyzed by the seriousness of the offense (dichotomized as felony or misdemeanor), number of multiple charges in the referral, and the number of previous referrals, the results showed differences. In general, the severity of the Court's disposition was related more strongly to the offense and the juvenile's prior record

⁴⁴

Data were analyzed by computing chi-square on dichotomized variables.

than to the age, sex, race or income of the juvenile offender.⁴⁵ (See Table C-28.)

Processing Time

The number of days it took to process a case through the juvenile justice system from initial police contact to Court disposition was analyzed for each type of offense referred to the Court by the Youth Bureau. These data were obtained by recording the dates listed on the Youth Bureau referral and on the Court intake and disposition sheets. The analysis distinguishes four processing times (see Table C-29).

The first indicator, Youth Bureau time (YBTIME), is the number of days from the reported commission of an offense to the Youth Bureau's referral to the Superior Court:Juvenile Matters. In general, the mean time for all categories of offenses was 6.2 days, a figure somewhat distorted by the mean time for the burglary/trespass category (35.5 days) and the mean time for shoplifting (0.13 days). Excluding burglary-trespass, the mean time for all categories was 2.6 days. The many shoplifting cases were reportedly initiated on-view and this may account for the rather short processing time. Of the more serious offenses, assault (10.9 days) and burglary/trespass (35.5 days) required more time. The nature of investigating burglary offenses (e.g., lack of eyewitness identification of suspects) made solving these cases a difficult and long process.

The second indicator, transfer time (TRANTIME), is the number of days

⁴⁵ These results are also reflected in a regression analysis of dispositions. However, the number of cases (N=78) available to do the analysis was very small.

between the date of a referral and its transfer to the Superior Court:Juvenile Matters.⁴⁶ The mean transfer time for all categories of problems was 10.2 days. The range of transfer time was approximately one to two weeks, with no clear pattern among offenses emerging from the data. For example, while two of the more serious offenses had a lower mean transfer time (robbery, 6.3 days and burglary, 8.0 days), two of the less serious offenses had similar times (disorderly, 6.4 days and family problems 8.3 days).

The third indicator, court time (COURTIME), is the number of days from court intake of the police referral to the final disposition by the Court:

- the mean court processing time was significantly lower for family problems (47.3 days) than any other offense;
- all shoplifting (116.0 days) cases and other thefts (97.5 days), assaults (116.0 days), and burglary/trespass (117.0 days) were processed within three months' time; and
- less serious offenses (use of marijuana and disorderly conduct) took the most time to process through the Court.

The fourth indicator, formal processing time (FORMTIME), is the number of days from the police decision to refer to a disposition by the Court-- that is, the total formal processing time through the juvenile justice system. Table C-29 indicates that the contribution of the Court to overall processing time was considerable. However, the police transfer time (an average of 10 working days) also contributed to the slow processing of cases.

⁴⁶ This variable measured the time it took the Commanding Officer of the Youth Bureau to review a referral before sending it to court. However, two factors prevented this from being an ideal measure of efficiency. First, investigating officers may not have passed a referral to the Commanding Officer for review immediately. Second although we were told that usually a referral was logged in within a day or two, the date of referral on the Court intake sheet may not have been the day of the referral's arrival. We must assume that there is a margin of error generated by either the police or court personnel. However, we would argue that this measure does give some indication of the Youth Bureau's efficiency.

TABLE C-1

NUMBER OF REFERRALS BY OFFENSE AND SOURCE OF REFERRAL:
STAMFORD, 1978

Offense	Source							
	Total		Police		School		Probation	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Assault	24	8.2	24	8.5	0	0.0	0	0.0
Truancy	17	5.8	11	3.9	6	85.7	0	0.0
Stubborn Children	2	0.7	2	0.7	0	0.0	0	0.0
Disorderly Youths	22	7.6	21	7.4	1	14.3	0	0.0
Using Drugs	23	7.9	23	8.1	0	0.0	0	0.0
Shoplifting/Theft	173	59.5	172	60.8	0	0.0	0	0.0
Vandalism	30	10.3	30	10.6	0	0.0	0	0.0
Total	291	100.0	283	100.0	7	100.0	1	100.0

Source: State of Connecticut - Office of Judicial Information.

TABLE C-2

NUMBER OF JUVENILES REFERRED BY THE STAMFORD POLICE TO SUPERIOR COURT: JUVENILE MATTERS BY SEX: STAMFORD 1978-1979*

Sex	Referrals	
	Number	Percent
Male	147	84.5
Female	27	15.5
Total	174	100.0

* All subsequent tables unless otherwise noted are based upon data collected in May and December 1978, and January to March 1979.

Source: Stamford Police Department

TABLE C-3

NUMBER OF JUVENILES REFERRED BY THE STAMFORD POLICE TO THE SUPERIOR COURT: JUVENILE MATTERS BY AGE: STAMFORD, 1978-1979

Age	Referrals	
	Number	Percent
8-12	26	14.9
13	40	23.0
14	62	35.6
15	44	25.3
16	2	1.2
Total	174	100.0

Source: Stamford Police Department.

TABLE C-4

NUMBER OF JUVENILES REFERRED BY THE STAMFORD POLICE TO SUPERIOR COURT: JUVENILE MATTERS BY RACE: STAMFORD, 1978-1979

Race	Referrals	
	Number	Percent
White	92	52.9
Non-White	82	47.1
Total	174	100.0

Source: Stamford Police Department.

TABLE C-5

POPULATION AND RACE BY AGE:
STAMFORD, 1970

Age	Race					
	White		Non-White		Total	
	Number	Percent	Number	Percent	Number	Percent
8	1,735	83.4	346	16.6	2081	100.0
9	1,789	85.0	314	15.0	2103	100.0
10	1,763	84.4	326	15.6	2089	100.0
11	1,871	87.2	275	12.8	2146	100.0
12	1,890	87.0	281	13.0	2171	100.0
13	1,806	87.4	261	12.6	2067	100.0
14	1,884	88.3	250	11.7	2134	100.0
15	1,830	88.4	237	11.6	2067	100.0
Total	14,568	86.4	2,290	13.6	16,858	100.0

Source: U.S. Department of Commerce, Bureau of the Census, 1970.

TABLE C-6

NUMBER OF REFERRALS BY OFFENSE AND RACE: STAMFORD, 1978-1979*

Offense	Race						Total
	Black			White**			
	N	% of Total	% Distribution	N	% of Total	% Distribution	
Assault	22	55.0	9.	18	45.0	8.5	40
Truancy	11	55.0	4.6	9	42.5	4.3	20
Stubborn Children	2	66.7	0.8	1	33.3	0.5	3
Disorderly Youths	16	37.2	6.6	27	62.8	12.8	43
Using Drugs	15	50.0	6.2	15	50.0	7.1	30
Shoplifting/Theft	159	59.3	65.7	109	40.7	51.7	268
Vandalism	17	34.7	7.0	32	65.5	15.1	49
Total	242	53.4	100.0	211	46.6	100.0	453

* January 1, 1979 to July 1, 1979.

**..Includes Hispanics.

Source: State of Connecticut - Office of Judicial Information.

TABLE C-7

ZONE OF RESIDENCE OF JUVENILES REFERRED BY THE STAMFORD POLICE
TO SUPERIOR COURT: JUVENILE MATTERS: STAMFORD, 1978-1979

Zone	Referrals	
	Number	Percent
1	83	47.7
2	9	5.2
3	1	0.6
4	8	4.6
5	9	5.2
6	33	19.0
7	30	17.2
Total*	173	100.0

* Missing data = 1.

Source: Stamford Police Department.

TABLE C-8

FAMILY INCOME LEVEL OF ZONES FROM WHICH JUVENILES WERE REFERRED
TO SUPERIOR COURT: JUVENILE MATTERS: STAMFORD, 1978-1979

Income*	Referrals	
	Number	Percent
LOW (\$9,209)	72	41.6
MIDDLE (\$9,209-\$20,000)	79	45.7
UPPER (\$20,000+)	22	12.7
Total	173	100.0

* Income level determined by census data on median income of zone of residence.

** Missing data = 1.

Source: Stamford Police Department.

TABLE C-9

SCHOOL LEVEL OF JUVENILES REFERRED BY THE STAMFORD POLICE TO THE SUPERIOR COURT: JUVENILE MATTERS: STAMFORD, 1978-1979

School Level	Referrals	
	Number	Percent
Elementary	19	11.4
Middle	65	39.2
High School	82	49.4
Total*	166	100.0

Source: Stamford Police Department.

TABLE C-10

NUMBER OF PREVIOUS REFERRALS OF JUVENILES REFERRED BY STAMFORD POLICE TO THE SUPERIOR COURT: JUVENILE MATTERS: STAMFORD, 1978-1979

Number of Previous Referrals	Juveniles	
	Number	Percent
0	112	64.4
1	27	15.5
2-5	26	15.0
5+	9	5.1
Total	174	100.0

Source: Stamford Police Department.

TABLE C-11

NUMBER OF REFERRALS BY YOUTH BUREAU OFFICERS:
STAMFORD, 1978-1979

Officer	Referrals	
	Number	Percent
A	14	8.0
B	7	4.0
C	119	68.4
D	14	8.0
E	7	4.0
F	4	2.3
All others	9	5.3
Total	174	100.0

Source: Stamford Police Department.

TABLE C-12

NUMBER OF CHARGES PER REFERRAL: STAMFORD, 1978-1979

Number of Charges	Referrals	
	Number	Percent
1	119	68.4
2	44	25.3
3	10	5.7
4	1	0.6
Total	174	100.0

Source: Stamford Police Department.

TABLE C-13

OFFENSES LISTED AS FIRST CHARGE ON REFERRALS:
STAMFORD, 1978-1979

Offense	Referrals	
	Number	Percent
Family Problems	9	5.2
Marijuana	5	2.9
Disorderly	5	2.9
Vandalism	11	6.3
Thefts	93	53.4
Assaults	18	10.3
Robbery	9	5.2
Burgulary - Trespass	18	10.3
M.V.	3	1.7
Other	3	1.7
Total	174	100.0

Source: Stamford Police Department.

TABLE C-14

THEFTS LISTED AS FIRST CHARGE ON REFERRALS, 1978-1979

Category	Referrals	
	Number	Percent
Shoplifting	62	66.6
Larceny IV	15	16.1
Using M.V. w/o Permission	7	7.5
Larceny III	5	5.4
Larceny II	2	2.2
Larceny I	2	2.2
Total	93	100.0

Source: Stamford Police Department.

TABLE C-15

FIRST OFFENSE LISTED BY SEX OFFENDERS:
STAMFORD, 1978-1979

Offense	Sex			
	Male		Female	
	Number	Percent	Number	Percent
Family Problems	8	5.5	1	3.8
Using Marijuana	5	3.4	0	0.0
Disorderly	4	2.8	1	3.8
Vandalism	11	7.6	0	0.0
Thefts*	16	11.0	0	0.0
Shoplifting	58	40.0	19	73.1
Assaults	15	10.3	3	11.5
Robbery	8	5.5	1	3.8
Burgulary-trespass	17	11.7	1	3.8
Motor vehicle	3	2.1	0	0.0
Total**	148	100.0	26	100.0

* Excluding shoplifting.

** Missing data = 3.

Source: Stamford Police Department and Superior Court:Juvenile Matters.

TABLE C-16

FIRST OFFENSE LISTED BY RACE OF OFFENDER:
STAMFORD, 1978-1979

Offense	Race			
	White		Non-White	
	Number	Percent	Number	Percent
Family Problems	7	7.7	2	2.5
Using Marijuana	4	4.4	1	1.3
Disorderly	2	2.2	3	3.8
Vandalism	9	9.9	2	2.5
Thefts*	14	15.4	2	2.5
Shoplifting	29	31.8	48	60.0
Assaults	10	11.0	8	10.0
Robbery	5	5.5	4	5.0
Burgulary-trespass	9	9.9	9	11.3
Motor vehicle	2	2.2	1	1.3
Total**	91	100.0	80	100.0

* Excluding shoplifting.

** Missing data = 3.

Source: Stamford Police Department and Superior Court:Juvenile Matters.

TABLE C-17

NUMBER OF JUVENILES REFERRED FOR SHOPLIFTING BY SEX:
STAMFORD, 1978-1979

Sex	Cases	
	Number	Percent
Male	58	75.3
Female	19	24.7
Total	97	100.0

Source: Stamford Police Department and Superior Court: Juvenile Matters.

TABLE C-18

NUMBER OF JUVENILES REFERRED FOR SHOPLIFTING BY RACE:
STAMFORD, 1978-1979

Race	Cases	
	Number	Percent
White	29	37.7
Non-white	48	62.3
Total	77	100.0

Source: Stamford Police and Court Data

TABLE C-19

NUMBER OF JUVENILES REFERRED FOR SHOPLIFTING BY AGE:
STAMFORD, 1978-1979

Age	Cases	
	Number	Percent
8-11	12	15.6
12	12	15.6
13	20	26.0
14	20	26.0
15	10	13.0
Total*	74	100.0

* Missing data = 3.

Source: Stamford Police Department and Superior Court:
Juvenile Matters.

TABLE C-20

NUMBER OF JUVENILES REFERRED FOR SHOPLIFTING BY SCHOOL LEVEL:
STAMFORD, 1978-1979

School Level	Cases	
	Number	Percent
Elementary	14	18.7
Middle	34	45.3
High School	27	36.0
Total*	75	100.0

* Missing data = 2.

Source: Stamford Police Department and Superior Court:
Juvenile Matters.

TABLE C-21

NUMBER OF PREVIOUS REFERRALS FOR JUVENILES REFERRED FOR SHOPLIFTING: STAMFORD, 1978-1979

Number of Previous Referrals	Cases	
	Number	Percent
0	61	79.2
1	9	11.7
2 to 4	4	5.2
5 or more	3	3.9
Total	77	100.0

Source: Stamford Police Department and Superior Court: Juvenile Matters.

TABLE C-22

REFERRALS FOR SHOPLIFTING BY POLICE OFFICER, 1978-1979

Officer	Cases	
	Number	Percent
A	73	94.8
B	2	2.6
C	1	1.3
D	1	1.3
Total	77	100.0

Source: Stamford Police Department and Superior Court: Juvenile Matters.

TABLE C-23

DISPOSITIONS OF JUVENILES BY SUPERIOR
COURT: JUVENILE MATTERS, 1978-1979

Type of Handling	Dispositions	
	Number	Percent
Judicial	66	42.0
Non-Judicial	91	58.0
Total*	157	100.0

* Missing data = 17.

Source: Superior Court: Juvenile Matters.

TABLE C-24

DISPOSITIONS OF FIRST OFFENSES HANDLED
JUDICIALLY, 1978-1979

Disposition	Cases	
	Number	Percent
<u>Adjudicated Not Delinquent:</u>		
case dismissed	8	12.1
petition dismissed	22	33.3
<u>Adjudicated Delinquent:</u>		
warned	2	3.1
probation	4	6.1
probation w/ placement	17	25.7
suspended commitment D.C.Y.C.: probation	2	3.1
commit D.C.Y.S.: placement	3	4.5
commit D.C.Y.S.: Longlane	8	12.1
Total	66	100.0

Source: Superior Court: Juvenile Matters.

TABLE C-25

DISPOSITIONS OF FIRST OFFENSES HANDLED
NON-JUDICIALLY, 1978-1979

Disposition	Cases	
	Number	Percent
Dismiss: Not Delinquent	30	33.0
Dismiss: No Action	5	5.5
Dismiss: Warn	48	52.7
Non-Judicial: Supervision	8	8.8
Total	91	100.0

Source: Superior Court: Juvenile Matters.

TABLE C-26

DISPOSITIONS OF FIRST CHARGE LISTED BY TYPE OF OFFENSE:
STAMFORD, 1978-1979

Offense	Type of Disposition*									
	Dismissed		Warning		Non-Judicial Supervision		Probation		D.C.Y.S.	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Family Problems	1	1.6	0	0.0	0	0.0	5	22.7	3	27.3
Using Marijuana	2	3.2	3	6.0	0	0.0	0	0.0	0	0.0
Disorderly	0	0.0	2	4.0	1	12.5	1	4.6	1	9.1
Vandalism	7	11.1	0	0.0	0	0.0	3	13.6	0	0.0
Shoplifting	33	52.4	29	58.0	7	87.5	6	27.2	0	0.0
Other Thefts	1	1.6	5	10.0	0	0.0	4	18.2	1	9.1
Assaults	7	11.1	4	8.0	0	0.0	2	9.1	2	18.1
Robbery	1	1.6	0	0.0	0	0.0	1	4.6	3	27.3
Burgulary/trespass	9	14.2	6	12.0	0	0.0	0	0.0	1	9.1
Motor vehicle	2	3.2	1	2.0	0	0.0	0	0.0	0	0.0
Total	63	100.0	50	100.0	8	100.0	22	100.0	11	100.0

* Non-Judicial and Judicial Dismissals and warnings have been combined.

Source: Superior Court: Juvenile Matters,

TABLE C-27

DISPOSITION OF JUVENILES REFERRED FOR SHOPLIFTING:
STAMFORD, 1978-1979

Type of Disposition	Cases	
	Number	Percent
Dismissed	33	44.0
Warning	29	38.7
Non-Judicial Supervision	7	9.3
Probation	6	8.0
Total *	75	100.0

* Missing data = 2.

Source: Superior Court:Juvenile Matters.

TABLE C-28

SUMMARY OF CHI SQUARE RESULTS FOR COURT DISPOSITION
BY SELECTED INDEPENDENT VARIABLES

Variable	Chi Square	Level of Significance
Age	13.501	.141
Sex	6.367	.095
Race	6,492	.090
Family Income**	6.08029	.107
Seriousness of offense	16.664	.001*
Multiple Charge	12.773	.005*
Previous Referral	23.986	.001*

* Statistically significant, $p < .05$

** Income of zone.

Source: Stamford Police Department and Superior Court:Juvenile Matters.

TABLE C-29

SELECTED STAGES OF THE PROCESSING OF
OFFENSES BY THE POLICE AND COURT, 1978-1979

OFFENSE	Mean YBTIME ¹ (in days)	Mean TRANTIME ² (in days)	Mean COURTIME ³ (in days)	Mean FORMTIME ⁴ (in days)
Shoplifting	0.13 (2)**	12.8 (7)	116.4 (3)	129.0 (5)
All other thefts	1.18 (4)	11.3 (5)	97.5 (2)	108.0 (2)
Family Problems	2.3 (5)	8.3 (4)	47.3 (1)	55.6 (1)
Marijuana	0.0 (1)	13.8 (9)	155.6 (8)	169.4 (8)
Disorderly	0.6 (3)	6.4 (2)	177.8 (9)	184.2 (9)
Vandalism	2.7 (6)	12.4 (6)	134.0 (6)	145.5 (6)
Assaults	10.9 (8)	13.1 (8)	116.5 (4)	126.4 (4)
Robbery	3.0 (7)	6.3 (1)	143.7 (7)	149.2 (7)
Burglary/Trespass	35.5 (9)	8.0 (3)	117.2 (5)	125.1 (3)
Total Average	6.2	10.2	122.8	132.4

** Rank Order is in parentheses.

1 YBTIME = the number of days between apprehension for an offense and the police decision to refer the juvenile to court.

2 TRANTIME= the number of days between the decision to refer and arrival of the referral at the Superior Court:Juvenile Matters.

3 COURTIME= the number of days from court intake of a police referral to disposition by the court.

4 FORMTIME= the number of days from the police decision to the disposition by the court (formal processing time in the juvenile justice system).

Source: Stamford Police Department and Superior Court:Juvenile Matters.

APPENDIX D
SELF-REPORTS OF OFFENSES COMMITTED BY
JUVENILES IN STAMFORD

Introduction

This appendix reports the results of a questionnaire administered to 337 students in two Stamford middle schools during May 1979.¹ The questionnaire consisted of three types of questions:

- (1) knowledge questions (students' knowledge about the Stamford Police Department, juvenile court, legal rights and law violations);
- (2) students' evaluation of selected offenses; and
- (3) students' anonymous self-reporting of offenses they or their friends had engaged in recently.²

Two middle schools (grades 7-8) were selected for study. One is in downtown Stamford; the other is in a more residential area. Students in these schools are divided into units called cogs, each containing approximately 100 students. The cogs are heterogeneous in intellectual, racial, and economic composition. Two cogs were selected from each school. The questionnaire was administered by a teacher during one 50 minute period.

¹ A copy of the questionnaire is appended to this report.

² Of the 337 students, 109 completed this section, reporting their commission of offenses during the previous three months and the extent of contact with the police for commission of these offenses.

Students were assured that their responses would be totally anonymous and were instructed not to put their names on the questionnaire.

The sample consists of slightly more females (170) than males (167). (See Table D-1.)³ Twelve-year-olds (144) and thirteen-year-olds (164) comprised 94.7 percent of the total respondents (Table D-2).

Knowledge Questions (Table D-3)

While 70 percent of the students knew that juveniles in trouble are treated differently than adults in trouble, a significant number did not know about the juvenile court (34.7 percent), the Youth Bureau (38.0 percent), or that there is a detention center for juveniles (50.0). With respect to juvenile rights, only 28 percent (N=94) of the students were aware of the fact that their parents should be present during police questioning and only 18.0 percent knew that the police do not fingerprint juveniles. Interestingly, the majority of middle school students were not aware of the fact that a police officer is stationed outside the Stamford high schools; nor do they know the location of the Police Department. The responses to these questions by students who reported having had contact with the police differed very little from those who reported no contact with police, the exception being that almost all the students (88.0 percent) who had contact with the police knew that Stamford police cars were not black and white. There was no significant variation in response by sex or cog.

³ All tables referred to in this appendix appear at the end of it.

The Legality of Offenses (Table D-4)

Most students understood that engaging in shoplifting (84.0 percent), vandalism (76.9 percent), smoking marijuana (75.0 percent), and threatening persons for purposes of extortion (74.2 percent) are violations of law. Students were less knowledgeable about the legality of "status" offenses: incorrigible, 13.9 percent; running away from home, 22.8 percent; and truancy from school, 49.0 percent.

Students' Perception of Selected Offenses (Table D-5)

Responses to these questions suggested that students perceived most juvenile problems in a very moralistic way and did not distinguish between the seriousness of offenses in general and the extent of their actual commission by Stamford juveniles. For example, available statistics suggested that child abuse is not a serious problem for Stamford juveniles, yet students considered this problem the most serious. The same was true of their perception of "setting fires." The extent to which drug use and selling seemed a serious problem to these students was also not reflected in official police statistics or in our interviews with some school personnel. However, police and some other school personnel suggested that the problem is serious but ignored. In this respect, there may be some credibility to students' responses.

Slightly more than half the students believed that fighting (51.1 percent), vandalism (52.7 percent), disorderly youths (54.2 percent), truancy (52.6 percent), and defying a teacher's authority (50.7) were somewhat serious problems.

Self Report (Table D-6)

Sixty-three percent of the students (69) reported having carved or marked up a school desk or woodwork. This appears to be the major form of vandalism in the schools. Fifty-five percent reported having taken things not belonging to them and forty-one percent (45) reported having shoplifted. While forty-six percent reported having threatened to hurt another person, very few appear to have carried through such threats. Few students reported using or selling drugs, but thirty eight percent (42) reported drinking alcoholic beverages without their parents' permission.

While half the students reported trespassing on someone's land, thirty-five percent admitted to having entered a house or building without the owner's permission. Slightly more than a quarter (26.6 percent) of the students reported skipping school often. Thirty-three percent of the students admitted to having argued or fought with a teacher, but very few (10.1 percent) had been expelled or suspended.

Very few students reported having contact with the police for commission of these offenses, which suggests that the offenses are either undetected or not recorded by officials.

FIGURE D-1
STUDENT QUESTIONNAIRE
DO NOT SIGN YOUR NAME

Part I

Answer the following questions by putting a check mark [✓] on the line. Do not guess the answers. If you do not know the answer don't be afraid to check "don't know" for your response.

	Yes	No	Don't Know
1. Stamford police cars are black and white with POLICE printed in black letters on the side doors	—	—	—
2. You are breaking the law when:			
(a) you "skip" school alot	—	—	—
(b) you take something from a store without paying for it	—	—	—
(c) you run away from home without a good reason	—	—	—
(d) you frequently disobey your parents	—	—	—
(e) you damage someone elses property	—	—	—
(f) you use or threaten to use a weapon to get something from a person	—	—	—
(g) you make alot of noise and it bothers other people	—	—	—
(h) you drink beer or liquor without your parents permission	—	—	—
(i) you go into a house or building when your're not supposed to be there	—	—	—
(j) you smoke marijuana	—	—	—
3. There is a special court in Stamford where kids in trouble are sent.	—	—	—
4. The Stamford Police Department is located on Summer Street.	—	—	—
5. Kids less than 16 years old who get into people who get into trouble.	—	—	—
6. Stamford Police Officers sponsor athletic activities for youth in Stamford.	—	—	—
7. If you were arrested tomorrow, the police would take your fingerprints.	—	—	—
8. There is a police officar stationed outside of the High Schools in Stamford.	—	—	—
9. The Stamford Police Department has a special unit to handle problems that involve young people your age.	—	—	—
10. You don't have to answer a police officer's questions unless your parents are present.	—	—	—
11. There is a detanction center for persons your age where the police may take you if you are arrested.	—	—	—
12. In Stamford, girls get in trouble with the police as often as boy's do.	—	—	—
13. The same kids cause most of the problems in Stamford.	—	—	—

FIGURE D-1 (Cont.)

Part II

Below are listed some offenses that young people your age have been known to do or have done to them.

We are interested in how serious you think these problems are among kids in Stamford. For each problem circle the number on the scale between 0 and 5 to show how serious you think the problem is.

0 = Least Serious 5 = Most Serious

1. Fights involving gangs or individuals	0	1	2	3	4	5
2. Damaging or stealing parts of a car	0	1	2	3	4	5
3. Drinking beer, wine or liquor without your parents' permission.	0	1	2	3	4	5
4. Making so much noise that people call the police.	0	1	2	3	4	5
5. Being expelled or suspended from school.	0	1	2	3	4	5
6. Shoplifting (taking something from a store)	0	1	2	3	4	5
7. Running away from home	0	1	2	3	4	5
8. Using marijuana	0	1	2	3	4	5
9. Using force to take money from people	0	1	2	3	4	5
10. Selling marijuana	0	1	2	3	4	5
11. Skipping school without an excuse	0	1	2	3	4	5
12. Setting fires in buildings or grounds where they were not intended.	0	1	2	3	4	5
13. Breaking street lights or windows	0	1	2	3	4	5
14. Taking a car for a ride without the owner's knowledge.	0	1	2	3	4	5
15. Defying a teachers authority.	0	1	2	3	4	5
16. Removing traffic signs.	0	1	2	3	4	5
17. Giving or attending parties where liquor is served.	0	1	2	3	4	5
18. Staying out all night without parent's permission.	0	1	2	3	4	5
19. Sending in false alarms	0	1	2	3	4	5
20. Using drugs other than marijuana	0	1	2	3	4	5
21. Selling drugs other than marijana	0	1	2	3	4	5
22. Entering a commercial or public building and busting up the place.	0	1	2	3	4	5
23. Parents not properly caring for their children.	0	1	2	3	4	5
24. Carving or marking up school desks or woodwork.	0	1	2	3	4	5
25. Going onto someone's land without their permission.	0	1	2	3	4	5
26. Carrying a gun or knife.	0	1	2	3	4	5
27. Stealing money or valuable things from people.	0	1	2	3	4	5
28. Parents beating their children badly enough for the child to need a doctor.	0	1	2	3	4	5

CONTINUED

4 OF 5

APPENDIX E
SURVEY OF YOUTH SERVING AGENCIES

Introduction

From May to July 1979, project staff surveyed agencies that provide services to juveniles in Stamford, including government agencies, private social service agencies, and recreational agencies. The twenty-seven agencies contacted are listed in Figure E-1.¹

Agency personnel, in most cases directors, responded to an open-ended questionnaire administered by two research assistants. Information was obtained on the service and internal features of each agency, general perceptions of youth services in Stamford, and how the agency interacts with the police, court, probation, and other social service agencies. A copy of the survey questionnaire appears at the end of this appendix.

Not all the agencies were able to respond to every question. Several agencies were not directly involved with juveniles but acted as information "clearinghouses." The nature of the programs of some agencies made certain questions irrelevant. For example, questions about treatment programs were not applicable to recreational agencies. The information we present is based on agency responses to appropriate questions.

¹ All figures and tables mentioned in this appendix appear at the end of it.

Staffing and Services

Fourteen of the 27 agencies contacted were counseling agencies and six were recreational agencies. Most of the agencies have small paid staffs: under six full- or part-time workers to run their programs (see Table E-1). Only three of the nineteen reporting claimed to have more than ten full- or part-time staff members. Slightly more than this number of agencies rely on large numbers of volunteer workers.

While agencies provided services equally well to male and female clients, this was not true in regard to race.² Only one agency out of fifteen reported serving predominantly Hispanic clients. A number of agencies reported serving predominantly either whites or blacks, but few serve both groups in equal numbers (see Table E-2). There was a disproportionate number of counseling agencies with a white clientele and a disproportionate number of recreational agencies with a black clientele (see Table E-3).

Very few agencies reported special programs for juveniles who were known to have committed one of the "priority problems" (see Appendix A) selected by the project for intensive study (see Table E-4). In part, this may be explained by the use of legal categories to define the priority problems, while the agencies are not mandated to offer services for those who commit criminal offenses. For example, eleven of the fourteen counseling agencies reported that their clients sought help for family problems. These agencies also reported that, while some of their clients had a history of involvement with the police and the Court, this was not the focus of their current treatment efforts.

² Blacks and Hispanics comprised approximately 13 and 7 percent, respectively, of Stamford's total 1975 population of 105,000.

Source of Clients Referred

The surveyed agencies appeared to rely minimally on other agencies for referrals: self referrals were the most frequently reported source of clients (see Table E-5). The Stamford Police Department was reported as the least likely source of referrals. Only two agencies, DCYS and the Rape Crisis Center, reported that a significant number of their cases were police referrals.³ Schools were the second most frequently reported source of referrals, followed by the Superior Court: Juvenile Matters, DCYS, and all other agencies (usually hospitals).

Agency Perceptions of Juvenile Services

The surveyed agencies reported three major gaps in juvenile services in Stamford (see Tables E-6 to E-9):

- (1) Lack of service for specific groups of juveniles, particularly Hispanics;
- (2) Lack of coordination and cooperation among agencies; and
- (3) Lack of emergency shelter facilities.

Also frequently mentioned was the lack of gathering places or recreational facilities for juveniles.⁴

Agency Perceptions of Stamford Police

Most agencies reported no formal relations with the Stamford Police

³ Police referrals to DCYS were reports of suspected abuse or neglect.

⁴ However, four of six recreational agencies reported that they are under-utilized. In addition, some directors disagreed that there was no short-term emergency shelter available.

Department. Typically, agency personnel came into occasional informal contact with officers, usually with officers in the Youth Bureau, or had no contact at all with Stamford police (see Table E-10).

Perhaps as a result of this minimal and sporadic contact, agency personnel offered few detailed observations about the manner in which Stamford police handled juvenile-related matters. Nearly half the respondents claimed they had insufficient knowledge to judge police performance, while about a third of those interviewed labelled police performance as "good" or "pretty good." Four individuals in the remaining agencies had specific complaints about police behavior (see Table E-11).

Agency personnel offered recommendations for improving their relations with the police. Four specific recommendations were mentioned quite often (see Table E-12):

- (1) Increase police officers' knowledge of available agencies and programs;
- (2) Train officers in diagnosing, counseling, and referring juvenile matters;
- (3) Initiate regular police dialogue or cooperative planning with community agencies; and
- (4) Increase the number of referrals to community agencies.

In response to questions about the possibility of police screening of juvenile cases for the purpose of diversion, nearly all the agencies believed that police officers were capable of screening if provided the proper training and perhaps some outside assistance. Only two respondents expressed the opinion that police officers were not capable of screening juveniles. Many agencies expressed a strong interest in becoming involved

in a training and information program (see Table E-12).

Some agency directors expressed the belief that the Stamford police have a poor image among minority groups in the community, especially among youth. They suggested that, to improve that image and foster better relations with juveniles, the police consider establishing a community relations unit. A second suggestion, oriented to crime prevention and an increase in the recruitment of minorities, was assignment of officers to walking beats, particularly in such high density, high poverty areas as Southfield Village (see Table E-13).

Agency Relations with Stamford Juvenile Court

The community agencies varied in their contact with the Superior Court: Juvenile Matters in Stamford. Nearly half reported no relationship with the Court, while 38 percent reported an excellent, very good, or close relationship (see Table E-14). Three agencies reported receiving juveniles from the Court.⁵ Agencies made two major recommendations on the court system: 1) increase the amount of consulting and involvement between the Court and probation officers and the agencies; and 2) increase the number of referrals from the Court to agencies.

Summary and Conclusions

Project staff surveyed 27 Stamford agencies that provide services to

⁵ The agencies in contact with the Court reported the existence of two conflicting philosophies toward the handling of juveniles in the community. Some in the community were urging the Court to explore more alternatives to punishment and incarceration, while others were urging a "get tough" stance of treating juveniles more like adults.

juveniles. They gathered a large amount of information about services provided and recorded the opinions of the various directors. The following conclusions and suggestions are based on what was learned from the survey:

(1) We were impressed by the large number and wide range of services available to juveniles in Stamford. As we met more people, we were given the names of people and agencies that we had overlooked. We concluded that there was no shortage of agencies to serve the needs of juveniles in Stamford. Particularly numerous were agencies that provided family counseling.

(2) According to those we interviewed, there were some specific gaps in service: recreation was lacking in North Stamford, the Cove, and Springdale; there was only one diagnostic and evaluation service, and no alcohol detoxification program or drop-in center; and there was a general shortage of services for the Hispanic community. Mentioned often were a lack of services for females and, especially critical, the absence of a medium- to long-term shelter: i.e., from 3 weeks up to a year.

(3) The agencies were staffed by professionals. Many more than we had expected had access to psychiatrists and psychologists, and many had them on their own staff. Funding did not appear to be a serious problem. Most youth serving agencies had been established in Stamford in the early '70s or before, and many of the newer ones were successors of agencies begun at that time.

(4) We were told that the major problem among the agencies was communication. It was our impression that there was resistance to cooperation among the various ethnic groups in the city. The Hispanic community was

mentioned in particular as being unwilling to allow the participation of its juveniles in programs not specifically directed to Hispanics. A second reported obstacle to agency cooperation was the protectiveness of some agencies of their "territory"; they feared that other agencies would try to take away what the directors always called "my kids." We should stress, however, that most directors felt that the current referral system worked well and that no more formal mechanism of referral, such as a central referring agency, was needed.

(5) The overwhelming majority of the agencies in contact with the Juvenile Court claimed that their relations with the Court were excellent. The probation officers rarely referred a juvenile who had to be rejected at intake by the agency; they closely monitored juveniles in treatment. Many agencies would have liked to have more referrals from the Court, and even more would have liked to involve probation officers in treatment. It was not made clear to us what form this involvement would take.

(6) The directors of these agencies actually knew very little about how the police handled juveniles in Stamford. The question concerning their perception of the job the police were doing with juveniles was most often answered with an embarrassed "I don't know anything about it." This lack of knowledge was explained by most agencies having no dealings at all with the police. There were also more disturbing answers to that question, however, all involving charges from a few directors of race prejudice on the part of the Department. Some of these directors suggested that racism was a severe community-wide problem and noted that the police were no more racist than any randomly chosen group of people in Stamford. These same directors felt

that the image of the police, especially among minority youth, was very poor. Several suggested that the police establish a community relations unit as a way of improving their image and fostering better community relations.

(7) The clear consensus among all the agencies we contacted was that, after the police have come in contact with a juvenile, they should make their own referrals. The directors expressed a strong willingness to accept such referrals and to provide information on the progress of treatment much as they provide it to Superior Court: Juvenile Matters. The question of whether the Police Department could screen cases well enough to make effective referrals drew a variety of responses. Few believed that the average officer was qualified to make referrals, but others believed that Youth Bureau officers would be able to handle the job. Some agencies expressed a preference for a trained social worker to do the screening and make referrals. Eight agencies offered to provide a staff member to participate in a pilot project to train police officers.

(8) The directors believed that the average police officer needed knowledge of the opportunities available for juveniles in Stamford and training in making referrals.⁶ Those we spoke with wished that the police would make more use of their agencies, and were not only willing to provide training and information to members of the Stamford Police Department but enthusiastic with the idea. Most agency directors perceived the police as willing to cooperate but believed that too often the police wait for the initial contact to come from the agencies; some also believed that the police might not be receptive to their suggestions and preferred that the police take the initiative in contacting them.

⁶ A directory of juvenile services would by itself be of little value.

TABLE E-1

NUMBER OF AGENCIES REPORTING PAID AND VOLUNTEER STAFFS

Number of Staff	Number of Agencies		
	Full-time Staff	Part-time Staff	Volunteer Staff
1 - 5	12	9	3
6 - 10	4	0	3
11 - 15	0	2	0
16 - 20	2	0	0
20+	1	1	4
TOTAL	19	12	10

Source: Stamford Community Agency Survey, 1979.

TABLE E-2

REPORTED SEX AND RACE OF AGENCY CLIENTS

CLIENTS			
Sex		Race	
Predominantly Male	5	Predominantly White	6
Male and Female	9	White and Black	2
Predominantly Female	4	Predominantly Black	6
		Predominantly Hispanic	1
Total Agencies	18	Total Agencies	15

Source: Stamford Community Agency Survey, 1979.

TABLE E-3

TYPE OF AGENCY BY SEX AND RACE OF CLIENTELE

Clients		Type of Agency	
		Recreational (N=6)	Counseling (N=14)
Sex	Male	3	3
	Female	2	3
	Mixed	1	5
Race	White	0	6
	Black	4	1
	Black/White	2	3
	Hispanic	0	1

Source: Stamford Community Agency Survey, 1979.

TABLE E-4

SPECIAL PROGRAMS REPORTED BY AGENCIES FOR PRIORITY PROBLEMS

Problem	Number of Agencies
Family Problems	2
Drugs/Alcohol	2
Chronic Runaways	1
Truancy	1
Vandalism	1
Total	7

Source: Stamford Community Agency Survey, 1979.

TABLE E-5

PERCENTAGE OF CLIENTS REFERRED BY SOURCE OF REFERRALS*

Percentage of Clients Referred	Source of Referral					
	Self	Schools	Court	DCYS	Other	Police
0	3	7	7	8	9	9
Less than 5%	1	1	1	2	0	5
5.0 - 19.9%	1	1	4	2	4	1
20.0 - 39.9%	4	4	1	1	2	1
40.0 - 59.9%	2	2	1	2	1	0
More than 60%	5	1	2	1	0	0

* Number of Agencies Reporting = 16.

Source: Stamford Community Agency Survey, 1979

TABLE E-6

AGENCY PERCEPTION OF DEFICIENCIES IN SERVICE FOR JUVENILE*

Most Frequently Reported Service Deficiency	Number of Times Reported
Lack of service for particular segments of juvenile population	6
Lack of coordination/cooperation among agencies	5
Lack of shelter facilities	5
Lack of gathering place for juveniles, utilization of recreational facilities	3

* Number of Agencies Reporting = 16.

Source: Stamford Community Agency Survey, 1979.

TABLE E-7

REPORTED SERVICE DEFICIENCIES OF TYPE OF DEFICIENCY*

Lack of Appropriate Services	Number of Times Reported
Shelter	5
Residence	2
Drop in/Day Treatment	2
Preventive	1
Counseling	1
Diagnostic/Evaluation	1
Mental Health	1
Alcohol/Detox	1
Drop Outs	1
Stubborn	1
General Services	1

* Number of Agencies Reporting = 16.

Source: Stamford Community Agency Survey, 1979.

TABLE E-9

OTHER PROBLEMS REPORTED BY AGENCIES

Deficiency	Number of Agencies
Lack of Coordination/ Cooperation among agencies	5
Lack of gathering place/ utilization of recreational facilities	3
Lack of services in specific neighborhoods	2
Schools inaccessible	1
Lack of job money	1
Programs needed during school vacation	1
Juveniles unaware of programs available	1

* Number of Agencies Reporting = 16.

Source: Stamford Community Agency Survey, 1979.

TABLE E-10

REPORTED RELATIONSHIP OF COMMUNITY AGENCIES TO STAMFORD POLICE DEPARTMENT

Type of Relationship	Number of Agencies
Formal	4
Informal	3
Informal with Youth Bureau Officers	9
No Relationship	4
Total	20

Source: Stamford Community Agency Survey, 1979.

TABLE E-11

AGENCY PERCEPTION OF POLICE PERFORMANCE*

Agency Perception	Number
Not enough knowledge to express opinion	8
Good	6
Racist/discriminatory	2
Hostile to criticism/change and unwilling to work with agencies	1
Go by book with no understanding	1

* Number of Agencies Reporting = 19.

Source: Stamford Community Agency Survey, 1979.

TABLE E-12

AGENCY PERCEPTION OF POLICE SCREENING OF JUVENILE CASES*

Response	Number of Times mentioned
With training, the police can screen	8
The Youth Bureau is capable of screening	4
Police capable of screening with assistance of agencies or professional case screener	3
Some officers are capable of screening	2
Uninformed officers are not capable of screening	3
Police officers are not capable of screening	2

* Number of Agencies Reporting = 19.

Source: Stamford Community Agency Survey, 1979.

TABLE E-13

AGENCY RECOMMENDATIONS FOR IMPROVING POLICE PERFORMANCE*

Recommendation	Number of Times Mentioned
Increased Police knowledge of agencies and programs	10
Training in diagnosis, counseling, referring	7
Increase Police-involvement with juveniles in non-crisis situations	7
Initiate Police dialogue/plan with agencies	6
More referrals	5
Police non-crisis involvement with community and community relations	3
Police case-screening	2
Walking beats	2
Talk to juveniles in schools	2
Intermediate court for punishment	1
Threat of police action to coerce treatment	1
Police should abandon punishment as threat	1

* Number of Agencies Reporting = 21.

Source: Stamford Community Agency Survey, 1979.

TABLE E-14

REPORTED RELATIONSHIP OF COMMUNITY AGENCIES
TO THE JUVENILE COURT

Relationship	Number of Times mentioned
Excellent/close; very good	5
good/close	4
good but infrequent	4
No relationship	11

* Number of Agencies Reporting = 24.

Source: Stamford Community Agency Survey, 1979.

TABLE E-15

AGENCY RECOMMENDATIONS FOR IMPROVING
COURT PERFORMANCE*

Recommendations	Number of Responses
More consultation and involvement with agencies	5
More Referrals	4
Handle cases more quickly	1
More preventive programs	1
Clarify status offenders	1
Satisfied with court performance	3

* Number of Agencies Reporting = 13.

Source: Stamford Community Agency Survey, 1979.

Figure E-1

COMMUNITY AGENCIES IN STAMFORD CONTACTED

1. Alateen/National Council on Alcoholism
2. Board of Recreation
3. Boy's Club
4. Catholic Family and Community Services/Catholic Charities
5. CETA
6. Community Return
7. Council of Churches and Synagogues
8. CTE-Crime Prevention Division
9. D.C.Y.S. (Child Welfare division)
10. Dept. of Social Work, Board of Education
11. Domus
12. Dubois Treatment Center
13. Emergency Shelter Program
14. Family and Children Services
15. Girl's Club of Stamford
16. Greenwich Youth Shelter
17. Liberation Clinic
18. Rape Crisis
19. Southfield Community Organization, Inc.
20. Spanish International Center
21. Stamford Counseling Center
22. Stamford Child Guidance Clinic
23. S.Y.P.C.A.
24. Vitam Center
25. YMCA
26. YWCA
27. Yerwood Center

FIGURE E-2

POLICE HANDLING OF JUVENILES:
COMMUNITY AGENCY SURVEY, Stamford, Conn. 1979

1. Agency Name:
2. Address:
3. Phone:
4. Person to contact:
5. Hours of service:
6. Describe your facilities:
- 6a Funding
7. What services do you provide?
8. How long have you provided these services?
9. What types of treatment and/or counseling do these service involve?
10. What is the average length of treatment?
11. Do you provide any special programs, treatment, or facilities which deal specifically with: vandalism, shoplifting, assaults, using drugs, disorderly conduct, family problems with stubborn children, truancy from school, female offenders, and/or repeat offenders?
12. If yes, which?
13. Are you mandated to serve any particular population? If so, which?
14. What are the basic eligibility requirements?
15. Do you charge a fee?
16. Do you ever reject someone for inability to pay?
17. What criteria are used to accept or reject cases?
18. If you are forced to reject someone, are you able to refer that person elsewhere? If so, where?
19. Are you part of some formal or informal referral network?
 - a. If so, who are the others involved?
 - b. If not, do you think there is a need for one?
 - c. How could it be organized?

FIGURE E-2 (CONT.)

20. What gaps or overlaps in service exist among agencies that deal with juvenile problems?
21. Profile your average client:
- a. Age
 - b. Sex
 - c. Race
 - d. Personal history
 - e. Reason for referral
 - f. Attitude towards treatment
 - g. Chances for successful treatment
 - h. What criteria do you use to determine successful completion of services?
 - i. Do you do any follow-up work? If so, what kind?
22. From where do your clients come?
- Estimate percentages from:
- a. Police
 - b. Court (are any of these voluntary?)
 - c. DCYS
 - d. Schools
 - e. Self referrals
 - f. Other agencies (which ones?)
23. What is the specific legal status of the people who come to you?
- a. Voluntary (no legal status)
 - b. Non-judicial supervision
 - c. Court order
24. Describe your agency's relationship with the police:

FIGURE E-2 (CONT.)

25. Are any police officers participating in any of your programs?
- a. If yes, in what capacity (i.e., planners or administrators?)
 - Volunteers?
 - Official?
26. Do you think the Stamford Police should refer willing youths to outside agencies?
27. Would your agency be willing to accept kids sent to you on the recommendation of the police?
28. Do you feel the police would screen effectively in making referrals to you? If not, why not?
29. Would you provide feedback to the police if they referred someone to you?
30. What is your perception of the police handling of juvenile problems in Stamford?
31. What specific recommendations or policies would you like the police to adopt in dealing with young people?
- a. How can they improve?
 - b. How could your agency help them improve the job they do?
 - c. What would your agency like your relationship with the police to be?
32. Describe your relationship with the Juvenile Court:
33. Does the court mandate length of treatment?
34. Do you report to the court of probation officers during the
35. Do you have a court liaison?
36. Are any court officers involved in planning or administering any of your programs?
- a. If yes, in what capacity?
 - b. Volunteer?
 - c. Official?
37. Do the probation officers consult with you prior to making their referrals?
38. Are the cases referred to you by the probation officers appropriate for your services?

FIGURE E-2 (Cont.)

39. Would you like to see the probation officers work more closely with you?
 - a. Involved in planning?
 - b. More cases on referral?
 - c. More consultation before referral?
 - d. Other?
40. In conclusion, I'd like to ask a few questions dealing with your staff and the records maintained by your agency.
41. What is the size of your staff?
 - a. Full-time paid:
 - b. Part-time paid:
 - c. Full-time volunteer:
 - d. Part-time volunteer:
42. What kinds of training, experience and educational backgrounds do your staff members have?
43. Do you have access to professional consultants?
 - a. If so, what kind?
 - b. Is there an additional fee?
 - c. How often are they used?
44. How many cases do you handle in an average month?
45. Are you operating at full capacity?
 - a. Over-utilized?
 - b. Do you have a waiting list?
 - c. Under-utilized?
46. What kinds of records do you keep in relation to those who have been involved in: vandalism, shoplifting, assaults, using drugs, disorderly conduct, family problems with stubborn children, truancy from school, femal offenders, and/or repeat offenders?
47. What has access to these records?
48. Could we examine your records with the understanding that we are interested only in statistics, not individuals?

FIGURE E-2 (CONT.)

49. If we require additional information for this study, may we contact you at a later data?
50. Interviewer's comments:
51. Date:
52. Time started and completed:
53. Those present:
54. Literature obtained:

APPENDIX F

POLICE LIABILITY IN THE STATE OF CONNECTICUT

I. Introduction

The national standards urge the police to expand the use of diversion so that fewer juveniles involved in minor criminal and status offenses are processed through the formal juvenile justice system. Diversion of juveniles to community-based treatment centers is perceived as a partial solution to the problem of over-crowded courts and as a way of avoiding contact with the court system, an experience that many commentators agree can cause irreparable harm to a juvenile.¹ The use of diversion would give the police greater authority and responsibility over the care of juvenile offenders. But, because the police are unsure about the proper procedures for diverting juveniles (e.g., may the police detain a juvenile when no community facilities are available to which to divert the juvenile?), they are anxious about suits that may result from the assumption of additional responsibilities.² This

¹ See Commentary to IJA/ABA Standard 2.3, Police Handling of Juvenile Problems.

² Connecticut statutes have not specifically authorized the police to use diversion for criminal offenses. (Conn. Gen. Stat. §46b-133.) Instead, section 46b-133 requires the police to refer a juvenile to court once an arrest has been made. However, Auerbach Service Bureau, The Legal Rights of Children, (Hartford, Connecticut, 1977), points out that the statutes do not prohibit police use of diversion before arrest, and further argues that the authority for diversion can be derived from the general authority of the police department. This authority, according to Auerbach, allows the police to exercise their discretion not to arrest and instead to refer a child to other forms of assistance (pp. 321-323).

appendix discusses the kinds of suits against the police the law will recognize (i.e., common law tort actions and actions brought under §1983 of the United States Code) and the effect of the doctrine of sovereign immunity on such actions.

II. Common Law Tort Actions in Connecticut

A person whose rights have been violated by a police officer has an action in tort against that officer. Among the claims that are recognized in Connecticut are those of false imprisonment, assault and battery, negligence, intentional infliction of emotional distress, defamation, and invasion of privacy.

Perhaps the most significant common law action brought against the police is the tort of false imprisonment. False imprisonment consists of the unlawful restraints of a person's physical liberty. To make out a prima facie case for false imprisonment, plaintiffs must allege that they were restrained against their will by a person or persons who intended to restrain them.³ The restraint can be accomplished by physical force, threat of force, or conduct by which the defendant reasonably implies a claim of

² (continued) It is also important to note here that part of Connecticut's new Families With Service Needs Act, P.A. 80-236, Concerning Juvenile Detention, permits a police officer or detention supervisor to turn a juvenile who has allegedly committed a status offense over to a youth service program. Thus, the Connecticut police now have explicit statutory authority to divert status offenders.

³ See W. Prosser, Torts §11 (4th ed.). Connecticut's law of false imprisonment generally conforms to Prosser's definition; see also Wright and Fitzgerald, Connecticut Law of Torts (2nd Ed.), §§12, 14.

authority. An officer may assert as a defense that there was no clear restraint, that the plaintiff consented to the restraint, or that there was legal authority to arrest or detain the plaintiff.

An officer may be liable for false imprisonment if an arrest is made pursuant to a warrant that is invalid on its face.⁴ In cases of warrantless arrest, the Connecticut courts have stated that an action for false imprisonment will lie unless the arrest is authorized by statute.⁵ Connecticut law, P.A. 80-313 (10/1/80), provides that persons can be arrested for any offense without a warrant if the officer apprehended them in the act or on the "speedy information of others." To arrest a felony suspect without a warrant, the statute requires the officer to have "reasonable ground to believe" that the person has committed a felony. An arrest that does not comply with the provisions of this statute is illegal.⁶

A plaintiff is not limited to a recovery for out-of-pocket losses in an action for false imprisonment. Punitive damages are available when the intent to detain was malicious or when the detention involved wanton misconduct. However, if imprisonment is the result of a simple mistake, no punitive damages will be awarded. A court may also allow recovery for humiliation, mental anguish and damage to one's reputation.⁷

⁴ Prosser, op. cit., §12.

⁵ Zanks v. Fluckiger, 22 Conn.Sup. 311, 171 A.2d 86 (1961).

⁶ Sims v. Smith, 115 Conn. 279, 161 A.239 (1932). This "reasonable grounds to believe" standard is equated with probable cause in State v. Love, 169 Conn. 596, 363 A.2d 1035 (1975).

⁷ See Foote, Tort Remedies for Police Violations of Individual Rights, 37 Minn. L. Rev. 493, 497 (1955).

Police officers can also be sued for assault and battery. The following is a general statement of the law concerning this tort:

Although a peace officer who has lawful custody of a person is entitled to use such reasonable force as is necessary to carry out his duty to put the prisoner in jail, he is liable for assault and battery if on that occasion he inflicts physical injury by using force not necessary to subdue the prisoner or to effect his incarceration, or unnecessarily subjects the prisoner to indignities of a physical nature. A peace officer may, of course, justify his act on the ground of self-defense. 6 Am.Jur.2d, Assault and Battery §125.

Thus, an officer is justified in using reasonable physical force to effect an arrest or to prevent an escape (Conn. Gen. Stat. Ann. §53a-22) and there are limited circumstances in which an officer is permitted to use deadly force.⁸

A plaintiff may be compensated for all the harm that results from an assault and battery by a police officer, even if the harm was unforeseeable. Punitive damages can be recovered as well.⁹

Police officers can be sued for negligence. Whenever an officer has a duty, recognized by the law, to perform an act, that person is required to perform that duty in a reasonable manner. Failure to perform such a duty in a reasonable manner is negligence. If a court determines that an officer took unreasonable risks that led to the injury of a citizen, it will compensate the injured party. For example, if an officer unnecessarily engages in a high-speed chase during which a person is injured, that officer may be held liable for negligence.

⁸ See Conn. Gen. Stat. Ann. §53a-22 (c); Martyn v. Doulin, 151 Conn. 402, 198 A.2d 700 (1964).

⁹ See Wright & Fitzgerald, Connecticut Law of Torts (2nd ed.) §174.

Suits less frequently brought against police officers are claims of intentional infliction of mental distress and invasion of privacy. To construct a case for intentional infliction of mental distress, the plaintiff must allege that there was a specific intent on the part of the defendant to cause mental distress, or that the defendant's conduct was wanton or reckless and so severe distress resulted. Prosser, Torts §12 (4th ed.). In Connecticut, it is unclear whether a physical injury is a prerequisite for allowing recovery on such a claim.¹⁰ While a claim of intentional infliction of mental distress can be brought in cases of police harassment or misbehavior, we discovered no case in which this charge had been used as even a partial basis for recovery.

Similarly, while Connecticut recognizes a cause of action for the invasion of privacy,¹¹ no case extends this right to the kind of intrusions likely to result from the police detention or diversion of juveniles.

III. The Doctrine of Sovereign Immunity

An individual who claims to have been injured by a police officer may also sue the municipality as the employer of that police officer. However, the legal doctrine of sovereign immunity has often barred recovery from municipalities for the tortious conduct of their employees. This doctrine protects municipalities from being sued for the acts of employees that are determined to be discretionary in nature, as opposed to acts that are ministerial in nature. An example of a ministerial act is the recording

¹⁰ See Hiers v. Cohen, 31 Conn. Sup. 305, 329 A.2d 609 (1973).

¹¹ See Travers v. Paton, 261 F.Supp. 110 (D. Conn. 1966).

of an instrument by a town clerk because the clerk acts "without regard to or in the exercise of his own judgment or discretion upon the propriety of the act being done."¹² The distinction between ministerial and discretionary acts has been frequently criticized, for it is argued that every act contains an element of discretion.¹³

In spite of this doctrine of sovereign immunity, Connecticut has a statute that requires municipalities to assume liability for damages caused by their employees. The statute requires a municipality to indemnify an employee acting within the scope of his or her employment who "becomes obligated to pay by reason of the liability imposed upon such employee by law for damages awarded for infringement of any person's civil rights or for physical damages to person or property...if such occurrence, accident, physical injury or damage was not the result of any wilful or wanton act of such employee...."¹⁴ The municipality will not pay damages for suits based on libel or slander.

While the municipality thus retains the right not to reimburse a police officer whose conduct was wilful, wanton, or outside the scope of his or her duties, a study of 149 police misconduct cases found that this right was exercised in only two instances.¹⁵ As a practical matter, even suits based on intentional or wrongful torts can be brought against both the individual officer and the municipality, since there is a strong likelihood that the municipality will assume the cost.

¹² Boucher v. Fuhlbruck, 26 Conn. Sup. 79, 81, 213 A.2d 455, 457 (1965).

¹³ See McQuillin, Municipal Corporations §53.02 (3rd rev. ed. 1976).

¹⁴ Conn. Gen. Stat. Ann. §7-465 (a).

¹⁵ "Suing the Police in Federal Court," 88 Yale Law Journal, 781, 811 (1979).

IV. Section 1983 Actions

Section 1983 of the United States Code authorizes civil suits based on the deprivation of Constitutional rights.

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

Persons bringing suit under section 1983 must prove that they have "standing" to sue, that the conduct complained of was done "under color of" state law, and that the conduct deprived the injured party of rights, privileges or immunities secured by the Constitution and laws of the United States.¹⁶

The test for standing is two-pronged. The plaintiffs must prove that they 1) have suffered or will suffer an injury in fact, and 2) are at least arguably within the zone of interests protected by the relevant statute.¹⁷

Secondly, the plaintiff must show that the action complained of was taken "under color of" state law. In Monroe v. Pape, the United States Supreme Court defined "under color of" state law: "Misuse of power, possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law, is action taken 'under color of'

¹⁶ Adickes v. Kress & Co., 398 U.S. 144, (1970); Association of Data Processing Service v. Camp, 397 U.S. 150 (1970).

¹⁷ Association of Data Processing Service v. Camp, 897 U.S. 150 (1970); Warth v. Seldin, 495 F.2d 1187 (2nd Cir. 1974); Evans v. Lynn, 376 F.Supp. 327 (S.D.N.Y. 1974).

state law."¹⁸ Monroe v. Pape established that "under color of" law means "under pretense of law." Hence it is no defense that a peace officer's misconduct violated state law.¹⁹

Finally, the injury asserted by the plaintiff must have violated a right, privilege, or immunity specifically guaranteed by the United States Constitution.²⁰ Police misconduct is a proper basis for a section 1983 suit, particularly when excessive use of force is alleged.²¹

Some persons are exempt from suit under section 1983: legislators, judges and prosecutors enjoy an absolute immunity from suit.²² But police officers enjoy only a qualified immunity. An officer acting in good faith will be held not to have violated section 1983. Good faith does not exist if the officer "knew or reasonably should have known that the action he took within his sphere of official responsibility would violate the constitutional rights of the (person) affected, or if he took the action with the malicious intention to cause a deprivation of constitutional rights or other injury to the (person)."²³ The question of whether liability can be imposed for negligent deprivation of Constitutional rights appears to have been left open by the Court in Procunier, although there are indications that this question

¹⁸ 365 U.S. 167, 168 (1961), citing U.S. v. Classic, 313 U.S. 299 (1941) and Screws v. U.S., 325 U.S. 91 (1945).

¹⁹ 15 Am. Jur. Trials p. 577.

²⁰ Paul v. Davis, 424 U.S. 693 (1976).

²¹ Delaney v. Dias, 415 F. Supp. 1351 (D.Mass. 1976); Pouncey v. Ryan, 396 F.Supp. 126 (D.Conn. 1975). Because actions under section 1983 are supplementary to state common law actions, it is necessary to seek a state remedy before seeking the federal remedy under Section 1983. Monroe v. Pape, 365 U.S. 167 (1961).

²² Imbler v. Pachtman, 424 U.S. 409 (1976).

²³ Procunier v. Navarette, 434 U.S. 555, 562 (1978), quoting from the Wood v. Strickland 420 U.S. 308, 321 (1975) test for good faith.

will be answered in the negative. (See Burger, C.J., dissenting.)

Municipalities and other governmental units can be brought in as defendants to a section 1983 action.²⁴ Before a plaintiff can recover against a municipality, he or she must show that the injury was inflicted by the "execution of a government's policy or custom, whether made by its law makers or by those whose edicts or acts may fairly be said to represent official policy."²⁵ The Supreme Court has recently stated that a municipality can no longer assert the good faith defense of its employees when sued on the basis of section 1983.

A plaintiff can seek monetary, declaratory, or injunctive relief under section 1983. Awards of attorney's fees may be proper when the Constitutional right is of great importance and proof of an intentional violation is clear and definite: it is within the discretion of the trial judge to award punitive damages when the conduct is found to have been wilful or malicious.²⁶

²⁴ Monell v. New York City Dept. of Social Services, 436 U.S. 658 (1978).

²⁵ Owen v. City of Independence, 445 U.S. 622 (1980), citing Monell, at 694.

²⁶ Stolberg v. Bd. of Tr. for State Col. of Conn., 474 F.2d 485 (2nd Cir. 1975).

END