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TAKING A JUVENILE INTO CUSTODY: SITUATIONAL FACTORS THAT INFLUENCE POLICE OFFICERS' DECISIONS

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Situational factors that influence police officers decisions to take juveniles into custody were investigated. A cross-sectional self administered survey was conducted. Four-hundred and twenty-eight male and female police officers from six police districts in Cleveland Ohio completed and submitted a twenty-five item questionnaire. Using a logistic regression model the study identified: adolescents who disrespect police officers; adolescents who are out late at night; adolescent males; anyone looking suspicious; and the age of the police officer as the most significant predictors. This was an exploratory study that sought to investigate police/juvenile encounters from a street level situational perspective. The results provided a basis for continued research in this area of inquiry.

Key words: *juvenile, custody, police officers, adolescent male*

Introduction

Today, police officers hold a unique and powerful position in our criminal justice system. Unlike judges and prosecutors, they make decisions on the streets and out of the public spotlight. Consequently, they exercise a wide range of discretion and power over who will be subject to legal intervention and social control (Smith & Visher, 1981). Police officers patrol in urban communities that are inundated with high unemployment, disinvestments, and crumbling infrastructures. In these communities there are disproportionate rates of illiteracy and high levels of drug activity, both of which are symptoms of social forces that weaken social

control. It is reasonable to expect such conditions to influence how police officers perceive and interpret the behavior and conduct of youth. Moreover, it is within these contexts that the stage is set for understanding factors that influence police officers' decisions about taking juveniles into custody. These contexts set the boundaries within which a number of factors can join together including the formation of specific situations in which police officers and youth interact, and the transactions that trigger the actual decision to take youth into custody. Because of the powerful implications of police discretion, the point of interest in this paper is those factors that influence police officers' decisions to take juveniles into custody. The aim of this paper is to identify situations and circumstances that may increase the probability that police officers will take juveniles into custody.

Related Literature

Very few researchers interested in the decision making process within the juvenile justice system have studied factors that influence police officers' decision to take juveniles into custody. Most researchers have focused on process decisions made after juveniles have been arrested and their primary interest has been on race effects at various decision points throughout the juvenile justice system (Wordes 1994; Wu, 1997; Wu & Fuentes, 1998). Morash's study (1984) is an exception. She found among other things that being male increases the chance of being taken into custody. Not since then has any research focused on factors that influence the decision to take juveniles into custody beyond the issue of race. Other scholars suggest that the demeanor of a suspect is the most influential determinant in shaping a police officer's decision to take a juvenile into custody (Ludman, 1996; Skolinick & Fyfe, 1993; Worden & Shepard, 1996). Klinger (1994) stands alone in his position that previous findings are of questionable validity because the research has conceived and measured demeanor improperly.

Only a few studies have focused specifically on police encounters with juveniles (Pope & Synder, 2003) which is not surprising because these encounters are rather difficult to measure. They tend to be nonviolent, low-profile events that take place

spontaneously on the streets. The number of juveniles taken into custody for violent crimes in which police have little to no discretion declined by 41% between 1991 and 2000 (Synder, 2002). However, during that same period, the number of juveniles taken into custody for drug abuse violations increased by 145% and curfew and loitering violations increased by 81% (Snyder, 2002). These encounters, in addition to vandalism, disorderly conduct, vagrancy and runaways are events that make youth visible within their communities and, therefore, help shape police officer's decisions to take young people into custody.

Of the four studies that specifically examine police/juvenile encounters (Pillivan & Briar, 1964; Black & Reiss, 1970; Ludman, Sykes & Clark, 1970; Morash, 1984) none use police officers as the primary source of information. It is virtually impossible to measure the stress and strain that police officers must endure on a daily basis and how it affects their decision-making without asking them directly. Analyzing records and observing behavior cannot capture the essence of the decision-making process.

While I can assert that situational factors are important, I cannot say with certainty which ones are most influential, an observation that supports the need for the research this paper summarizes and one that justifies an exploratory approach. This research provides an impetus for juvenile justice researchers to investigate the interaction between juveniles and police officers in urban communities. The question of what factors (other than race) influence police officers decision to take juveniles into custody is not fully appreciated in juvenile justice research.

Research Design

The participants in this study were drawn from the Cleveland Police Department in Cleveland Ohio. One hundred questionnaires were passed out at each of six police districts. Four hundred and twenty-eight usable questionnaires were returned completed for a total response rate of 71%. The participants were asked twenty-five force choice questions related to their interactions with juveniles as Cleveland police officers. The questionnaire included questions that measured the qualities of the communities where respondents patrolled, the perceived relationship

between respondents and the communities where they patrolled, and their perceptions of adolescents in these communities. The instrument was developed to measure areas of juvenile justice research that had been previously ignored in the literature. Thus the exploratory nature of this study sought to provide a basis for continued research.

The primary concern was to collect baseline data that could be used to develop a more reliable instrument in the future to measure a police officer's decision to take a juvenile into custody. To the extent that validity was tested the criterion used was face validity. The researcher in this study developed an instrument to measure a police officer's decision to take a juvenile into custody based on the literature and his personal interest. However, the researcher does not contend that the instrument is either reliable or valid, but suggests that the absence of available, tested instruments is evidence of the need for juvenile justice researchers to develop instruments that can accurately measure the interaction between juveniles and police officers.

Research Findings

The logistic regression model reported in Table 1 identifies the five strongest predictors in the study regarding a police officer's decision to take a juvenile into custody. The odd ratios statistic put into perspective the likelihood that a police officer would take a juvenile into custody under a specific set of circumstances. For example, the strongest predictors of "The Decision to Take a Juvenile into Custody" were the respondents' agreement with a series of statements (1) Adolescents who disrespect police officers should be taken into custody (2) Adolescents who are out late at night are probably committing a delinquent act (3) Adolescents males have a more suspicious demeanor than female adolescents (4) Anyone looking suspicious of committing a delinquent act should be stopped and questioned and The age of a police officer was a factor.

The results from this analysis suggest that adolescents who disrespect these police officers are four times more likely to be taken into custody. If it is late at night and they look suspicious they are more than three times more likely to be taken into

Table 1

Logistic Regression Odds/Ratios for the Decision to Take Juveniles into Custody

Step	Variable	Nagelkerke R Square	Level of Significance	Odd/ Ratio	95% Confidence Interval	
					Low	Upper
Step 1						
	Disrespect	.179	.000	4.96	3.12	7.96
Step 2						
	Late	.286	.000	4.15	2.51	6.84
	Disrespect		.000	4.59	2.80	7.51
Step 3						
	Demeanor		.000	2.46	1.49	4.04
	Late		.000	3.56	2.13	5.97
	Disrespect	.324	.000	4.69	2.83	7.79
Step 4						
	Look		.000	3.42	1.68	6.99
	Demeanor		.000	2.43	1.46	4.03
	Late		.000	3.46	2.05	5.86
	Disrespect	.361	.000	4.29	2.56	7.19
Step 5						
	Age		.024	.957	.921	.994
	Look		.000	3.32	1.62	6.83
	Demeanor		.000	2.41	1.45	4.02
	Late		.000	3.28	1.93	5.58
	Disrespect	.376	.000	4.15	2.47	6.96

custody. And if they have a suspicious demeanor they are two times more likely to be taken into custody. The arresting officer will probably be younger than 34 years of age. These five predictors provided insightful and useful information toward understanding factors that contribute to police officers' decision to take juveniles into custody. In this study the notion of "respect" and "suspicious demeanor" was intentionally not conceptualized. It was left open to the discretion of the observing officer. To limit them to a specific definition would have been a disservice to the goals and objectives of the research. The range of behaviors that

influence police decisions cannot be captured in a forced choice statement.

Discussion

Disrespect More than three fourths (76%) of police officers agreed with the statement that "adolescents who disrespect police officers should be taken into custody." It was the strongest predictor of whether or not a police officer would make an arrest, an observation consistent with previous literature. (Ludman, 1996; Skolinick & Fyfe, 1993; Worden & Shepard, 1996). It is assumed that police officers expect to be treated with respect because of their status, and the perception of lack of respect might motivate some officers to exercise their authority to take a juvenile into custody.

On the streets late at night "Adolescents who are out late at night are probably committing a delinquent act" Police officers were asked this question because presumably delinquency is more prevalent at night than at any other time. Consequently, police officers' level of anxiety may be heightened at night because of the increased possibility of a delinquent act occurring. Therefore they are more likely to take juveniles into custody if they encounter them exhibiting suspicious behavior at night. Almost three fourths (73%) of police officers agreed that if an adolescent is out late at night he/she is probably committing a delinquent act.

More suspicious demeanor While suspicious demeanor is a matter of perception, it may be also gender related. The criminal justice literature clearly supports the notion that adolescent males are more prone to be involved in delinquent activities than are female adolescents, especially if there are two or more of them together (Conley, 1994). The officers in this study overwhelmingly (86%) agreed that if two or more males are together they are probably committing a delinquent act.

Need to stop and question Suspicious demeanor might also be race related. Pillivan & Briar (1964) found that the criteria police officers used to stop and question potential suspects were a result of their perception of suspicious behavior. Type of clothing worn, hair style, and facial expressions unique to African Americans

youth were considered indicators of suspicious behavior. This study allowed participants to determine what "suspicious behavior" is, and respond based upon that judgment. Today, unlike forty years ago, there are a significant number of African American police officers patrolling urban communities. Therefore it is necessary to revisit this issue because African American police officers should be sensitive to these stereotypes and not let them influence their interactions with juveniles. That is, they should be less inclined than non-African Americans to perceive a youth as "suspicious" simply because they dress or act a certain way. The majority (61%) of the police officers participating in this study believe that anyone looking suspicious should be stopped and questioned.

The age of the police officer The mean age of police officers participating in this study was 34 years old. In this research the older and more experienced police officers were less likely to take juveniles into custody is noteworthy for future research.

The decision to take a juvenile into custody is perhaps the most important decision in the juvenile justice process because it can have far-reaching and devastating implications on the life chances of juveniles who are subjected to the harsh and punitive life-style of juvenile institutions. Being taken into custody can perpetuate "a loss of social status, restrictions of educational and employment opportunities and future harassment by law enforcement personnel as well as the possible formation of a deviant self-concept and the amplification of future misbehavior" (Dorne & Gewerth, 1995, p.90). This is particularly true with African American juveniles who are four times more likely to be taken into custody than white juveniles (Snyder, 2002). Being taken into custody does not in and of itself assure that one will be charged with a crime. However, the likelihood of being charged is increased when a juvenile suspected of engaging in delinquent activity is taken into custody. Observation of suspicious behavior is probable cause for stopping a youth. What is suspicious behavior is strictly a discretionary call on behalf of the observing police officer. As a result, there is an extreme amount of latitude offered to police officers when making the decision to take a youth into custody (Snyder, 1995).

The basis of this article is that the nature of juvenile/police interaction is influenced by the situation and circumstances under which police officers and juveniles interact. This paper has identified five factors that researchers have given little consideration when considering factors that influence police officers decisions to take juvenile into custody. Although the five factors identified only explained 38% of the variance, leaving 62% unexplained, the significance of these findings raises some interesting queries that should not go unnoticed. This is not to say or suggest that other possible factors such as crime, race and social class are unimportant, however, it is to suggest that perhaps a new paradigm of examining police/juvenile encounters should be considered.

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