

THE STREET POLICEMAN'S PERCEPTIONS  
OF THE JUVENILE CRIMINAL OFFENDER

by

Arnold R.E. SNYDER

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## TABLE OF CONTENTS

	<u>PAGE</u>
ACKNOWLEDGEMENTS	i
LIST OF TABLES	ii
LIST OF FIGURES	iv
<u>Chapter</u>	
1 INTRODUCTION	1
RESEARCH AND THE POLICE ROLE	5
THE NEED FOR RESEARCH	10
THEORETICAL FRAMEWORK OF STUDY	20
DEVELOPMENT OF POLICE AND JUVENILE CRIMINAL OFFENDER INTERACTION	35
METROPOLITAN TORONTO POLICE STUDY	56
2 METHODOLOGY	71
THE UNIVERSE AND SAMPLE	73
THE QUESTIONNAIRE	78
3 RESULTS AND ANALYSIS	93
4 CONCLUSION	130
BIBLIOGRAPHY	140
APPENDIX A	146
APPENDIX B	158

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LIST OF TABLES

<u>TABLE</u>		<u>PAGE</u>
1	Comparison of the Sample and the Universe on the Basis of Length of Service	79
2	Age of Sample	80
3	Education Composition of Sample	81
4	Involvement In Criminal Cases and Court Proceedings	82
5	Mean CWCP Score According to Length of Service Categories	98
6	Mean CWCP Score According to Age Categories	99
7	Percent of Agree Responses to Individual CWCP Scale Items According to Length of Service Categories	101
8	Mean CWCP Score According to Education Level	104
9	Mean CWCP Score According to Length of Service, Education and Juvenile Court Experience	107
10	Mean CWCP Score According to Length of Service, Education and Juvenile Court Experience (0 - 5 years)	109
11	Mean CWCP Score According to Length of Service, Education, and Juvenile Court Experience (6 - 10 years)	110
12	Percent of Juveniles and Adult Criminal Offenders Considered to be Misguided and Misdirected	117

TABLE

PAGE

13	Percent of Support for Differential Treatment According to Seriousness of Offence	121
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LIST OF FIGURES

<u>FIGURE</u>		<u>PAGE</u>
1	Street Policeman's Response to Item #2 (Misguided and Misdirected Child)	158
2	Street Policeman's Response to Item #3 (Differential Treatment: General)	159
3	Street Policeman's Response to Item #7 (Legal Rights: General)	160
4	Street Policeman's Response to Item #15 (Treatment and Punishment)	161
5	Street Policeman's Response to Item #3 (Differential Treatment: Street Policeman)	162
6	Street Policeman's Response to Item #9 (Differential Treatment: Youth Section)	163
7	Street Policeman's Response to Item #11 (Differential Treatment: Detective)	164
8	Street Policeman's Response to Item #12 (Differential Treatment: Courts and Post. Trial)	165
9	Street Policeman's Response to Item #18 (Legal Rights: Detective)	166
10	Street Policeman's Response to Item #17 (Legal Rights: Street Policeman)	167
11	Street Policeman's Response to Item #19 (Legal Procedures and Rules)	168
12	Street Policeman's Response to Item #6 (Legal Rights: Youth Section)	169

## CHAPTER I

### INTRODUCTION

The policeman and the criminal offender: these two individuals have been the focus of an increased amount of attention in recent years in Canada through task forces, conferences and legislative committees. Research investigations, employing various theoretical orientations have attempted to critically examine these areas to discover their "raison d'etre." Through these investigations the tremendous complexity of both the criminal offender and the policeman has become evident, a differentiation which has been produced by our heterogeneous and specialized society. For example, the contemporary label "policeman" encompasses several facets. The police administrator, the fraud investigator, the community relations officer, the youth officer, the street policeman, the homicide investigator, the traffic investigator, the identification officer and court officer are all classed under the label policeman. Similarly the descriptive term "criminal offender" has evolved to several types. The drug offender, the juvenile offender, the female offender, the native offender, the adult offender, the sexual offender, and the violent offender

are illustrations of the numerous perspectives by which the criminal offender can be viewed.

This complexity has necessitated that in any examination of the police and offender, it is essential to define precisely the area under study. In this research endeavor the areas of concern are the uniform patrol officer (street policeman) and the juvenile offender.

In recent years the various aspects of the criminal justice system in Canada have received attention through studies such as The Committee Appointed to Inquire into the Principles and Procedures Followed in the Remission Services ( 7 ), The Report of the Department of Justice Committee on Juvenile Delinquency ( 8 ), The Report of the Canadian Committee on Corrections ( 9 ) and The Commission of Inquiry into the Administration of Justice on Criminal and Penal Matters in Quebec ( 45 ).

With regard to police in particular, it has only been in recent years that interest has been shown concerning this group. As Jayewardene ( 27,p1 ) indicates there have been police research journals established in recent years and the impetus for studying the police in the United States has been supported by The President's Commission on Law

Enforcement Assistance Administration. In 1971 the Solicitor-General of Canada established a group of conferences dealing with the police function in a changing society and several of the provinces have instituted their own studies, for example, La Police et la Securite des Citoyens ( 46 ), The Task Force on Policing in Ontario ( 40 ), and The Grossman Report ( 44 ). At present the Royal Canadian Mounted Police is undergoing an indepth examination with the completion of The Report of the Commission of Inquiry Relating to Public Complaints, Internal Discipline and Grievance Procedure Within the Royal Canadian Mounted Police ( 14 ).

With respect to the juvenile who has become involved with the criminal justice system much interest has been shown in the last few years in Canada. The Report of the Department of Justice Committee on Juvenile Delinquency ( 8 ), the aborted Young Offenders Act ( 10 ) and the contempory discussions concerning the recently introduced Young Persons in Conflict with the Law Act ( 15 ) are indicative of the interest in the juvenile offender. As a result of the increasing attention, there have been concerns

expressed regarding the relationship of the juvenile offender with the various elements of the criminal justice system, and as a consequence these elements have and are undergoing close examinations.

Using the Province of Ontario, as an example (the police force under study is in Ontario) it can be seen that the juvenile justice structure is presently being examined. For example, on November 1, 1965 a new Training School Act was instituted "which is completely new and written in accordance with modern concepts of child welfare based on extensive research in the juvenile field." (39,p63) On January 1, 1975 the Ontario Probation and Aftercare Services were amalgamated. "The prime purpose of this amalgamation was to provide a continuity of community services and a more efficient distribution of personnel throughout the province." (41,p17)

However, it would appear that very little research effort in Canada has been expended on examining the interactional processes between the police and the juvenile offender. For example, The Task Force on Policing in Ontario ( 40 ) does not make any reference to the contemporary situation existing between the police and juvenile

nor does it discuss the situation which they feel should exist.

It is within this context that this research has chosen to study the street policeman's perception of the juvenile criminal offender's situation. Implicit in this approach is Hagan's (23,p163) argument that "as we determine more accurately what social control agencies 'really do', we will be better qualified to constructively criticize the social reality of a system called 'juvenile justice'".

#### Research and the Police Role

In this study there is a concern over the role of the police, specifically with regards to the juvenile criminal offender. Here, a problematic situation emerges, in that, the contemporary police role can be characterized by its generality and vagueness. Webster (54,p100) contends that "police departments are about the most poorly managed organizations in our society. No business - government or private - could survive very long without knowledge of the function it performs."

This idea is supported in Canada by two recent government sponsored studies of the police. One of

these was the set of conferences sponsored by the Federal Solicitor General entitled The Police Function in Our Changing Society ( 12 ). Here it was found that the primary problem facing the police in Canada was the defining of their role. The second study, The Ontario Task Force on Policing (40,p12) arrived at a similar conclusion suggesting that the function of the Ontario Police constable is vague and that there is a definite need for research to be done in this area.

In response to this need for clarification, Rizkalla ( 48,p8) contends that there are three avenues which can be taken. That is, the police role can be delineated by:

1. studying public opinion;
2. applying a judicial definition;
3. studying the police themselves and what they do.

Basically the first approach deals with polling the public and recording their views. Here, two aspects are examined, what the public feels the police are doing, and what they feel the police should be doing. The second involves examining the police role using the legal criteria as a guideline. This is concerned with what the law

expects and permits the policeman to do. However, these two approaches serve only to establish ideal standards which are ultimately applied to the police in an evaluative manner. That is, the focus of the research eventually becomes one of determining to what extent the actual police activity differs from the public's preconceived role or that which is defined in legal concepts. This, then necessitates at some point in time, studying the police themselves, as suggested by Rizkalla's third approach. This study has adopted the latter approach in terms of attempting to understand the police role.

Bittner contends that this approach is the appropriate response:

"...instead of attempting to define the role of the police from programmatic idealizations we should seek to discern this role by looking to those reality conditions and practical circumstances to which the formulas persumably apply...we cannot afford to forget the terms of the abstractly formulated mandate. But we will keep them in mind as something to be worked backed to, rather than as a point of departure." (3,p4)

In studying the police themselves, a further distinction can be made in the specific approach to be adopted by the researcher. That is the focus can be on:

1. studying what the police are actually doing;
2. studying what the police perceive they are doing;
3. studying what the police perceive they should be doing.

The first entails an examination of quantitative data such as statistics and/or the objective observation of the day to day behavior of the police. Examples of this approach are Webster ( 54 ), Cummings, Cummings and Edell ( 16 ) and Black and Riess ( 4 ). The second approach requires polling the police concerning how they view their role, their objectives and the means to achieve those objectives. Piliavin and Briar ( 43 ) and Gandy ( 20 ) are examples which demonstrate the policeman's perceptions of the existing situation within his present working milieu. Through this process the attitudes held by policemen towards their occupation can be inferred.

To the extent that the second approach is viewed as an attitudinal study, the third differs in that it is more direct in its exploration of these attitudes. Here, this

approach incorporates specifically the value element inherent in an attitude, that is, a statement of an "ideal" concept is introduced from which the police determine their responses. Attitudes are viewed as being similar to the concept of value, the distinguishing aspect being that values are generalized concepts, not focused on any specific entity, whereas attitudes pertain to definite objects or situations. Kerlinger (31,p499) perceives values and attitudes in the following way:

"Values are culturally weighted preferences for things, ideas, institutions and behaviors. Whereas, attitudes are organizations of beliefs about things "out there", predispositions to behave toward the objects or referents of attitudes, values express preferences for modes of conduct and end-states of existence...Simply put, values express the "good", the "bad", the "shoulds", the "oughts" of human behavior."

It is in this sense of the "should" and the "ought" then, that this study has approached the examination of the police interaction with the juvenile criminal offender.

It is realized that all three approaches ie., what the police do, what the police think they do and what they think they should do, are important contributions towards the increased delineation and understanding of the police role, however, this study chose to employ the third approach for basically one reason. This revolves around the position that to gain an understanding of the police perspective towards the juvenile criminal offender, it is necessary to investigate the structure of the conceptual base which the police employ. Here, this study is not attempting to equate the conceptual response of the police to subsequent behavior per se, but rather only to view the values expressed by the police to be general indicators of tendencies towards certain behavioral perspectives. As Jayewardene (28,p53) indicates, the relationship between overt manifestations and an individual's covert disposition (attitudes) is still an empirically unverified but an unquestionably accepted assumption.

#### The Need For Research

When combining the subject of police with the topic of juvenile offenders very few substantive studies can be

found in Canadian literature.

John Hagan (23,p162) suggests three reasons for this deficiency:

1. "granting agencies may be hesitant to face the potential pressures that might arise if they encourage scholars to study agencies of criminal control...
2. ...the agencies themselves have not welcomed inquiries to study their operations perhaps fearing the exposure of vulnerable regions of activity...
3. ...most researchers with the exception of a small group of legally trained scholars in Eastern Canada, have displayed a distinct preference for the more traditional study of juveniles and their behavior rather than tread on more sensitive turf."

John Gandy (19,p79) shares the same view over the lack of Canadian research on police - juvenile interaction and introduces a further difficulty. He argues that:

"Most of the research on police handling of juveniles in countries with an Anglo-American tradition of jurisprudence has been carried out in Britain or the United States. While both countries share certain legal traditions with Canada they are sufficiently different to give rise to the question of whether the findings from studies in either country would apply in Canada."

These two aspects then, the absence of relevant data in Canada and the questionable relevance of research from either the United States or Britain indicate a knowledge vacuum in the area of Canadian police - juvenile offender interaction.

This lack of systematic examination becomes even more evident when the relationship between the street policeman and the juvenile criminal offender is considered. With the one exception of Gandy's ( 19 ) study, no other relevant material could be found in Canada. The need for research in the area of police juvenile interaction, then, can be seen to be very real. (37,p52)

The decision to restrict the parameters of the study to the policeman involved in the uniform patrol aspect of the police function arose as a result of three factors, these being:

1. the emphasis on the importance of the initial police contact with the juvenile;
2. the fact that the majority of the police - juvenile contacts involve the street policeman;
3. the idea that not only the specialized youth officer but all policemen should be familiar and be governed by the juvenile philosophy.

The first factor, the importance of the initial police contact with the juvenile is the crux of the police - juvenile interaction in that the police are seen as having an influence on the young offender. John Braithwaite, in discussing the position of the police towards the offender argues that:

"There is no disputing the fact that the police have a direct influence on the individual offender's attitudes towards all

phases of the correctional process. The moment of apprehension and arrest marks the entry of the offender into the correction continuum." ( 6.p4)

With regard to the juvenile offender, in 1974, The Federal - Provincial Joint Review on Young Persons in Conflict with the Law concluded that the police role has "profound impact on the life situation of the young person who comes in contact with them." (13,p65)

Ralph Boot of the Toronto Police Force wrote in 1962 that:

"The importance of the police officer role cannot be over emphasized because his contact is invariably the first step in the community correctional programs which for many of these children will eventually involve a number of other agencies concerned with the welfare of the youth." ( 5,p50)

The police force under study has a similar view. It feels that not only are the first impressions of the juvenile towards the police important but also the police are seen as acting as a gateway to other community

service agencies.

Leonard Gibbs ( 21 ) in his study The Effects of Juvenile Legal Procedures on Juvenile Offenders Self-Attitudes found that his results did not support the labelling hypothesis that increased involvement with the judicial process would increase the juvenile's perception of himself as more delinquent. He offers two possible explanations for this discrepancy. First, he suggests that the entire judicial processing acts as a therapeutic treatment. He proposes that "perhaps discussions with probation, detention, occasionally psychiatric, and court personnel could have a constructive influence upon the delinquents' self attitudes." (21,p55)

The second explanation and the one most crucial to this study suggests that the effects of the judicial processing are secondary to the initial trauma with police. Gibbs suggests that the major stigmatization of the boys may be done by police who apprehended the boys and placed them in a detention cell. (21,p57) The results of this study, although not decisive, do indicate the possibility that the initial police contact with the juvenile offender may be much more crucial to the future development of that juvenile

than had been thought.

The second factor, the concept that the majority of police - juvenile contacts involve the street policeman appears to be widely accepted. Black and Reiss ( 4,p64) in their study of police interaction with juveniles maintain:

"the great majority of juvenile encounters with policemen occur with general duty, uniformed patrolmen, rather than with 'youth officers.' Youth officers receive most of their cases on a referral basis from members of the uniform patrol division. Usually these referrals enter the police system as arrests of juveniles by uniform patrolmen."

Harris (24,p81) in his study of the Detroit Police Department found a similar situation. He states that only 28% of the street policeman - juvenile contacts resulted in the juvenile becoming further involved in the criminal justice system.

Gandy (19,p94) in his Canadian study reported that the uniform officer apprehended and officially handled approximately five out of every eight juveniles reported to

the department.

Therefore, it would appear that police - juvenile contacts are predominantly a characteristic of the street policeman role as it is the street policeman and not the trained youth officer with whom the majority of juveniles interact.

The third factor, the concept that not only the specialized youth officers but all policemen should be familiar with and operate by the juvenile philosophy is prevalent throughout the literature on police - juvenile interactions. Most police departments reflect a "generalist" approach, one advocating that a police officer, if adequately trained, can handle the majority of problems facing him. With regard to police - juvenile relationships the generalist approach suggests that, "the spirit of good juvenile work should permeate the whole police department. Regardless of assignment, every officer should think of himself as a juvenile officer when the occasion arises."

( 22,p7)

The Report of the Committee on Juvenile Delinquency in Canada recognizes the establishment of specialized units to deal with juveniles but states that:

"there should be one philosophy throughout the entire department for dealing with juvenile offenders, not one philosophy in the juvenile units and a different one in other divisions." (8,p114)

Patterson ( 42 ) in the Canadian Police Chief supports this perspective and suggests that "the officer on the beat has a key role to play in this business, and should be encouraged to accept his responsibility by making good primary investigations and meaningful judgment calls." (42,p16)

Moreover, with regard to the police force under study, the departmental policy is to consider all their police officers as youth officers.

It indicates that the street policeman is expected to employ the philosophy expressed in juvenile legislation when dealing with the juvenile offender. It also implies that a differentiation should exist at all levels of police interaction, including the street policeman.

These three factors, then, the recognition of the police as having an effect on the offender, particularly

a juvenile, the fact that the majority of police - juvenile contacts occur between the street policeman and the juvenile and finally that all policemen, not only the youth officer, should be familiar with the juvenile philosophy, suggest that the street policeman plays a crucial role with regard to juvenile offenders and that research investigations are warranted in this area.

Aside from establishing parameters in terms of the police, the definition of the juvenile offender was restricted so as to include only the juvenile criminal offender, the juvenile who has committed an offence against the Criminal Code of Canada. This decision was based on two related considerations. The first involves the recent interest shown by several levels of government authorities in differentiating between the juvenile who has committed a criminal offence and the juvenile who contravened a provincial statute or municipal by-law. This interest has culminated in the presently proposed legislation, Young Persons in Conflict with the Law Act ( 15 ) which recommends that federal juvenile legislation should only encompass criminal code offences. Thus, it was decided that the scope

of this study would only include criminal code offences.

The second consideration took into account the problematic situation which might arise as a result of the large differences in the judging of the seriousness of offences. In attempting to control this concept, the street policeman was instructed to consider only the juvenile who commits a criminal offence. This avoided the situation where one officer might perceive the juvenile in terms of the offence of murder and another officer might perceive the juvenile in terms of the infraction of jaywalking.

#### Theoretical Framework of Study

In focusing on the street policeman's perception of the juvenile criminal offender, Gandy's conceptual framework is employed to form the basic structure of the present study. Gandy contends that the police perceptions of the juvenile can be viewed as a continuum, with one end reflecting what he terms the "community protection value" and the other representing the "child welfare value." Values, expressed by the police towards the juvenile rule violator can, he states, be placed at some point on this continuum.

He indicates that these values should be viewed as ideal types at opposite ends of the continuum and that neither value will exist to the complete exclusion of the other. However, he suggests that the community protection value is the focal value in the total police operation because of the "existence of sanctions and persistence of this value."

Dichotomizing the police value structure is not a novel method. Similar examples employing different types of terminology can be found in the police literature. For instance, Cummings, Cummings and Edell (16,p277) view the police role in terms of the concepts of support and control.

"The policeman's role in a integrative system is by definition and by law explicitly concerned with control, keeping the law from being broken and apprehending those who break it - and only latently with support."

Manella ( 36 ) sees this dichotomy in terms of prevention and containment. Schlossberg (49,p209) in a similar fashion discusses this dichotomy:

"Police work was becoming a completely different ball game. We were getting away

from the neanderthal\_type of cop and heading more towards a social worker. After all, it was the service activities that took up most of a cop's time, even though his protective job, the saving of lives or property was the more dramatic work."

Dalley (17,p69) perceives an increased involvement of the police in the realm of social work in Canada and he contends that this is a departure from the traditional role of law-enforcement.

The Task Force on Policing in Ontario (40,p12) discusses these two values in terms of "schools of thought":

"A conventional school of thought focuses police attention on a sharply defined, if less sharply identified "criminal element" and urges the application of the most powerful modern technology towards its eradication. A second school of thought casts the modern police officer in more of a social disorder and criminal activity at a more basic level."

Gandy suggests an analogy can be made between the values community protection and child welfare and the dichotomy of treatment and custody in prisons. (19,p154 ) Guthrie ( 22,p9), in fact discusses this dichotomous situation in terms of the treatment - control issue and with regard to the police - juvenile relationship states that:

"While conflict between law-enforcement and correctional agencies is evident in adult situations, only in the juvenile field are such violent emotional crises evoked. Only here is the greatest degree of hostility encountered when police enter the area claimed by other social agencies."

The conflicting nature of the dichotomous relationship is a primary concern within the Canadian police situation. The Canadian conference Police Function in a Changing Society concluded that:

"the police are not trained in therapeutic counselling nor should they be so trained in the future. Trying to function in both roles, that of enforcement on the one hand, and

therapeutic on the other would create conflict and confusion in the minds of both the police and the public." ( 12,p6)

Here, the law-enforcement value is singled out as the value structure within which the police should function. According to Gandy (19,p39), however, "the police are expected to shift from the offence as the determinant of the proper action to take with adults to a combination of the offence and the offender as a determinant in dealing with juveniles." He suggests that this results in an oscillating behavior by the police in that the police, instead of choosing support for one value, oscillate from one value to the other as the situation requires it. (19,p154)

Guthrie (22,p120) although perceiving a similar conflicting situation as Gandy ( 19 ),describes a different reaction:

"the police are left with the feeling that if they carry out their responsibilities as narrowly defined by existing statutes, they are condemned for being unfeeling, brutal, and punitive. If they attack the problem from the standpoint of working with

juveniles rather than exercising authority over them, they are charged with bungling the job due to lack of training, knowledge, and ability to work in the treatment field. It is completely understandable, therefore, that many police officers prefer to wash their hands of the whole fuzzy question and revert to doing their jobs as straight enforcement."

The preceding discussion has indicated that in examining the police interaction with the offender, particularly the juvenile offender, eventually what emerges is a dichotomous structure with the one role representing a socio-police orientation, the other stressing the legalistic nature of the police response. Gandy's formulation of his child welfare-community protection value continuum is consistent with this concept. In terms of the community protection value he describes it this way:

"In implementing the community value the police assess the behavior of the violator in terms of the threat, as defined in law, that his behavior poses to society. The

consideration of factors other than those directly concerned with the commission or alleged commission of an unlawful act is not an approach that the police should take, or be expected to take, in the implementation of the community protection value...

...The police have implemented the community protection value by the development of specific rules intended to result in impersonal, objective and impartial handling of law violators resulting in delivery to the court for punishment." (19,p156)

At the other end of the continuum he sees the child welfare value:

"In departments where child welfare is a dominant or central value, the police regard themselves as one of a group of community agencies and institutions that share in the responsibility for the socialization of juveniles. These departments make the maximum provision for a particularistic

approach to the juvenile, both before and after rule violations are committed." (19.p153)

Gandy further expands on this continuum indicating that it is comprised of three different factors. These are:

1. the treatment of the juvenile criminal offenders;
2. the mental capacity of the juvenile criminal offender;
3. the response of society towards the juvenile criminal offender (i.e. punishment, rehabilitation).

The first factor, the treatment of the juvenile criminal offender basically deals with the idea that the community protection value does not allow for differential behavior towards the criminal offender. (19,p156) The police under this value, operates under strict, objective, law enforcement guidelines, for the purpose of bringing the offender to court. Here, there is no difference in the treatment of an adult criminal offender and the juvenile criminal offender. The child welfare value, on the other hand, emphasizes a particularistic approach by the police towards the juvenile, "which takes into consideration the special circumstances surrounding individual rule violations

and which differentiates rule violators on the basis of these special circumstances." (19,p158) The child welfare value presents a perspective in which the juvenile criminal offender is given differential treatment by the police. The very fact that a juvenile criminal offender is perceived as requiring differential treatment by the police is in itself an indication of a child welfare predisposition.

The second factor, concerning the mental capabilities of the juvenile offender, under the child welfare value assumes that the juvenile is not capable of rational thought because of his immaturity and inexperience. The community protection value, however, attributes the juvenile criminal offender with mature and rational abilities.

The third factor is the response of society to the juvenile criminal offender. In terms of the community protection value, punishment is seen as the appropriate response. Gandy (19,p55) states that this value incorporates "the belief that to protect society individuals who violate its laws should be punished and that the punishment should be proportionate to the seriousness of the violation." The child welfare value views the appropriate response by society as one best described as "treatment to fit the

offender rather than punishment to fit the crime."

These are the three basic factors Gandy employed in the formulations of the child welfare and community protection continuum. An additional factor, however, is introduced in the present study. This factor deals with the legal rights of the juvenile criminal offender, an area which was not accounted for in Gandy's study. With regard to the value continuum, the child welfare value presents a perspective in which the juvenile criminal offender's legal rights are not considered relevant, as this contradicts the basic assumptions of "helping" the juvenile which is inherent in this value. The community protection value, in turn, stresses a reliance on legalistic concepts.

The primary impetus for the inclusion of this factor in the continuum framework is the recent interest expressed in the proposed Young Persons in Conflict with the Law Act. This legislation recommends the development of an increased awareness of the legal rights of the juvenile offender, but still advocates a differential approach towards the juvenile in relation to the adult offender. Therefore by including the legal factor a distinction is being made between

differential treatment and the legal rights of the juvenile offender.

These four factors, the mental abilities of the juvenile, differential treatment of the juvenile from the adult, a punishment, as opposed to a rehabilitative response by society and the legal rights of the juvenile, differentiate the child-welfare and community protection continuum into four separate conceptual elements, each possessing an interpretation for either end of the continuum.

The theoretical bases for this conceptual structure is to be found in the criminological theories. Dealing first with the community protection value, the classical school of criminology provides a foundation for this orientation. Taylor, Walton and Young ( 52,p2) list seven tenets of classical criminology:

1. all men being by nature self seeking are liable to commit crime;
2. there is a consensus in society as to the desirability of protecting private property and personal welfare;
3. in order to prevent a "war of all against all", men freely enter into a contract

with the state to perserve the peace  
within the terms of this consensus;

4. punishment must be utilized to deter  
the individual from violating the  
interests of others. It is the  
prerogative of the state granted to it  
by the individuals making up the social  
contract, to act against these violations;
5. punishment must be proportional to the  
interests violated by the crime. It  
must not be in excess of this neither  
must it be used for reformation; for  
this would encroach on the rights of the  
individual and transgress the social  
contract;
6. there should be as little law as possible,  
and its implementation should be closely  
delineated by due process;
7. the individual is responsible for his  
actions, and is equal, no matter what  
his rank, in the eyes of the law.

"Mitigating circumstances or excuses

are therefore inadmissible."

In these criterion, Gandy's elements for his community protection value are seen, - the acceptance of the rational capabilities of the individual, the reliance on punishment as the appropriate response by society, the negation of any mitigating circumstances are all considered elements of classical criminology. Also, the emphasis on due process is a crucial element of this orientation.

Concepts underlying Gandy's child welfare value, on the other hand, are found in the deterministic philosophy which emerged in the 19th century and in the 18th century English perspective of "parens patriae." The deterministic philosophy advocated a perspective directly in opposition to that held by the classical theorists. Kittrie (32,p28) writes:

"adherents to the determinist schools gathered strength to attack the classical concepts of free will, egalitarianism, retribution, and deterrence as the proper foundations for criminal justice. Led by Ferri, the insurgents proposed abolishing criminal responsibility and moral guilt as the

foundation of criminal justice and replacing them with principle of social defense...the law should take particular account of the offenders' heredity and the environmental factors that caused his anti social behavior. "Punishment should fit the individual not the offense."

Kittrick (32,p31) further states that through deterministic theory, concepts of punishment, deterrence and rehabilitation become the major goals of the criminal law. Moreover, a strong concern is shown for the prevention of future crimes through positive steps, a characteristic foreign to the classical perspective which dealt with the individual after an offence had been committed.

Intimately related to this deterministic philosophy, in terms of the child welfare value, is the English concept of "parens patriae."

Dunham ( 18,p337) describes this doctrine:

"...from the English courts of chancery or equity, the principle of parens patriae had evolved in the case of *Eyre V. Shaftsbury* in

1772. This principle, which enabled the court to act in lieu of parental functions, paved the way for the juvenile court to assume jurisdiction of dependant and neglected children. Even before this decision, however, the doctrine that the state under certain conditions had to act as protector of minors had long been part of the common law."

Not only did "parens patriae" provide a rationale by which the state could intervene, it also absolved the state from any responsibility of considering the legal rights of the juvenile in its dealings with the juvenile. Langley (33,p20) states that, "under the "parens patriae" doctrine the 'best interests' of the child are held to be unrelated to constitutional due process concerns and this reasoning accounts for the broad discretion available to "parens patriae" agencies at all levels of decision making in juvenile justice."

The merging of these two perspectives, the "parens patriae" doctrine and deterministic criminology, sets the stage for the state's increased involvement with the

juvenile who has committed a criminal offence. The differential treatment of the juvenile from the adult, the irrelevance of legal rights, the emphasis on an individualized rehabilitative response towards the offender and the negation of free will can all be seen in this integrated perspective.

The theoretical bases for the conceptual framework can thus be seen in the philosophies of classical criminology, determinism and the English legal concept of *parens patriae*.

#### Development of Police and Juvenile Criminal Offender

##### Interaction

In order that the present study be placed in a temporal context the historical development of the police and the juvenile offender will be examined. Brief references will be made to English and American processes as the literature indicates that the Canadian situation did not develop in a vacuum. (33,p18:30,p25:32,p112) The emergence of the concept of the juvenile criminal offender will be discussed first, followed by the examination of the response of the police organization to this juvenile. The discussion will also include an examination of the

Juvenile Delinquents Act as it is this legislation which presently governs the juvenile criminal offender.

First an important factor in the development of the juvenile criminal offender is the delineation of age parameters, within which the police can distinguish that a specific response is appropriate. Kittrie discusses this aspect:

"...although there are pleadings for special and kindly treatment of juveniles as far back as Biblical and classical antiquity, the more relevant historical antecedents of our system are found in the English common law of the past three centuries. Children under the age of seven have been totally exempted from criminal sanctions under common law since the thirteenth century. While children between seven and fourteen continued to benefit theoretically from a presumed lack of criminal capacity, unless a mental maturity was proved, those over the age of fourteen were presumed criminally responsible unless this incapacity

was proven." (32,p108)

Here Kittrie is referring to the American situation, however, these same legal principles apply in Canada. In terms of delineating a juvenile criminal offender at the institutional level in nineteenth century Canada the initial age considered was 21 years, however, towards the end of the century 16 years was accepted as the age of differentiation. With the introduction of the Juvenile Delinquents Act in 1908, the maximum age for a juvenile who has committed a criminal offence was set between 16 - 18 years, giving the provinces the power to determine the specific age. Thus, by adopting the English common law principle of presumed lack of criminal capacity and eventually assigning the maximum age limit of 16 - 18 years a specific group of Canadian criminal offenders were given the label, juvenile.

Inherent in this increased crystalization and legislation of the age parameters was the development of specific philosophy regarding the juvenile offender. Prior to the twentieth century the juvenile criminal offender was responded to primarily in terms of the community protection value. Richette contends that:

"Until the twentieth century the Western World, despite its highly vaunted claims to civilization, made no fundamental legal distinctions between children and adults accused and convicted of criminal acts... The community accepted this system of justice. Law and order, and the protection of private property...were then as now, society's top priorities. Court existed to uphold them by meting out swift and sure punishment that would both deter the criminal from future misbehaviour (even if he had to be killed in the process) and give would-be offenders serious pause." (47,p98)

Jackson argues that in England it was not until 1908 when the Children Act was passed that the principle of differential treatment of the young offender from the adult offender was established. Prior to this, he argues, any legislation instituting changes "merely simplified proceedings against young offenders who were still tried in the same courts and subjected to the same conditions as adults." (26,p172)

The child welfare value, was not the predominant orientation in terms of the state's response to the juvenile criminal offender during the nineteenth century. Specifically with regard to the Canadian situation, although the community protection value can be seen to be the dominant value, two problematic areas were emerging in the nineteenth century in relation to the juvenile criminal offender. The first revolved around the question as to whether the juvenile who has committed a criminal offence should be viewed in a manner similar to that employed towards an adult criminal (reflecting the classical perspective). The second concerned the decision that if the juvenile is not to be considered as an adult criminal offender, then to what extent is he to be considered a child in need of protection, (reflecting the deterministic, "parens patriae" perspective).

In 1849 the Second Report of the Commissioners of the Penitentiary Inquiry ( 38 ) attempted to deal with both these issues. In terms of the juvenile-adult relationship it remarked:

"The juvenile offender is yet confined with the hoary-headed evil doer - we have as yet

no asylum by which the child of vice and ignorance may be stopped and rescued in his first entry upon the path of crime. In our common goal the erring youth and the hardened offender, the innocent and the guilty, those committed for trial and those actually convicted, are to be found herded together in one apartment...it is distressing to think that no distinction is now made between the child who has strayed for the first time from the path of honesty, or who perhaps has never been taught the meaning of sin, and the hardened offender of mature years." (38,p29)

Taking the position that the juvenile criminal offender should not be equated with the adult criminal, the commissioners further distinguished between the children "who have been convicted of a crime" and children: "whose parents or guardians by vagrancy or vicious conduct are unwilling or incapable of exercising proper care and discipline over them; and for children whose parents and guardians make complaint to the proper authority, that

from the incorrigible conduct of such children they are unable to control them." (38,p29)

The Commissioners' Report has delineated an ambiguous figure of the juvenile criminal offender whose position in society is somewhere between the adult criminal offender and the child in need of protection. Moreover, the Commissioners were not espousing a radical concept for the time in Canada, in that by the mid-century a differential perspective toward the juvenile criminal offender was emerging. (38,p23) Fourteen years before the Commissioners' report on the Penitentiary, the Canadian government study The Duncombe Report (1835) (which was written by an American Dr. Charles Duncombe) had introduced a "moral reformation philosophy" to Canada.

Bellomo ( 2 ) contends that the Commissioners' Report is a milestone in Canadian penological history as he attributes this report as having introduced the concept of *parens patriae* to Canada. Elements of the *parens patriae* concept can be seen in Bellomo's ( 2,p20) description of the report:

"The agents of the government were the "fathers of the people" and "among the duties incident

to their paternal care" was the obligation to take the place of the child's parents, if the latter were negligent in their duties."

Bellomo states that although this perspective was not wholly accepted at the time, the stage was being set for the future differential treatment of the juvenile criminal offender from the adult criminal offender. That is, this doctrine of *parens patriae* combined with the emerging Canadian concept of the juvenile offender as being a deterministic individual, whose lack of parental authority, order, diligence and obedience is responsible for his state but who is redeemable as a result of his pliable character, ( 25,p263) creates the basis for the child welfare value.

Houston ( 25,p273) reports that the police magistrates by 1875 were distinguishing between the adult criminal offender and the juvenile criminal offender and that the seriousness of the offence committed was not to be the issue, but the circumstances connected with the offence were to be examined and taken into consideration.

As the concept of reformation was increasingly adopted

by the state towards the juvenile criminal offender the traditional problems created by the conflict with the classical perspective towards crime emerged. Houston (25,p264) describes the situation emerging towards the end of the nineteenth century in Canada.

"Moreover, the extent to which even those juveniles charged and convicted of identifiable "crimes" were criminals, seemed troublesomely unclear. Jurors especially nibbled at the edge of questioning the concept of criminality as applied to juveniles, particularly the unthinking boy and the young girl, untainted by the germ of immorality, incarcerated for the first time and perhaps for some reckless freak or trifling technical offense...in the context of juvenile reform, issues of culpability, punishment, and regeneration were both blurred and sharpened as the sentimentalism endemic to the Victorian era muddied the analytical distinction between the unfortunate and the criminal...in effect prison reformers created for themselves a complex and ambiguous

figure of a blameless child who is nevertheless guilty."

Here, it can be seen that there was a popular belief in the differentiation of the juvenile criminal offender from the adult criminal offender, however a confusion over how the elements of responsibility and the appropriate societal response toward the offender could be incorporated in this belief was quite prevalent. This confusion also resulted in the concept of due process to be a grey area, in terms of the juvenile criminal offender. The ambiguous figure created by the Commissioners of the Penitentiary Inquiry (1849) can be seen to still exist at the end of the nineteenth century in Canada.

The discussion so far has only dealt with the position of the juvenile criminal offender in terms of the general Canadian scene. The reason for this is the scarcity of any information as to how the specific social control organization, the police, perceived the juvenile who committed a criminal offence. In general terms, however, this organization appeared to have functioned primarily under the community protection value.

In Canada prior to 1835, the tradition English systems

of night watch and day watch was employed as a method of social control. This method however proved to be ineffective and subsequent formal police structures were established ie. Toronto Police (1835), Dominion Police (1868) and the North West Mounted Police (1873) ( 30 ). These organizations appeared to have been viewed more in terms of their protection capabilities rather than in terms of the perspective supported by the child welfare value. That is, both the police themselves and the public viewed the police as a social organization separate from the military per se, but retaining a strong degree of militaristic structure and characteristics.

With regard to Ontario, the province in which this study was undertaken The Task Force On Policing In Ontario ( 40,p20) states that during the first half of this century, policing in Ontario came to be heavily influenced by military personalities and the military structure. From this it is inferred that the nineteenth century police structure did not perceive themselves as a social agency handling children in need of protection when they were involved with a juvenile criminal offender.

The literature indicates that the concept of viewing

the juvenile criminal offender in a differential manner from the adult criminal offender and viewing the juvenile in terms of the deterministic *parens patriae* philosophy developed in a progressive manner, first originating at the dispositional level as evidenced in the report of the commissioners (1849) and spreading downward to the courts eventually arriving at the police level.

Referring specifically to the police Gandy contends that is what occurred in Canada:

"...it was only after the establishment of juvenile courts and with a more general acceptance of the concept of rehabilitation as a goal of the correctional process, that child-welfare became an operative value in police work with juveniles." (19,p157)

Kahn ( 29,p221) supports Gandy's contention, suggesting that the creation of the juvenile court provided the impetus for the New York Police Department to give a differential response towards the juvenile criminal offender. In 1899 the first juvenile court legislation was enacted in the United States and by 1927 all but two states had juvenile court laws.

Swanson (51,p325) describes the American police response during this period.

"In 1905 at Portland, Oregon, a policewomen was assigned to preventive-protection work with girls. At Los Angeles, California, the police department juvenile bureau was initiated in 1909. Since then in cities over 25,000 population, a large number of police departments have established separate units or appointed a specialist to work with them. The growth of these units have been rapid and unfortunately somewhat haphazard without too much thought given to their function and relationship to the rest of the department and other community agencies working with children."

Furthermore, police interaction and perception of the juvenile criminal offender appear to have been affected by the emergence of the concept of probation. Schultz (50,p465) contends that the developing juvenile probation services acted as the impetus for increased police involvement with the juvenile criminal offender.

Similarly Alexander ( 1,p1) of the Metropolitan Toronto Police suggests that serious involvement by police in the juvenile justice system first emerged when police officers were appointed to work with juvenile courts, as the forerunners of todays probation services.

However, basic to the emergence of these concepts of juvenile court and probation in Canada was the establishment of their legal authority through the federal legislation the Juvenile Delinquents Act. Passed in 1908 it is presently in effect throughout Canada except the province of Newfoundland. (Prior to 1908 examples of structures similiar to the juvenile court concept were present in Canada, ie. Ottawa, Toronto, however, they appear to have been loosely organized and more of a temporary structure.) (35,p23) In terms of the Juvenile Delinquents Act, of specific interest to this study, is the extent to which the child welfare value permeates the act and the extent to which the police are perceived to reflect this value.

First, in dealing with its overall parameters, the act establishes separate court facilities (Section 8(1)) and specific dispositional procedures (Section 3(1), Section 17) to deal with:

"any child who violates any provision of the criminal code or of any federal or provincial statute or of any by-law or ordinance of any municipality, or who is guilty of sexual immorality, or any similiar form of vice, or who is liable by reason of any other act to be committed to an industrial school or juvenile reformatory under any federal or provincial statute." ( 11 )

However, the Juvenile Delinquents Act does not in any section specifically concern itself with the way the police should respond to the juvenile offender, as has been done with the courts and dispositional areas. The police are left with section 3(2) and section 38 which basically express the overall philosophy of the act.

Section 3(2) states that the juvenile delinquent:

"shall be dealt with not as an offender, but as one in a condition of delinquency and therefore requiring help and guidance and proper supervision." ( 11 )

Section 38 is more substantial:

"This act shall be liberally construed in order that its purpose may be carried out, namely that the care and custody and discipline of the juvenile delinquent shall approximate as nearly as may be that which be given by his parents, and that as far as practicable every juvenile delinquent shall be treated, not as criminal, but as a misdirected and misguided child, and one needing aid, encouragement, help and assistance." ( 11 )

Here the act reflects a strong orientation towards the child welfare value. It distinguishes between the juvenile offender and the criminal, it attributes misguided and misdirected qualities (irrationality) to the juvenile offender, it emphasizes treatment through assistance, help, and encouragement. Moreover, no direct mention is made of the legal rights of the juvenile, which reflects a further characteristic of the child welfare value. The concepts of the *parens patriae* and the deterministic philosophy which developed in nineteenth century Canada have been integrated and established in legislative form through the

Juvenile Delinquents Act.

However, even though there is a strong child welfare orientation, as a result of the generality of the Juvenile Delinquents Act, particularly in terms of the police, the juvenile offender has been the recipient of a complete spectrum of police responses ranging from one end of the community protection-child welfare continuum to the other.

Lawrence (34,p212), Chief of the Hamilton Police Force, recognized this diversification of police responses towards the juvenile offender and proposed the establishment of a youth section to co-ordinate police responses. Similarly Boot (5,p51) of the Toronto Police Department perceived the role of the youth section (established 1959) as a vehicle "to insure uniformity and consistency in handling juvenile offenders." The establishment of these "specialized" sections became common in the 1960's and it was during the early sixties that the department under study instituted a youth section.

In terms of police-juvenile relations, the emergence of these youth sections is crucial in that it signifies a degree of acceptance on the part of the police of the child welfare orientation towards the juvenile offender, as a

differentiation between the juvenile and adult offender is in itself a basic element of the child welfare value. Moreover, if Boot's concept of the police youth bureau is examined further, other elements of the child welfare value become evident. Boot writes that "every effort is made to thoroughly understand the character of the child and his environment in order that we may provide the proper disposition" and that the philosophy of the youth bureau is "correction through understanding." (5,p53) Punishment is replaced by prevention in the youth bureau and the question of due process for the juvenile does not appear to be relevant, as no mention of this area is made by Boot. The youth bureau's acceptance of the irrationality of the juvenile offender is implied by Boot's (5,p54) specific reference to the "misguided and misdirected" clause of section 38 of the Juvenile Delinquents Act. Therefore, in terms of the youth bureau, the child welfare value appears to play a prominent role.

However, as this study is concerned with the street policeman, the perspective of the youth section is not in itself important. What is of importance is the extent to which this youth section philosophy has been incorporated

into the street policeman. Boot ( 5,p51) on this subject contends that "all officers are charged with the responsibility of carrying out approved procedures and policies, as they relate to apprehension, investigation, detention and disposition of juvenile offenders"and that "it is imperative that all members of the department be familiar with all phases of juvenile work." Here, the extent to which Boot perceives all officers as having views consistent with that of the youth section is clear, however, in an overall perspective of police-juvenile interaction he introduces certain parameters.

"We accept the theory that juveniles must not be treated as adult criminals, but we also must be aware of the fact that our primary function is the protection of life and property regardless of whether the offender or potential offender be adult or juvenile. The individual's rights and welfare, even though he be a juvenile, must not take precedence over the rights and welfare of society." (5,p51)

Basically Boot is indicating that the overall police

role is primarily community protection, and within this context the police should be aware of the philosophy of the Juvenile Delinquents Act and if possible respond to the juvenile offender in a manner different than with the adult offender.

This perspective is similar to that indicated by the Report of the Committee on Juvenile Delinquency in Canada (8,p114) which recognizes the establishment of specialized units within the police force to deal with juveniles but states that "there should be one philosophy throughout the entire department for dealing with juvenile offenders, not one philosophy in the juvenile unit and a different one in other divisions." The report criticizes the police for failing to see the philosophy of the juvenile court and recommends that the "police trainee be taught the essential features of the act and the philosophy and the function of the court and it's auxillary services." ( 8,p115) However, the report limits the police role and suggests that "the extension of the police role in juvenile law enforcement toward a social work function hinders the effectiveness of the police department in law enforcement activities." (8,p109)

An important aspect of this report as in Boots' perspective, is the position not only the youth section but that all policemen, (street policemen included) should be familiar with the philosophy of the Juvenile Delinquents Act. As noted earlier, it is this perspective which the force being studied, has expressed as its policy, ie. "all our officers are youth officers."

Therefore, although the Juvenile Delinquents Act does not specifically deal with the police, the popular interpretation appears to indicate that the police should respond to the juvenile offender in terms of the child welfare philosophy espoused by the act. The reaction of the police to this interpretation has been the creation of "specialized" youth sections, and a movement towards acquainting all policeman with the philosophy of the act. Historically then this movement by the police can be seen to be part of a process whereby the child welfare value has permeated the juvenile justice system, commencing first at the dispositional level and progressing down through the various components to emerge eventually at the police level. The extent that this child-welfare value has actually filtered down to the street policeman, who not only

represents the primary level of the police organization, but also on a broader scale is the initial contact point for the entire juvenile justice system, is the focus of concern in this study.

#### Metropolitan Toronto Police Study

In investigating the street policeman's values towards the juvenile offender the conceptual framework employed in the present study is taken from John Gandy's doctoral dissertation at the University of Toronto, School of Social Work (1967). In terms of police values, it was the one Canadian study found which focused on the juvenile offender.

In his study, Gandy recognizes that in studying the police and the juvenile there are many areas which can be considered to be relevant in having an effect on the police-juvenile interaction, ie. the juvenile's perspective of the police is important in the shaping of the decision making process and that an "effort to understand several perspectives simultaneously would not be productive at this stage of our knowledge about police-juvenile relationships." (19,p330) Within this context, Gandy states that the purpose of his study is:

"to investigate and analyse the exercise of discretion by the police in a Canadian metropolitan area as a process of decision making in which the police select one of several courses of action available to them for the handling of juvenile rule violators...an important dimension of the problem under study is the organizational setting within which the police make their decisions. While it is recognized that the values, prejudices and beliefs of individual officers are factors in their exercise of discretion, these will be examined as functions of the organizational structure rather than of the personality structure of the individual officers." (19,p13)

Here, Gandy has focused on the police attitudes towards the juvenile and has delineated his field of inquiry in relation to the effects of the organizational structure of the police force on these attitudes. In this regard, Gandy's study goes beyond the scope of the present study's

interest in the street policeman's attitudes towards the juvenile offender. Moreover, not only is the overall mandate of his research more encompassing than the present study, his operational definitions of both the policeman and the juvenile offender are extended. Gandy viewed the juvenile offender as a "juvenile rule violator", (19,p14) which included infractions of the law covered by municipal by-laws, provincial statutes, and the criminal code. This present study, as it has been pointed out, is concerned only with the juvenile offender who contraveness a criminal code offence.

In terms of Gandy's definition of the policeman, he is also more encompassing. His total sample (N=75) consists of representatives from the criminal investigative bureau (C.I.B.), the youth section and the uniform section, which differs from the present study's sample which encompasses only the uniform section.

Gandy collected his data in 1965 from the Toronto Police Force which at that time had a total personnel population of 2,501 men and women. Through a random sample process, subjects were chosen from the three administrative sub-units-17 from the youth section,

5 from C.I.B., and 53 from the uniform section. The uniform section is further broken down into 43 uniform constables and 10 sergeants and it is this population of 43 uniforms constables that is relevant to the present study. Gandy does not always differentiate the 43 uniform constables as a separate group and consequently some of his data include the 10 sergeants with the constables. Furthermore, he does not distinguish the constables in the uniform branch by age or years of experience but considers the entire sample in his analysis.

However, although this study encompasses a larger scope and sample, Gandy (19,p71) does establish several hypothesis which are relevant to this study. Two of these are:

1. Neither community protection nor child welfare is a dominant value of the Metropolitan Toronto Police in their handling of juvenile rule violators;
2. There are significant differences in the strength of the community protection and child welfare value among the officers of the Metropolitan Toronto Police Department

according to length of service, rank,  
age or geographical area to which  
assigned.

To test the hypothesis Gandy established a child welfare-community protection scale. In his rationale for the scale Gandy (19,pl63) states:

"the scale has been used in an effort to measure one dimension of the implicit values of the police that influence their decision making in the handling of juveniles."

Gandy writes that the scale contained four basic ideas which dealt with the immaturity of the juvenile offender, the goals of the police, the relationship of the violation of law to punishment and differential treatment of the juvenile offender. These four ideas were represented by five items which were:

1. Most juveniles who commit crimes are immature and do not understand the seriousness of their behavior;
2. The objectives sought by the police in handling juvenile offenders, even those guilty of serious crimes, is the

rehabilitation of the juvenile;

3. In dealing with the juvenile offender, the police should operate with the concept of treatment to fit the offender rather than punishment to fit the crime;
4. As you know, regulations prohibit the fingerprinting of juveniles even when they have committed a serious crime. Do you think these restrictions are justified?
5. When adults have committed a violation of the law and are found guilty the court is expected to punish them. Do you think the juvenile court should be expected to punish juvenile offenders? (19,p161)

In his justification for choosing the five items for the scale Gandy (19,p162) gives four reasons. He suggests that the values expressed in the items were found in the literature in connection with departments showing tendencies either towards the community protection or child welfare polar and, secondly, he wished to establish a body of ideas which were related to both ends and means in police dealings

with juveniles. Further, he suggests that they all involve a commitment to act and consequently a value element and lastly the ideas conveyed in the items either on a positive or negative level, were representative of either the community protection or child welfare value.

The first three items were administered to the subjects through a questionnaire demanding Likert-type responses and the last two were introduced to the subjects in an interview setting. In scaling the responses, Gandy attributed the value of three to responses consistent with the community protection value and the value of one to the child welfare value which were then employed to derive a mean score for the total sample. The resultant score 9.08 (less than one step lower than the mid value of the scale) led Gandy (19,pl64) to conclude:

"it is inferred from this score that the tacit assumption of the Toronto Police of the desirable or what they believe 'ought' or 'should' desire in the handling of juvenile rule violators reflects the approximate equal strength of these two competing values. The failure of either

of these two values to achieve a position of dominance in the department suggest an alternate hypothesis, that the disposition of juvenile rule violators by the Metropolitan Toronto Police rests on values that are inconsistent and conflicting."

The alternate hypothesis appears to be supported even more so if the mean score of the uniform constable is examined. Here the uniform constable scored 9.58, the highest mean of all the groups. (19,p165) Therefore, Gandy's proposal of an alternate hypothesis provides a structure by which this present study can examine the policeman's attitudes towards the juvenile offender. For the present study then, it is hypothesized that neither the community protection value nor the child welfare value is a dominant value of the street policeman in his perception of the juvenile criminal offender.

In terms of the second hypothesis, Gandy (19,p176) reports that the data did not support the hypothesis, with no significant differences being found in the child welfare-community protection scores according to administrative sub-unit, rank, age or length of service. As age and length

of service are two factors which are in the present study, these results of Gandy's do suggest the hypothesis that age and length of service will not significantly affect the values of the street policeman to the juvenile criminal offender.

A further area of Gandy's study which was adopted is the incorporation of the seriousness of the offence as a factor in determining the police response. Gandy (19,p379) reports that the seriousness of the offence was identified by the officers as one of the most important criterion used in deciding on the course of action to follow in the disposition of juveniles. Gandy's data:

"showed that the officers are virtually unanimous in their acceptance of the principle that they have the authority to use discretion in making a differential disposition when the juvenile has committed, what is considered to be a minor offence. However, when a juvenile has committed, or was alleged to have committed a serious offence, there was less unanimity of opinion among the officers

regarding their authority to exercise discretion. This suggests that in such cases some officers were prepared to use only one disposition, referral to court, in the disposition of juveniles who committed "serious offences." (19,p326)

(Here, it should be noted that to differentiate between a "minor" and "serious" offence, Gandy employed the concepts of indictable and non-indictable and that included in the non-indictable category were provincial statute offences ie. offences against the Liquor Control Act of Ontario).

The differential response by the police towards the juvenile offender in relation to the seriousness of the offence is one aspect which the present study will be examining. Therefore, based on Gandy's data a hypothesis in this regard is that the proportion of street policemen perceiving differential treatment of the juvenile offender as the appropriate response will decrease as the seriousness of the offence increases.

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## CHAPTER II

### METHODOLOGY

Research in the social sciences has been differentiated into four major categories, survey research, the field study, the field experiment and the laboratory study. (3,p395) The laboratory and field experiments are characterized by the testing of a specific hypothesis through the deliberate manipulation of an independent variable. Field studies are considered as "any scientific studies large or small, that systematically pursue relations and test hypothesis, that are ex post facto, and that are done in life situations like communities, schools, factories, organizations and institutions..." (3,p405)

In attempting to differentiate between a survey and a field study, Katz ( 2,p57) indicates that it is difficult to distinguish between the two, however, by examining the scope and depth of the research he suggests, a differentiation can be made. In terms of scope, the survey's objective is to be representative of a universe, and consequently, emphasis is placed on the number and selection of the sample. The field study, on the other hand, may or may not emphasize close relationship with a universe, but mainly is concerned

with indepth examination of the processes under study.  
With regard to depth, the conclusions from the survey are  
inferred from the statistical end-effects while in the field  
study:

"Attempts are made to observe and measure  
the on-going processes more directly.  
Specifically, this means that the field  
study either attempts observations of  
social interactions or investigates  
thoroughly the reciporcal perceptions  
and attitudes of people playing  
interdependant roles. Thus, a field study  
will provide both a more detailed and a  
more natural picture of the social  
interrelations of the group than does  
the survey." ( 2,p57)

Taking Katz's delineation of the two processes into  
consideration the present research endeavour can be considered  
under the umbrella of survey research as opposed to the  
field study label. The basic reason for this is that the  
present study does not provide for the detailed or in-depth  
data gathering processes which Katz demands. In this study

only one technique is employed, consisting of a self-administered questionnaire, to gather the data.

#### The Universe and Sample

In terms of defining the universe and the subsequent sample component, several aspects were considered. First, as juvenile criminal legislation is federal in scope, it was originally considered that the universe of this study would be the Canadian street policeman. However, due to the magnitude of the task involved, in gaining a sample which would be representative of Canadian street policemen, it was eventually determined that only one force would be sampled and that for the purposes of this study, the universe would be the street policemen of that force.

The researcher was granted access to the street policemen of a Canadian police force on the condition that the force not be identified, therefore, specific details of the force and its working environment cannot be given. Described generally, the overall manpower of the police force is approximately 650 personnel which includes approximately 300 street policemen. It is responsible for the policing of a community of one-half million residents.

Within the force structure, the 300 street policemen are divided into three components of 100 men each, with each component working one of the three 8 hour shifts.

With regard to the police forces' perspective towards the juvenile criminal offender, a special youth section was established in the early sixties and presently has approximately ten police personnel assigned to the office. The basic purpose of this section is to act as an information and referral center for the force when a juvenile comes in contact with the police. Specific investigative work, with regard to suspected juvenile offenders, is handled by the criminal investigative bureau (C.I.B.) who upon completion of the investigation, transfer the youth to the youth section. The youth section is seen as having a wide latitude in determining the appropriate response to the juvenile offender. The decisions whether or not to charge, to refer to another agency, or to defer action, are the responsibility of this section. In 1975, approximately 3,500 juveniles were officially interviewed by the youth section and in approximately 2,000 of these cases further action was taken. Almost all of the 3,500 contacts are perceived to have originated with the street policemen who are allowed by the force a

considerable amount of discretion in their initial dealings with the juvenile.

In determining the sample to be taken from the universe of street policemen, consideration was given to the concept of randomization. Kerlinger (3,p123) views randomization as:

"The assignment of objects (subjects, treatments, groups) of a universe to subsets of the universe in such a way that, for any given assignment to a subset, every member of the universe has an equal probability of being chosen for that assignment."

However, through the process of determining the sample, two factors emerged which counteracted the concept of randomization. The first concerns management decisions and the second deals with the self-selection process of the respondents. In the first instance, the supervisory personnel within the force were concerned over the morale of the street policeman and concluded that it would be detrimental to subject the three shift components to a survey study. It was decided therefore, to restrict the

sample survey to one component (100 police personnel). This situation, has produced what Kerlinger terms "accidental sampling", an occurrence where the sample does not have random characteristics. He suggests that it is the weakest form of the sampling methods and cautions that "extreme circumspection in analysis and interpretation should be used." (3,p129)

However, this accidental sampling should not affect the representativeness of the sample to any extent. There is, as far as the researcher could distinguish, no specific pattern in effect in assigning personnel to each of the three street components and consequently the make-up of one component is similar to another. The policy of the force is to structure the three components so that they are as similar as possible, and the assigning of individuals to the three components appears to be based in this principle.

It could be hypothesized that the specific attitudes and values of the officer in charge of the components would affect the attitudes and value of the specific street policemen under his command, however, there is a high level of interaction between the various members of each component and the officers in charge are frequently transferred from

one component to another. Therefore, although the researcher was limited to one component, the effect, in terms of sampling can be considered minimal and the sample is taken to be representative of the street policemen population of that force.

The second factor discussed is self-selection. This also has important ramifications for randomization. Kerlinger (3,p381) views self-selection as the process where subjects under study "assign or select themselves" into groups on the basis of characteristics other than those in which the investigator may be interested. This process emerged as a result of the procedure employed to acquire the data. Here, the data was gathered through a self-administered questionnaire distributed to the members of one component and as not all the questionnaires were returned, the question can be asked whether the respondents differ from the non-respondents. In attempting to answer this Kerlinger (3,p414) suggests that an effort should be made to learn something of the characteristics of the non-respondents, however, as the questionnaire was anonymous, there is no way in which the non-respondents can be determined.

However, by comparing the characteristics of the respondents to the characteristics of the universe, one can gain an understanding as to the representativeness of the sample. Length of service was the characteristic employed for this comparison. As indicated in Table #1 there is an under-representation in the group with 3 to 5 years of service and an over-representation in the group with 11 or more years of service. Thus, on the basis of length of service the sample does not reflect the actual composition of the street police population. This finding must be considered when the results are discussed in terms of the overall population, particularly if a relationship is found between the length of service variable and another variable. The observed relationship may be a result of the distribution of the length of service variable.

As no further information could be compiled on the universe, the sample can only be described in terms of the characteristics computed from the face sheet. These characteristics are outlined in Tables

#### The Questionnaire

The questionnaire was formulated throughout the fall

TABLE: 1

COMPARISON OF THE SAMPLE AND THE  
UNIVERSE ON THE BASIS OF LENGTH OF  
SERVICE

<u>YEARS ON FORCE</u>	<u>% OF UNIVERSE</u>	<u>% OF SAMPLE</u>
0-2	22.5	24.0
3-5	22.5	10.0
6-10	34.0	34.0
11-15	8.0	12.0
16-20	6.0	10.0
21-25	3.0	4.0
26-30	4.0	6.0

TABLE: 2

AGE OF SAMPLE

<u>AGE CATEGORIES</u>	<u>% OF SAMPLE</u>
18-25	23.0
26-30	43.0
31-35	12.0
36-40	6.0
41-45	8.0
46-50	4.0
51-55	4.0
56-60	0

TABLE: 3

EDUCATION COMPOSITION OF  
SAMPLE

<u>EDUCATION LEVEL</u>	<u>% OF SAMPLE</u>
Grade 10 or less	14.0
Grade 11	16.0
Grade 12	42.0
Grade 13	10.0
Community College (1 year)	0
Community College (2 years)	10.0
University (1 year)	2.0
University (2 years)	4.0
University (3 years or more)	2.0

TABLE: 4

INVOLVEMENT IN CRIMINAL CASES  
AND COURT PROCEEDINGS

Percent of sample involved in criminal case concerning an adult	98%
Percent of sample involved in criminal case concerning a juvenile	98%
Percent of sample who have had experience in adult criminal court	98%
Percent of sample who have had experience in juvenile court	61%

of 1975. Employing Goode and Hatt's (1,p145) concept of a pilot study, (a non-structured, non-directive type of activity in which the field of inquiry is examined) various police officers, both at the street level and in supervisory positions were interviewed. Through this process a tentative questionnaire was established and the pre-test procedure was instituted. The sample for the pretest was acquired from a police force not affiliated with the one in which the research sample was taken. Ten questionnaires were administered to the street policemen of this force and nine were returned. These respondents were asked for comments on the questionnaire. Moreover, members of the youth section of that force examined the questionnaire and submitted opinions.

As a result of this pretest several questions were deleted as being irrelevant to what were being examined, and there were several changes made in the wording to remove sources of ambiguity. Further, the questionnaire was shortened from seven pages to six pages in an attempt to convey the idea of a shorter, less time-consuming questionnaire.

The subsequent draft of the questionnaire was submitted

to the police force under study and an interview was held with the supervisory staff of the youth section. Here, the questionnaire was reviewed in detail, as to the purpose of the various items, and the overall approach of the questionnaire. From this discussion several changes were made in terms of possible semantic problems which could be encountered by the street policemen. Throughout the formulation period of the questionnaire, the police force under study did not request that any items be deleted and were very helpful in their critical examination of the questionnaire.

The finalized questionnaire presented to the sample consisted of six pages, the first page briefly introducing the questionnaire, the second containing the face sheet and the remaining four pages containing the 28 items. The first page stresses the anonymity of the questionnaire and that it is not a test, that there are no right or wrong answers. The structure of the items are described and an explanation given regarding the appropriate meaning of each response unit.

The second page (face sheet) requests personal information concerning the respondent's background and

includes; age, education, length of time on force and length of time on platoon. This differentiation in length of time on platoon and force is formulated as a result of the possibility that a number of the respondents may have, prior to their present position, been assigned positions in areas other than street work i.e. administrative duties. The respondent's involvement in juvenile and adult criminal cases is also requested, together with his involvement in juvenile and adult court. The basic purpose for requesting this information is in order to break the experience component down into elements of juvenile and adult interaction with the street policeman.

The remainder of the questionnaire, can be basically divided into three functional sections. The first encompasses those items employed in the CWCP scale, the second focuses on the street policeman's attitudes toward the juvenile criminal offender in relation to the administrative structure, and the third includes, what could be best described as relevant but isolated concepts.

With regard to item structure all the items employed are of a closed or fixed-alternative nature, demanding only that the respondent indicate the extent to which he

agrees or disagrees with the statement expressed. Selltiz, Jahoda, Deutsch and Cook (4,p260) in their examination of the closed question, discuss the weakness of this form of data collection:

"One of the major drawbacks of the closed question is that it may force a statement of opinion on an issue about which the respondent does not have any opinion. Many individuals have no clearly formulated or crystalized opinions about many issues; this important characteristic is not likely to be revealed by a closed question. Inclusion of a "Don't Know" alternative may help to provide an indication of a lack of crystallized opinion, but the tendency in much interviewing with questions of this sort is to press for a definite response and to accept a "Don't Know" as a last resort. Under such pressure, the answer chosen by a respondent may be an artifact of the specific wording or

phrasing of the question or of the  
stated alternative response."

The rationale put forth by Selltitz, Jahoda, Deutsch and Cook cannot be discounted altogether, however, as the subject matter of this research is on the street policeman's perceptions of the juvenile criminal offender, the position taken here is that the street policeman will not be forced into indicating a statement of opinion on a topic about which he has no opinion. This topic, the juvenile criminal offender, is directly related to his occupational milieu and within police forces, has become a commonly discussed issue. For this reason, the fixed alternative question was employed as the method for collecting the data, and similarly why the "don't know" alternative was excluded from the response format.

In dealing with question content Selltitz, Jahoda, Deutsch and Cook (4,p243) suggest six basic types:

1. content aimed mainly at ascertaining  
"facts";
2. content aimed mainly at ascertaining  
beliefs about what the facts are;
3. content aimed mainly at ascertaining

- feelings;
4. content aimed mainly at discovering standards of action;
  5. content aimed mainly at present and past behavior;
  6. content aimed mainly at conscious reason for belief, feelings, policies or behavior.

In being consistent with the perspective taken in this study, i.e. investigation of the street policeman's values, the fourth type, content aimed mainly at discovering standards of action, was employed as the primary focus. Selltitz, Jahoda, Deutsch and Cook (4,p249) further differentiated this type of question content into two components, one concerned with the ethical standards of what should be done and the other dealing with the practical considerations of what in reality, is the best thing to do. As this study is primarily interested in the ideal, the first component best describes the items in the questionnaire.

In their description of this type of question Selltitz, Jahoda, Deutsch and Cook (4,p249) are very similar to Kerlinger's (3,p499) discussion of values referred to in

## Chapter I:

"The 'should' or 'ought' to 'question - whether phrased in terms of 'I', 'he', 'we' or 'they' provides an identification of the idealized policies of the individual, of the action he would favour in a situation free from all but moral imperatives. These policies are, for the most part, the product of the idealistic social expectations to which the individual has been exposed in the teaching of societal surrogates - parents, clergy, teachers, government spokesmen."

The subjects in the sample platoon were introduced to the questionnaire in presentations given by the researcher during December 1975 and January 1976. The presentations were given at the general meeting or "parade" which occurs prior to the commencement of the street policeman's tour of duty.

In these presentations the subjects were informed of the background of the study, of its interest in the street policeman's attitude towards the juvenile criminal offender

and the fact that the federal government had introduced the Young Persons in Conflict with the Law Act for public discussion. The anonymity of the questionnaire was stressed along with the concept that it was not a test, that there were no right or wrong answers. It was emphasized that what was desired was the subjects' own ideas, not those of his friend or the forces' policy.

The face sheet was described as only requiring general information for analysis purposes and the fact that it could not be used for identification purposes was stressed. The subjects were informed that at the end of the questionnaire there is a space for comments, if they desired to make any.

The subjects were told that the completed questionnaires were to be deposited in a ballot box which only the researcher had access to. This box was placed at the staff-sergeant's desk for the duration of the data-gathering period. It was emphasized that only the researcher would see the questionnaires and that although permission had been granted by the police management, there would be no through-channels. The subjects were further told that if any one desired to know the results, a brief would be posted

containing the results after the analysis had been completed.

This presentation was given at several parades in an attempt to cover all the street policemen as there were several subjects on either days off, holidays, sick leave or educational leave. Furthermore, the researcher made numerous visits to the police force for the purpose of reminding the subjects to complete and return the questionnaire.

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### CHAPTER III

#### RESULTS AND ANALYSIS

The first area of investigation is the CWCP score for the entire street policeman sample. The score is discussed in relation to the hypothesis, that neither the child welfare value nor community protection value is the dominant value within the street policeman's milieu. Following this, the length of service and age variable are interfaced with the CWCP score to test the hypothesis that there is no significant difference between the CWCP scores according to length of service and age. The length of service variable is further examined by separately analysing the four items which comprise the CWCP scale in terms of this variable.

The scale is then interfaced with the variables of education and juvenile court experience. Further analysis is executed regarding the interrelationship of the three variables of length of service, education and juvenile court experience and the subsequent CWCP scores.

Finally, the responses to the individual items of the CWCP scales are investigated and related to three factors, the age of the juvenile, the seriousness of the offences and the administrative level involved with the juvenile.

The hypothesis to be treated is that the seriousness of the offence is related to the manner in which the street policeman perceives the juvenile criminal offender.

The purpose of the CWCP scale is to provide a structure by which the street policeman can be placed on a continuum as to his perceptions towards the juvenile criminal offender. (5,p345) To facilitate this, a Likert-type scaling procedure was employed. The responses to each item were assigned values from 1 through 6 with the values 1, 2 and 3 indicating degrees of support for the child welfare orientation and 4, 5 and 6 indicating degrees of agreement with the community protection perspective. The score of the items comprising the CWCP scale were then summed for each respondent and since there were 4 items comprising the scale the maximum score possible was 24 and the minimum 4.

The mean score on the CWCP scale for the entire sample was 9.235, almost 5 units below the midpoint 14.000 of the CWCP scale. This finding suggests that the street policeman in this sample tends to be more supportive of the child welfare value than the community protection value. It is not supportive of the hypothesis that neither the child welfare nor the community protection value is a dominant value of

the street policeman in his perception of the juvenile criminal offender.

To account for the discrepancy between the results of this study and Gandy's finding, several areas were considered. First, as the scale employed for this study included an item pertaining to the legal rights of the juvenile criminal offender, the mean score, excluding this item, was computed. The observed score, 7.275, was approximately 3 units less than the midpoint of the scale i.e., 10.500. Even with the exclusion of the legal rights items, the street policeman tended towards the child welfare end of the scale. The introduction of the concept of legal rights then, was not considered to be the reason for this discrepancy.

Another source of discrepancy between this study and Gandy's scale, refers to the organization, the police. In the latter, respondents replied to items which dealt with how the police should perceive the juvenile offender. In the present study the scale tapped a more general level, the entire criminal justice system. Thus, a possible explanation for the variance between the hypothesized and observed findings is that the street policeman on a general level is more apt to view the juvenile through the child welfare

perspective, but when considering the juvenile within the milieu of his own level, his perception of the juvenile offender "rests on values that are inconsistent and conflicting." (2,p164) This concept will be further examined later in the analysis when the specific administrative level is examined for its effect on the street policeman's perception.

The CWCP score was interfaced with specific sociological factors of the respondents, namely, length of service, age, education and juvenile court experience. Length of service and age were of primary interest as it was hypothesized that no significant difference would be observed between the CWCP score and these variables. To test the null hypothesis, the non-parametric test, the Mann Witney U test was utilized (6,p116). The sample was divided into two sub-groups, according to length of service criterion. Those street policemen with 10 years or less of service were assigned to one group, (N=34), and those with 11 years or more of service constituted a second group, (N=16). The results indicate that the two groups differ significantly ( $Z=-2.3419$ ,  $p < .05$ , two-tailed test) and therefore the hypothesis that there is no significant difference in CWCP scores is rejected.

Similar results were observed for the variable of age ( $Z=-2.5110$ ,  $P .05$ , two-tailed test). The alternative hypothesis, that there is a significant difference in CWCP scores according to the variables length of service and age is accepted.

Since the null hypothesis was adopted initially as the research hypothesis, the direction of the relationship was not specified. For this reason the two-tailed test was employed to test for significance. As the relationships were found to be significant the data was examined to determine their direction. Table # 5 shows the CWCP scores by length of service and it is evident that the more experience the street policeman has, the more he tends to perceive the juvenile criminal offender through a child welfare perspective.

Examining the literature from the United States, an inconsistent picture emerges as to the relationship of length of service and the policeman's perceptions of the juvenile offender. Moyer, Doob, and Stewart (4,p51 ) investigating this variable conclude that length of service "may be a factor in attitudes towards delinquency - whether increasing experience makes police more or less punitive in orientation

TABLE: 5

MEAN CWCP SCORE ACCORDING TO  
LENGTH OF SERVICE CATEGORIES

<u>LENGTH OF SERVICE</u>	<u>MEAN SCORE</u>	<u>STANDARD DEVIATION</u>
0-2	10.00	3.01
3-5	9.80	1.64
6-10	10.05	3.81
11-15	8.66	2.80
16-20	9.60	7.02
21-25	5.50	2.12
26-30	4.00	0

TABLE: 6

MEAN CWCP SCORE ACCORDING TO AGE

CATEGORIES

<u>AGE</u>	<u>MEAN SCORE</u>	<u>STANDARD DEVIATION</u>
18-25	10.50	3.83
26-30	9.77	2.88
31-35	9.00	2.37
36-40	4.33	0.58
41-45	11.00	7.26
46-50	5.50	2.12
51-55	4.00	0.0
56-60	0.0	0.0

is apparently still unanswered." The observed results of the present study are consistent with Garabedian's findings which suggest that 'the more experience an officer has in dealing with juveniles, the less likely he will endorse punitive statements.' ( 3 ) However, as other studies show an opposite relationship, as in the case of Circourel ( 1 ) or no relationship, as seen in Gandy ( 2 ) the variable requires further investigation.

The variable length of service was further examined by separately interfacing this variable with the four items (#2, #3, # 7 and #15) comprising the CWCP scale (table #5) As each item represents a specific concept with regards to juveniles within the criminal justice system, a more indepth picture of the street policeman's perception can be obtained.

In item #2, (misguided and misdirected child) 56.9% of the total sample support the concept that the juvenile is a misguided and misdirected child. However, when the sample is analysed according to length of service the tendency to view the juvenile criminal offender as a misguided and misdirected child is observed to increase as the length of service increases.

Responses to item # 3 (differential treatment) indicate

TABLE: 7

PERCENT OF AGREE RESPONSES TO INDIVIDUAL  
CWCP SCALE ITEMS ACCORDING TO LENGTH OF SERVICE  
CATEGORIES

<u>ITEM NO.</u>	<u>LENGTH OF SERVICE</u>		
	0 - 5	6 - 10	11 +
2	47.1%	52.9%	68.8%
3	82.4%	88.2%	86.7%
11	23.5%	23.5%	6.3%
15	88.2%	76.5%	93.8%

a similarity between age groups since only six percentage points separate the two extremes. This can be taken as a reflection that all street policemen regardless of length of service tend to have similar perceptions with regard to differential treatment of the juvenile criminal offender.

Item #7 (legal rights) indicates an agree response of 17.6%. In terms of the length of service break down both the 0 - 5 years and 6 - 10 years of services groups have agree percentages of 23.5% whereas the over ten years group indicates a response of 6.3%. One can infer that street policemen as a group, demonstrate low support for this item, but the over ten year group very strongly oppose the juvenile criminal offender having the same legal rights as an adult criminal offender.

Item #15 dealing with the concept of treatment as opposed to punishment shows that the over ten years of service category have the highest agree percentage of the three groups, 93.8%. The 0 - 5 years group are next with 88.2%, followed by the 6 - 10 years group with 76.5%. With the middle service group showing least support for this item, there is the possibility the members of this group lose their idealism in the first five years when dealing with the

juvenile offender, and then they regain it as they mature, as observed in the over ten years group. Therefore, the analysis of the individual items comprising the CWCP scale, reveals that the over ten years of service group scores the lowest or the closest to the child welfare pole in three items and scores second closest to the child welfare pole in the fourth item.

The variable education (table #8) was analyzed as a function of the CWCP score. Of the three categories, grade 11 or under, grade 12, and grade 13 or more, the lowest score was obtained by the grade 11 or under category (8.200) with the two other categories having identical scores of 9.714. To differentiate this variable further, the categories were refined with the grade 11 respondents emerging with the lowest CWCP score (6.750) and the highest score being observed for the university level group. Among the latter respondents, one with first year university scored 13.000 while two other respondents having two years of university education, achieved a CWCP score of 12.000. However, the inference that higher education is related to a higher CWCP score is still an unconfirmed hypothesis since no consistent pattern emerged in the data.

The variable whether or not the policeman attended

TABLE: 8

<u>MEAN CWCP SCORE ACCORDING TO</u>		
<u>EDUCATION LEVEL</u>		
<u>EDUCATION LEVEL</u>	<u>MEAN SCORE</u>	<u>STANDARD DEVIATION</u>
Grade 10 or less	9.85	5.81
Grade 11	6.75	2.37
Grade 12	9.71	3.81
Grade 13	9.60	3.36
Community College	8.80	3.11
University (1 year)	13.00	0.0
University (2 years)	12.00	2.83
University (3 years +)	7.00	0.0

juvenile court was examined and a CWCP score was computed for both groups. The results show that those who attended juvenile court have a lower mean score (8.677) whereas those who did not attend juvenile court obtained a mean score of 10.000.

However, in discussing the relationship of education and attendance at juvenile court with the CWCP scores, a difficulty in analysis emerges in that these two factors can be viewed as a function of a third factor, length of service. It was found that all respondents with over ten years of service (N=16) have grade 12 or less and have had an opportunity to attend juvenile court. Further analysis of the data reveals that it is this group (in terms of length of service) that scores the lowest CWCP score. Since this group includes approximately one half of the total respondents who have had juvenile court experience (N=31), the low score achieved by the group having juvenile court experience should not be entirely unexpected. Similarly the low CWCP score for grade 11 or less respondents may be a function of length of service rather than education.

To overcome the complexity of relating the variables of education and attendance at juvenile court as a function of

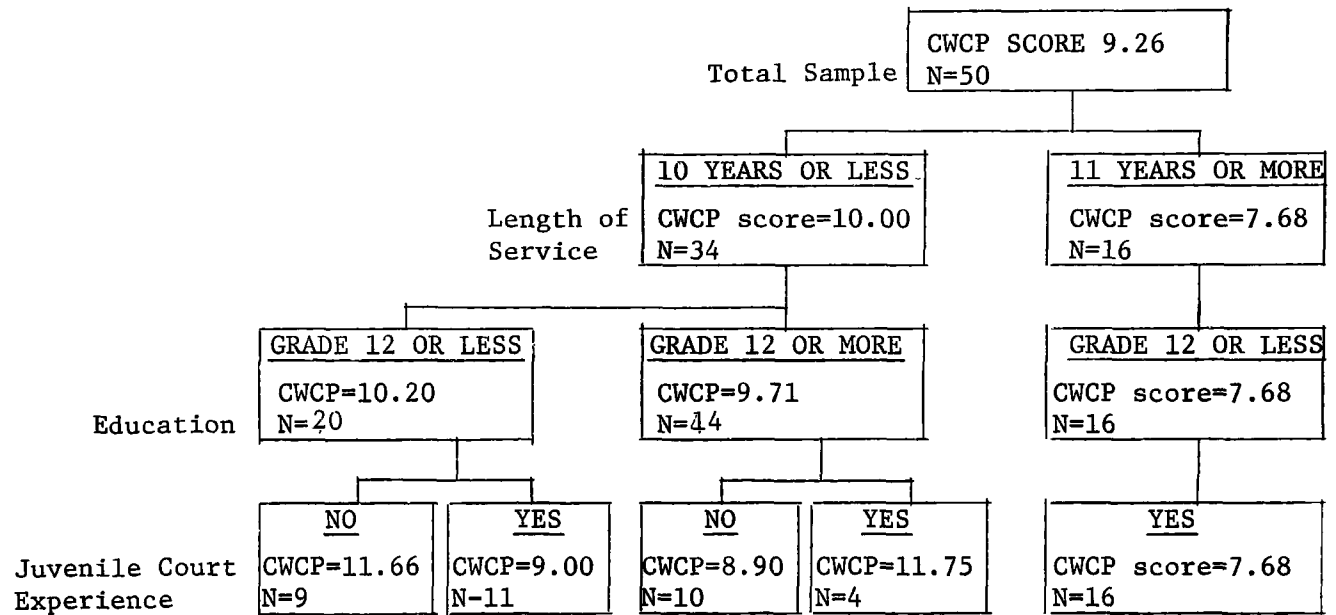
length of service, a branching analysis was carried out employing the CWCP score as a dependant variable. It was necessary to collapse the length of service categories into two groups, 10 years and under and 11 years and over. The education levels were also collapsed into two groups, grade 12 or less and grade 13 or more. As the 11 years and over length of service group had all attended juvenile court and all had grade 12 or less education no further branching was possible. The CWCP score for this group was 6.685.(table #9).

In examining the 10 years or less length of service group (CWCP score=10.000) and breaking it down according to educational levels, the group with grade 13 or more has a CWCP score of 9.714 whereas the grade 12 or less group has a score of 10.200. An inference based on these findings suggests that higher education is related to the CWCP scores, although in this case the difference is .500 units between the two scores.

Taking the two educational groups and analysing them further by juvenile court experience, an inverse relationship emerges in terms of the CWCP score. The grade 13 or more group who attended juvenile court (N=4) score 11.750 whereas the non-attendance group (N=10) score 8.900. When the

TABLE: 9

MEAN CWCP SCORE ACCORDING TO LENGTH OF SERVICE,  
EDUCATION AND JUVENILE COURT EXPERIENCE



grade 12 or less group is examined, almost identical scores are obtained but in reverse order. The group who attended juvenile court (N=11) score 9.000 whereas the group who did not attend juvenile court (N=9) score 11.667. The implications of these findings would suggest that attendance at juvenile court and the street policeman's perception of the juvenile criminal offender are related and that the manner in which these perceptions are related is further dependant on the educational level of the street policeman.

To investigate the preceeding findings in more depth the initial length of service category, 10 years or under, was broken down in two groups, 0 - 5 years of service and 6 - 10 years of service, and then interfaced with the education and juvenile court experience factors, (tables #10, #11). Similar results were found in that the higher educational groups had a lower CWCP score than the grade 12 or less groups. In terms of the inverse relationship between education and juvenile court experience, the 6 - 10 years of service group shows this characteristic, however, in the 0 - 5 years of service group both groups who have experienced juvenile court acheive the highest scores.

In examining the implications of these results,

TABLE: #10

MEAN CWCP SCORE ACCORDING TO  
LENGTH OF SERVICE, EDUCATION  
AND JUVENILE COURT EXPERIENCE  
(0 - 5 YEARS)

- 60T -

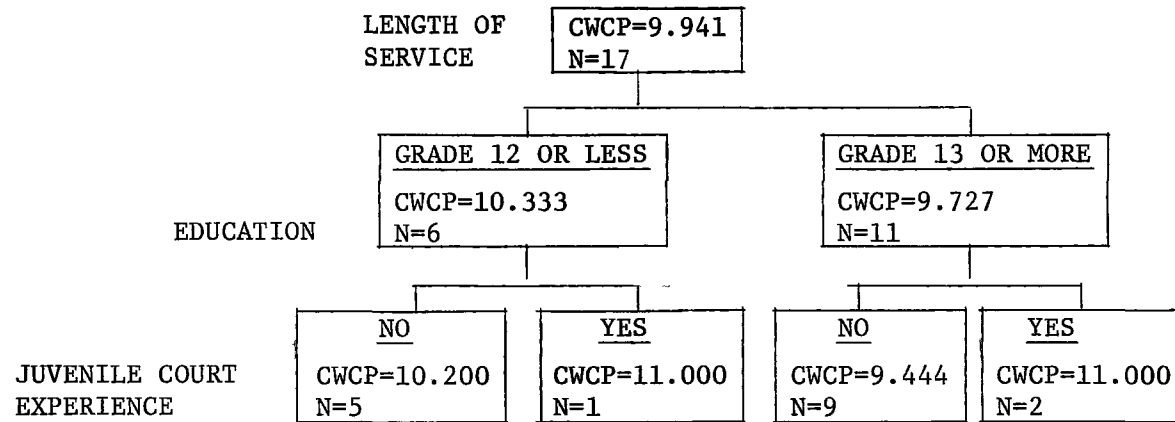
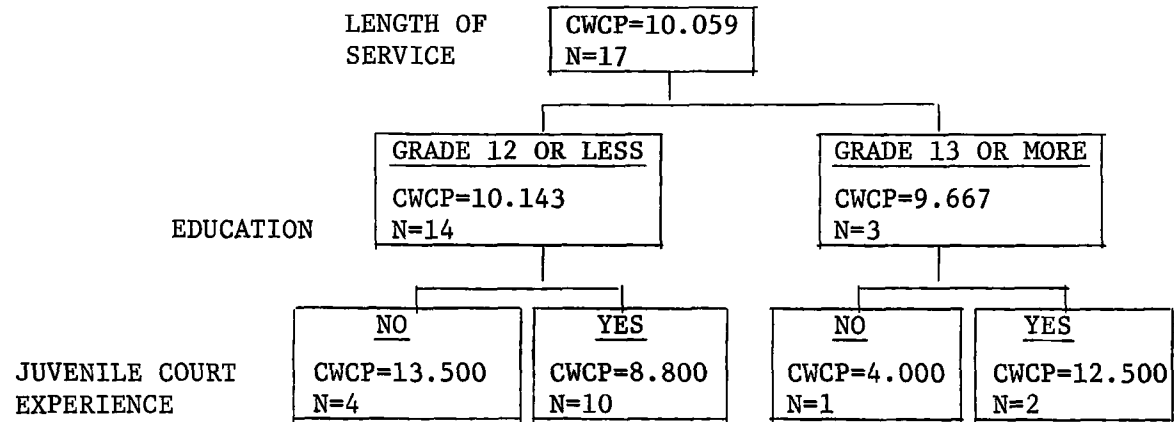


TABLE: #11

MEAN CWCP SCORE ACCORDING TO  
LENGTH OF SERVICE, EDUCATION  
AND JUVENILE COURT EXPERIENCE  
(6 - 10 YEARS)



consideration is given to the sample size and the subsequent size of each subcomponent, as in some cases the discussion is based on a very small number of respondents. Taking this into account one can infer that within the 10 years or less service group, there is a relationship between the street policeman's perception of the juvenile criminal offender and his educational level, in that the higher the level of formal education, the greater the tendency to perceive the juvenile in a child welfare perspective.

As the relationship of education to the CWCP score could only be examined in terms of the respondents who have been on the force 10 years or less, this inference cannot be applied to the entire sample. An interesting outlook emerges since the 11 year or more service group represents the lowest CWCP scores, and higher education indicates a tendency to increase the street policeman's perception of the juvenile in the child welfare context. Future studies could examine the older street policeman who has a grade 13 or more educational level, and the relationship of education to his child welfare perspective.

A partial explanation for the relationship between the less educated policeman's perception of the juvenile, his

educational level and juvenile court experience is that, prior to being exposed to juvenile court, his perceptions tend toward the community protection pole, but upon experiencing juvenile court this street policeman perceives the juvenile in a value context closer to the child welfare pole. This suggests that his perceptions of the juvenile court undergo a change. This change cannot necessarily be interpreted as support for the juvenile court process. The street policeman may in fact be reacting against the policies of the juvenile court as he may perceive them to be too harsh or unjust. However, the possibility does exist that this street policeman upon experiencing the juvenile court, perceives the process as being positive for both the juvenile and society and adopts a child welfare perspective.

The policeman with a higher level of education, grade 13 or more, similarly undergoes a perceptual change in his encounter with the juvenile court. As in the previous case, this perceptual change cannot be taken as indicating either support or opposition to the actual juvenile court policies. He suggests that there is a perceived discrepancy by the street policeman in how he initially views juvenile court and that it is altered after being exposed to the

operation. One perspective, however, to consider, is that the street policeman, with grade 13 or more, may support the child welfare value in dealing with the juvenile criminal offender, but he becomes disillusioned with the juvenile court process, subsequently adopting a community protection framework when perceiving the juvenile offender.

The preceding inferences are speculative as this study was basically concerned with determining whether there were indications of relationships between certain factors and the street policeman's perceptions of the juvenile. It was not the purpose of this study to investigate the interaction of the street policeman and the juvenile court in depth, however, the data of this study indicates this to be a fertile area of study.

The preceding discussions have dealt with the street policeman's perception of the juvenile criminal offender in relation to the sociological characteristics of the respondents. The purpose in this section is to examine to what extent the CWCP scale can be considered to be representative of the street policeman's perceptions when factors such as the age of the juvenile, the seriousness of the offences and administrative units are introduced. The scale was concerned with the

street policeman's perceptions in a general context, and within the scale itself there were no provisions for dealing with specific variables. Therefore, three of the concepts employed in the scale, misguided and misdirected child, differential treatment of the juvenile offender and legal rights are further analysed to determine to what extent the responses differ.

First, in examining the responses to the four items, it was observed that three of these items - the concept of differential treatment of the juvenile (#3), the concept of treatment as opposed to punishment (#15), and the concept of the legal rights of the juvenile (#7) - all reported responses indicating a strong tendency towards the child welfare value. Item #3 indicated an agreement rate of 86.0% (N=50) to the differential treatment of the juvenile criminal offender and item #5 reported an agreement rate of 86.3% (N=51) to treating the offender as opposed to punishment to fit the crime. Item #7 indicated strong support for the child-welfare value; there was only a 17.6% (N=51) agreement with the concept that the juvenile criminal offender should have the same access to the legal rights as the adult offender. The response to item #2, however, dealing with the street policeman's

perception of the juvenile criminal offender as being misguided and misdirected was inconclusive, as only 56.9% of the respondents agreed with item #2, (N=51).

To account for this response pattern, two points are discussed. The first concerns the actual structure of the item. The item requests that the respondent indicate whether he agrees or disagrees that a juvenile who commits a criminal offence is not a criminal but a misguided and misdirected child. The problem arises in that the respondent may have perceived the juvenile as a criminal and a misguided and misdirected child, not differentiating the concept "criminal" as representing the mental characteristics of maturity and rationality, and the "misguided and misdirected" as representing immaturity and irrationality. (The basis for this item was the terminology in the present Juvenile Delinquents Act). As a result of this the respondent may have had difficulty in determining whether he agreed or disagreed with the item. To what extent this may have occurred, however, is not known.

The second point involves the factor of the age of the juvenile criminal offender. The concept of whether a juvenile is a criminal or a misguided and misdirected child

may be related to the actual age of the juvenile (between the ages of 7 and 16 years old). The literature indicates that the age of the juvenile who comes to the attention of the police does play a role in how the policeman will perceive and react when the juveniles commits an offence. ( 2 ). To tap this aspect item #27 differentiates the juvenile into five age sub-groups and the respondents are asked to indicate the percentage of juvenile criminal offenders who they consider to be misguided and misdirected rather than criminals.

The results of item #27, (table #12), indicate that there is a relationship between age and the street policeman's perception of the juvenile criminal offender. For the 7 - 8 year old level the observed mean is 82.82%. As the age of the juvenile increases the mean percentage score decreases and for the 15 - 16 year old level the mean is 50.22%. This would suggest that only half of the juvenile criminal offender population are considered to be misguided and misdirected for the 15 - 16 age level. Thus, there is a relationship between the age of the juvenile and the street policeman's perceptions towards the juvenile. These results can be related to the ambiguous results of item #2 in that the observed "agree" percentage, 56.9%, indicates that the

TABLE: 12

PERCENTAGE OF JUVENILE AND  
ADULT CRIMINAL OFFENDERS CONSIDERED TO BE  
MISGUIDED AND MISDIRECTED

<u>AGE</u>	<u>PERCENTAGE</u>
7 - 8	82.8%
9 - 10	77.7%
11 - 12	69.6%
13 - 14	60.2%
15 - 16	50.2%
17 - 18	48.1%
19 - 20	40.4%
21 - 25	38.5%
26 +	41.0%

street policeman was basing his response on the older age levels of the juvenile offender. One can infer that the "agree" percentage would increase if the street policeman was to respond in terms of the lower age levels. This would subsequently lower the CWCP score towards the child welfare pole.

The inference that the street policeman based his responses on the older age group is not entirely unexpected since police statistics show that 75% of the juveniles who come in contact with the police are 13 years old or more.

A second concept found in the CWCP scale, differential treatment of the juvenile, will now be discussed in relation to two factors, the penetration of the juvenile in the criminal justice system, and the seriousness of the offence. Examining the several administrative levels, 86.0% of the street policemen support the concept of differential treatment in an overall context. But when specific administrative levels are considered, the percentage of support for differential treatment decreases to 64.7% for the street and court/post trial levels and 66.7% at the C.I.B. level. One possible explanation for the decrease in support for differential treatment is that the street policeman does in fact support

differential treatment for the juvenile criminal offender, but not necessarily at the street, C.B.I. or court levels. This then, would imply that the street policeman supports differential treatment at an administrative level other than those mentioned. The one considered here is the administrative level within the police structure termed as the youth section.

Strong support for differential treatment at the youth section level is supported by the findings of item #9. This item concerns the concept of a police force having a specialized section to handle the juvenile criminal offender. Almost the total sample 98.2% support this concept with 96.1% of the sample located in the strongly agree category. This strong indication of support is interpreted as support for differential treatment of the juvenile. Thus, the strong support for differential treatment indicated in the general context (item #3) emerges specifically at the youth section level. That the street policeman responds to the concept of differential treatment with a decreased lack of support at the street, C.I.B. and court levels should not be seen as a reflection of the validity of the CWCP scale. Rather it suggests that caution should be employed in interpreting the street policeman's response to the general item as indicating

equal support for differential treatment throughout all levels of the juvenile criminal justice administration. Here the data indicates that the youth section is of primary concern to the street policeman in terms of differential treatment.

The second factor related to the concept of differential treatment is the element of the seriousness of the offence. Item #26, examined this aspect by requesting the street policeman to indicate whether his approach would be different for a juvenile as opposed to an adult who committed the same offences. The findings indicate that the seriousness of the offence is a factor in the street policeman's approach to a juvenile. When the offences are listed according to their decreasing seriousness, an increase in support for differential treatment is observed (table #13). (Prior to constructing the questionnaire a sample of street policemen were requested to indicate the seriousness of 10 specified offences, from which 5 were chosen for item #26).

For the offence of murder only 34.0% of the respondents indicated that they would deal differently with a juvenile compared to an adult, whereas 81.6% of the street policeman indicate support for differential treatment for the criminal

TABLE: 13

PERCENT OF SUPPORT FOR DIFFERENTIAL  
TREATMENT ACCORDING TO SERIOUSNESS  
OF OFFENCE

<u>OFFENCE</u>	<u>SUPPORT FOR DIFFERENTIAL TREATMENT</u>
Murder	34.0%
Robbery	38.0%
Car theft	58.0%
Shoplifting	72.0%
Causing disturbance	81.6%

offence of causing a disturbance. The findings suggest that the concept of differential treatment is not consistent for all offences and that support for differential treatment is inversely related to the seriousness of the offence. These findings support Gandy's contention that the seriousness of the offence committed by the juvenile offender is a factor in determining the police role. The findings also support the subsequent hypothesis formulated in this study which stated that the street policeman's support of differential treatment of juvenile offenders will decrease as the seriousness of the offence increases.

The findings also have implications for the CWCP scale. As the scale itself did not specifically refer to offences, (other than to specify criminal offences), it can be hypothesized that the CWCP score would decrease if the street policeman was requested to respond in terms of minor offences only and conversely, the score would increase if only major offences were considered. The obtained CWCP score, 9.235, therefore should be viewed in the perspective of comprising only criminal offences..

The third concept of the CWCP scale concerns the street policeman's perception of the legal rights of the juvenile

criminal offender and will be examined in relation to the various administrative levels namely the street, youth section, C.I.B. and court/post trial services. Of the five items employed, three employ the legal rights of the adult criminal offender as a focal point in that the street policeman is asked to indicate to what extent he agrees or disagrees with the concept of the juvenile having the same rights as the adult criminal offender. These three items deal with:

1. The legal rights of the juvenile in a general context, item #7 (it is this item which is employed in the CWCP scale);
2. The legal rights of the juvenile at the youth section level, item #6;
3. The legal rights of the juvenile at the court and post trial level, item #19.

To examine the street policeman's perceptions at the street and C.I.B. levels, two items #17 and #18, were formulated in such a manner as to allow the respondent to indicate his support for both the juvenile's and the adult's legal rights. This approach was used in order that an insight could be gained into the street policeman's perceptions towards the legal

rights of the adult criminal offender. The resultant weakness of this procedure will be discussed following the examination of the responses to the five items.

The results of the two items dealing with the street and C.I.B. levels show a very strong support (98.0%), for the adult criminal offender being informed of his rights. As far as the juvenile criminal offender is concerned, 80.4% support the idea that the juvenile criminal offender should be informed of his rights at the street level, but a larger number, 86.3%, support this concept at the C.I.B. level. Thus, although support for the legal rights of the juvenile criminal offender is below that of the adult criminal, there is nevertheless a strong support shown for informing the juvenile criminal offender of his rights.

Item #6, which deals with the street policeman's perception of the legal rights of the juvenile criminal at the youth section level, indicates that 36 or 72.0% support the juvenile receiving the same legal rights as an adult. At the court and post trial level, item #19, the results are inconclusive as only approximately half of the sample (46.9%), support the concept of the juvenile receiving the same legal rights as the adult criminal. The results of item #7, (the

one employed in the CWCP scale), indicate on a general level, very weak support for the juvenile having the same access to the legal rules and procedures as the adult offender.

Before discussing the implications of these items further, it is first necessary to examine the structure of the items themselves. The findings of several of the items differ considerably and the question emerges as to whether the differences are a reflection of a true difference in the street policeman's perceptions as a result of the introduction of the administrative levels or are a result of a difference in the street policeman's interpretation of the items. In response to the general statement that the juvenile who becomes involved with the criminal justice systems should have the same access to the legal rules and procedures as an adult, 82.3% of the respondents disagree, however, when the same respondents are asked to respond to items dealing with the legal rights of the juvenile at the street, youth section and C.I.B. level, the results indicate strong support for the rights of the juvenile. At the court level, the results indicate a 50 - 50 split between the respondents on this subject.

One explanation for this discrepancy is that it is a consequence of the manner in which the items were stated. In the item employed in the CWCP scale (#7) and the item dealing with the courts and post/trial services (#19), the term "legal rules and procedures" is employed. This term is meant to represent such items as rules of evidence and the right to remain silent, however, the respondents may have interpreted this term more in the perspective of a general treatment, as in the differential treatment of the juvenile criminal offender from the adult criminal offender. (The data has shown that the street policeman supports differential treatment of the juvenile criminal offender and the respondents may have perceived item #7 and item #19 in this light). It is not known to what extent, this misinterpretation of the item occurred, however, this point should be considered in the evaluation of the strength of the results.

A second and related area which also should be considered in the discussion of the findings involves the specific concept of the legal rights of the juvenile. One can argue that what the respondents are disagreeing to in item #7 and item #19 is not the same thing that the

respondents are agreeing to in items #6, #17(a) and #18(a). That is "legal rules and procedures" are not the same as "legal rights" and the "informing of one's legal rights". Legal rights may have been taken by the respondents to represent specific rights, such as the right to remain silent and the right to counsel, whereas legal rules and procedures may be taken to encompass much more, such as court procedures and specific rules of evidence. If this is the case, then the respondents may only be disagreeing on one aspect of the legal rules and procedures, for example, the street policeman may support the "legal rights" of the juvenile criminal offender, (as seen in the right to remain silent) but may oppose the juvenile's access to the same legal procedures as an adult (i.e., election of specific court). Again it is not known to what extent this may have occurred, however, it is a further item to consider.

Keeping the preceding factors in mind, for the purpose of the present discussion the assumption that all the items represent, to some degree, the street policeman's perception of the legal rights of the juvenile criminal offender, will be accepted. Employing this perspective an interesting pattern can be observed. It would appear that

as the street policeman approaches the general administrative level, the police, the more definite he is towards supporting the legal rights of the juvenile. On an overall criminal justice system level, the street policeman indicates a strong opposition to equating the juvenile's legal situation with that of the adult, whereas at the specific level of the court, and post/trial services the opposition is not as strong, in fact, the response is split half and half. Proceeding next to the C.I.B. section, strong support for the rights of the juvenile emerges. This is also true at the youth section and street level.

This concept of the street policeman perceiving the juvenile criminal offender in stronger legalistic terms if the juvenile is specifically involved at the police level has implications in terms of the CWCP scale. The mean score observed on the scale for the sample was considered low (9.235) however, as the item employed in the CWCP scale to deal with the legal rights of the juvenile dealt only in a general context, it could be hypothesized that if the item referred specifically to juvenile legal rights at the police level, the CWCP score would increase towards the community protection pole.

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## CHAPTER IV

### CONCLUSION

This study is concerned with the manner in which the street policeman perceives the juvenile who has committed a criminal code offence. A scale was adopted from Gandy's study which views the police orientations toward the juvenile offender in a bipolar perspective, with one pole representing the community protection value and the other pole representing the child welfare value. The findings obtained from the scale support the hypothesis that the street policeman tends to perceive the juvenile criminal offender through a child welfare perspective rather than a community protection value. This finding does not support the initial research hypothesis which stated that neither the community protection nor child welfare is the dominant value of the street policeman in his perceptions of the juvenile criminal offender.

This result can be viewed in a temporal perspective. The tendency for the street policeman to perceive the juvenile criminal offender in terms of the child welfare value can be seen as part of the development of the child welfare philosophy and it's gradual infiltration and

acceptance within the juvenile criminal justice system. It was proposed that a child welfare philosophy emerged first at the dispositional level, then in time proceeded through the various levels of the criminal justice system, eventually being adopted as an operational procedure at the police level. Since the street policeman is considered as the initial contact point within the criminal justice system, the observed results demonstrate that the child welfare value has permeated the juvenile criminal justice system.

This should not be interpreted however, as an indication that the street policeman supports the child welfare orientation at his own level. Examined in conjunction with Gandy's interpretation, the findings suggest that the street policeman at his own level, (the street level) oscillates between the child welfare and community protection value but tends to endorse the child welfare value on a general level.

This idea is supported in the present study's analysis of the concepts of differential treatment and legal rights of the juvenile, two of the four concepts comprising the CWCP scale. The concept of differential treatment is strongly supported by the street policeman at a general

level, however, at his own level, the street level, support for differential treatment is observed to decrease. (In the case of differential treatment, the strong support indicated at the general level is seen primarily to emerge in the support of a specialized youth section within the police force.) The legal rights of the juvenile criminal offender are observed to have more support from the street policeman at the street level than at a general level. As support for the legal rights of the juvenile is indicative of support for the community protection value, support for the child welfare value can be seen to decrease.

The CWCP score was also examined in relation to characteristics of the street policeman, the offender and the offence. The purpose of this approach was to examine whether any relationships existed between the qualities of the respondents, the offender and the offence and the subsequent CWCP scale.

When the age of the offender was used as an independent variable it was observed that there was an inverse relationship between the age of the juvenile and the street policeman's child welfare perception of the juvenile. The policeman tends to see the juvenile less in terms of being

misguided and misdirected as the age level increases to 16 years. However, at the 15 - 16 year old level, which is the point of termination of juvenile status, the policeman's response indicates that half of the juvenile criminal offenders are still viewed as being misguided and misdirected. Since the results of item #2 (item included in the CWCP scale dealing with the misguided and misdirected characteristics of the juvenile), were inconclusive, one can infer that the street policeman in responding to this item, was perceiving the juvenile within the parameters of the 13 - 16 age group, rather than the entire juvenile offender age spectrum. This finding is consistent with the fact that the street policeman, in his interaction with the juvenile criminal offender, is primarily involved with juveniles over 13 years old. One can infer that limiting the street policeman to respond only to the young juvenile criminal offender, from 7 to 13 years old, would produce a CWCP score lower than the observed score.

A related area in which further investigation could be directed concerns the criminal offender age group from 16 - 18 years old. In contemporary Canada, the issue that the juvenile federal legislation should encompass individuals

up to the age of 18 years old all across Canada has been frequently debated.

The results of this study indicate that the street policeman does not perceive the 17 - 18 year old offender to differ greatly from the 15 - 16 year old in terms of the misguided and misdirected qualities (table #12). Here, one can infer that the street policeman would support the 17 - 18 years old offender being treated in a similar fashion to the 15 - 16 years old offender.

In investigating the relationship between the CWCP score and the offence, the level of seriousness of the offence was taken as the independent variable. The findings indicate that an inverse relationship exists between the increased seriousness of the offence and the tendency to differentiate between the treatment given to a juvenile and adult criminal offender. This supports the research hypothesis that the street policeman would perceive differential treatment of the juvenile criminal offender as being less of an appropriate response as the offence increases in seriousness.

Further, it supports the present study's differentiation of the "juvenile rule violator" into smaller components, the one employed here being the juvenile criminal offender. To

examine the police perceptions of the juvenile in terms of any infraction of society's rules, allows for too much latitude in terms of the concept of seriousness of the offence and is, for future studies, a crucial aspect to consider in the analysis.

The CWCP score was analyzed in relation to specific sociological characteristics of the respondents, namely length of service, age, education and juvenile court experience. The observed results were not supportive of the hypothesis that the street policeman's perceptions of the juvenile criminal offender will not differ significantly according to length of service or age. The CWCP score differed significantly according to both factors with an increased tendency to support the child welfare value being observed. The apparent inconclusiveness found in the literature, regarding the relationship of the police perceptions of the juvenile to the policeman's experience, suggests that further investigation is warranted in this area.

No discernible relationship could be determined in the interfacing of the variables of the educational level of the street policeman and the court experience of the

street policeman with the CWCP score. However, several weak relationships emerged when the variables, length of service, education and juvenile court experience were interfaced with the CWCP score. A lower CWCP score was observed for the higher educational category of street policemen. This finding provides a direction for future studies investigating the relationship between the street policeman's perceptions of the juvenile and his educational level.

A related area which could not be examined in this present study, because of a lack of sample subjects, is the perceptions of the higher educated, more experienced policeman. Since both variables, (longer length of service and higher education) indicate a lower CWCP score, it could be hypothesized that the higher educated and more experienced policeman would achieve the lowest CWCP score.

In considering the factor of whether the street policeman has experienced juvenile court, attendance at juvenile court is related to a lower CWCP score. This relationship, however, appears to be a function of the educational level of the street policeman, as the CWCP score of a policeman who has been to juvenile court is inversely related to

whether he has grade 12 or less. The street policeman with grade 12 or less tends to score lower than the street policeman with grade 13 or more on the CWCP scale, when both of these individuals have experienced juvenile court. The inverse is observed in terms of the educational levels for the street policemen who have not experienced juvenile court.

These findings, admittedly weak, indicate a direction for further investigations. The interaction of these three variables point to a possible avenue by which the street policeman's perception of the juvenile criminal offender can be more fully understood.

To conclude, the major impetus behind this study was the increased activity observed in recent years concerning the police interaction with the juvenile offender. Government bodies, citizen groups and the police themselves have pushed towards developing more of a socio-police perspective within the police structure to deal with the juvenile. This study has examined aspects of this process, limiting itself to the street policeman's perceptions of the juvenile criminal offender. Basic to this study has been the orientation that an increased development by the

police in adopting aspects of the child welfare value, not only at the general level but also at the operating level of the police structure, is a desired end and to assist in this development, it is necessary for the contemporary situation to be understood. With a clearer understanding of the present processes we will, as Hagan argues, be better qualified to constructively criticize the social reality of a system called "Juvenile Justice." ( 1 )

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APPENDIX A

PLEASE DO NOT WRITE YOUR NAME

FALL, 1975

QUESTIONNAIRE

Please do not write your name or any other identifying mark on this booklet. Questions regarding your age, experience and time on the force are asked, however these are in the form of general categories only and, therefore, do not identify you in any way. No one except myself will be seeing the returned questionnaires.

This is not a test. The following statements reflect opinions expressed by various people involved in the criminal justice system. There are no right or wrong responses. They have been set up in such a manner as to permit persons to indicate the extent to which they agree or disagree with the ideas expressed.

Please indicate your response by placing an "X" in the appropriate space according to the extent of your agreement or disagreement.

Sample Response Unit:

AGREE (1): (2): (3): (4): (5): (6): DISAGREE

There are six response spaces; the first three (1), (2), and (3) represent degrees of agreement, i.e.:

(1) agreement, strong support

(2) agreement, moderate support

(3) agreement, slight support.

The last three spaces represent degrees of disagreement.

(4) disagreement, slight support,

(5) disagreement, moderate support,

(6) disagreement, strong support.

INFORMATION SHEET

A: YOUR AGE	B: YEARS ON FORCE	C: YEARS IN UNIFORM PATROL
18-25	0-2	0-2
26-30	3-5	3-5
31-35	6-10	6-10
36-40	11-15	11-15
41-45	16-20	16-20
56-50	21-25	21-25
51-55	26-30	26-30
56-60		

D: Last completed grade at High School, College or University \_\_\_\_\_

E: Have you ever, as a street policeman, been involved in a criminal case concerning:

A) a juvenile offender. yes \_\_\_ no \_\_\_

B) an adult offender. yes \_\_\_ no \_\_\_

F: Have you ever, as a street policeman, attended:

A) juvenile court as a witness concerning a juvenile who has been charged with a criminal offence.

yes \_\_\_ no \_\_\_

B) adult court as a witness concerning an adult who

has been charged with a criminal offence.

yes \_\_\_ no \_\_\_

1. The treatment of the juvenile criminal offender should approximate as nearly as possible that which would be given by his parents.

AGREE \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: DISAGREE

2. A juvenile who commits a criminal offence is not a criminal but a misguided and misdirected child.

AGREE \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: DISAGREE

3. The juvenile who has committed a criminal offence should be treated differently than an adult who has committed a criminal offence.

AGREE \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: DISAGREE

4. The juvenile who has committed a criminal offence should be treated differently than an adult who has committed a criminal offence at the court, institutional, and probation level, but not at the police level.

AGREE \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: DISAGREE

5. Treating the juvenile criminal offender differently than the adult criminal offender should be the job of a youth section and not the job of the street policeman.

AGREE \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: DISAGREE

6. The youth section when dealing with the juvenile criminal offender should give him the same legal rights as an adult criminal offender would receive.

AGREE \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: DISAGREE

7. The juvenile who becomes involved with the criminal justice system, i.e. police, court, institutions, should have the same access to the legal rules and procedures as an adult.

AGREE \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: DISAGREE

8. The street policeman should have the authority to decide whether or not charges should be laid against:

A) a juvenile who has committed a criminal offence.

AGREE \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: DISAGREE

B) an adult who has committed a criminal offence.

AGREE \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: DISAGREE

9. A police force should have a specialized section to deal with the juvenile criminal offender.

AGREE \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: DISAGREE

10. The street policeman should have more room to make decisions in a criminal charge concerning a juvenile than in a criminal charge involving an adult.

AGREE \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: DISAGREE

11. A detective should treat a juvenile who has committed a criminal offence the same way as an adult who has committed a criminal offence.

AGREE \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: DISAGREE

12. The courts, institutions, and post-release services should treat the juvenile criminal offender the same way as the adult criminal offender.

AGREE \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: DISAGREE

13. The street policeman should treat a juvenile who has committed a criminal offence the same way as an adult criminal offender.

AGREE \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: DISAGREE

14. The youth section should have the authority to decide whether or not a criminal charge will be laid against a juvenile who has committed a criminal offence.

AGREE \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: DISAGREE

15. In dealing with the juvenile criminal offender the criminal justice system should operate within the concept of treatment to fit the offender rather than punishment to fit the crime.

AGREE \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: DISAGREE

16. The juvenile who commits an offence against a municipal by-law or provincial statute should be treated in the same fashion as an adult who has committed a similar offence.

AGREE \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: DISAGREE

17. A street policeman at the scene of a criminal offence should inform:

A) a juvenile offender of his rights.

AGREE \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: DISAGREE

B) an adult offender of his rights.

AGREE \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: DISAGREE

18. A detective investigating a criminal offence should inform:

A) a juvenile offender of his rights.

AGREE \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: DISAGREE

B) an adult offender of his rights.

AGREE \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: DISAGREE

19. The legal procedures and rules in the courts, institutions and post-release services should be the same for the juvenile criminal offender and the adult criminal offender.

AGREE \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: DISAGREE

20. Except for the youth section, all policemen should treat the juvenile criminal offender the same way as the adult criminal offender.

AGREE \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: DISAGREE

21. Treating the juvenile criminal offender differently than the adult criminal offender is the job of the courts and post-trial agencies and not the job of the police.

AGREE \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: DISAGREE

22. The majority of street policemen have an adequate knowledge of:

A) the Juvenile Delinquent Act

AGREE \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: DISAGREE

B) the Criminal Code of Canada

AGREE \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: DISAGREE

23. All individuals, regardless of age, who have committed a criminal offence should be proceeded against under the Criminal Code of Canada.

AGREE \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: DISAGREE

24. The minimum age under the Juvenile Delinquent Act for committing a criminal offence should be:

(Please circle age)

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20  
21 22 23 24

25. The maximum age for jurisdiction of the Juvenile Delinquent for committing a criminal offence should be: (Please circle age)

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20  
21 22 23 24

26. As the police officer at the scene would your approach be different towards a juvenile offender as opposed to an adult, who under similar circumstances committed these offences.

YES NO

A. car theft	_____
B. murder	_____
C. shoplifting	_____
D. robbery	_____
E. causing disturbance	_____

27. From your experience, out of one hundred (100) juvenile criminal offenders, how many could be described as misguided and misdirected children and not as criminals. (Please indicate by age group)

	0	20	40	60	80	100
7-8 yrs	:	:	:	:	:	:
9-10 yrs	:	:	:	:	:	:
11-12 yrs	:	:	:	:	:	:
13-14 yrs	:	:	:	:	:	:
15-16 yrs	:	:	:	:	:	:

28. From your experience, out of one hundred (100) adult criminal offenders, how many could be described as misguided and misdirected adults and not criminals. (Please indicate by age group)

17-18 yrs	:	:	:	:	:	:	:	:	:
19-20 yrs	:	:	:	:	:	:	:	:	:
21-25 yrs	:	:	:	:	:	:	:	:	:
26-up	:	:	:	:	:	:	:	:	:

THANK-YOU

COMMENTS:

APPENDIX B

FIGURE: 1

STREET POLICEMAN RESPONSE TO ITEM 2

A Juvenile Who Committs A Criminal Offense  
Is Not A Criminal But A Misguided And  
Misdirected Child

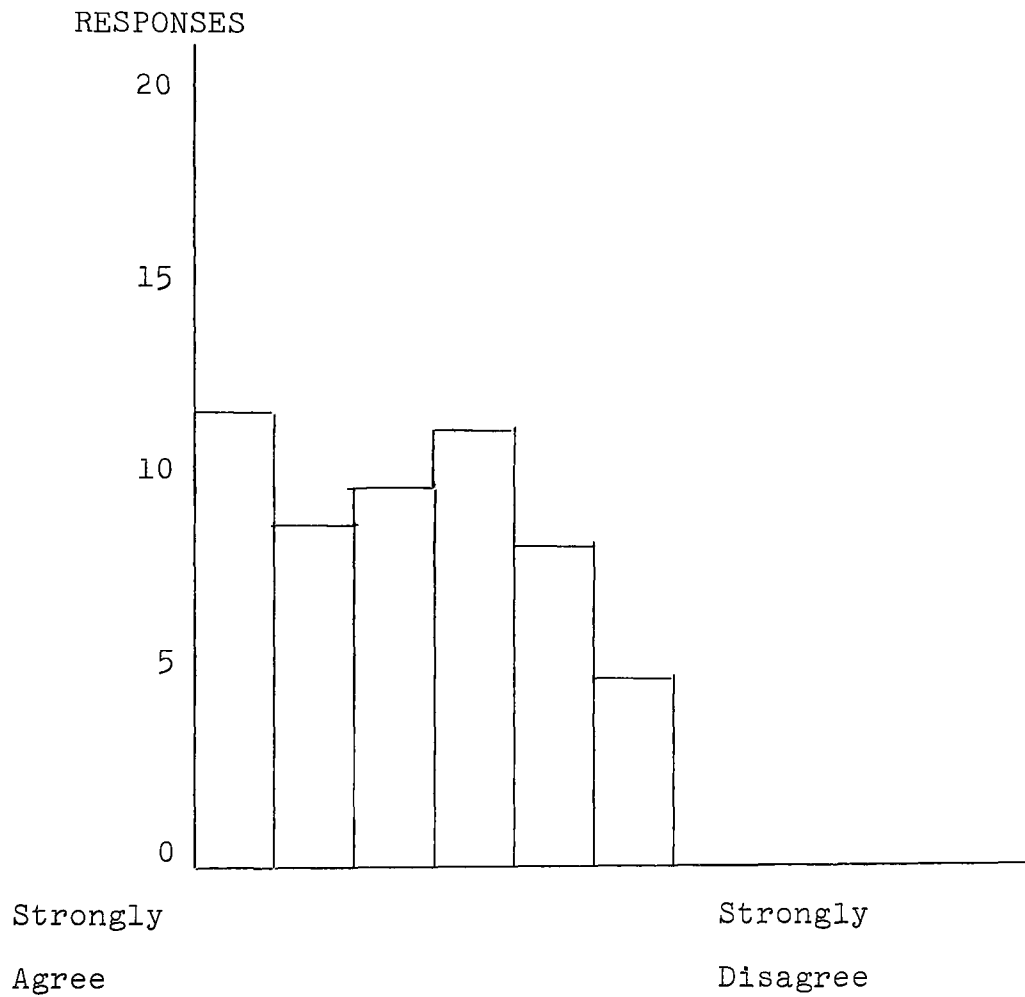


FIGURE: 2

DIFFERENTIAL TREATMENT

(GENERAL)

ITEM #3

The juvenile who has committed a criminal offence should be treated differently than an adult who has committed a criminal offence.

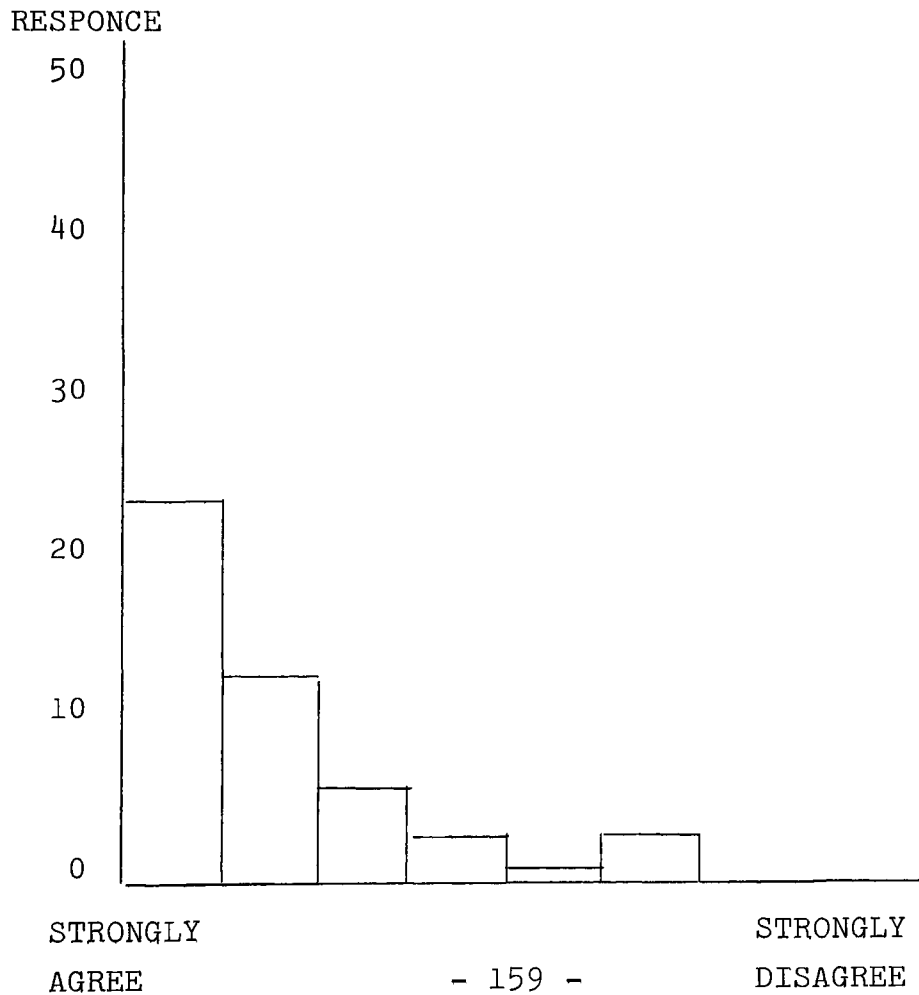


FIGURE: 3

LEGAL RIGHTS AND  
THE JUVENILE CRIMINAL OFFENDER  
(GENERAL)

ITEM #7

The juvenile who becomes involved with the criminal justice system i.e. police, court, institution should have the same access to the legal rules and procedures as an adult.

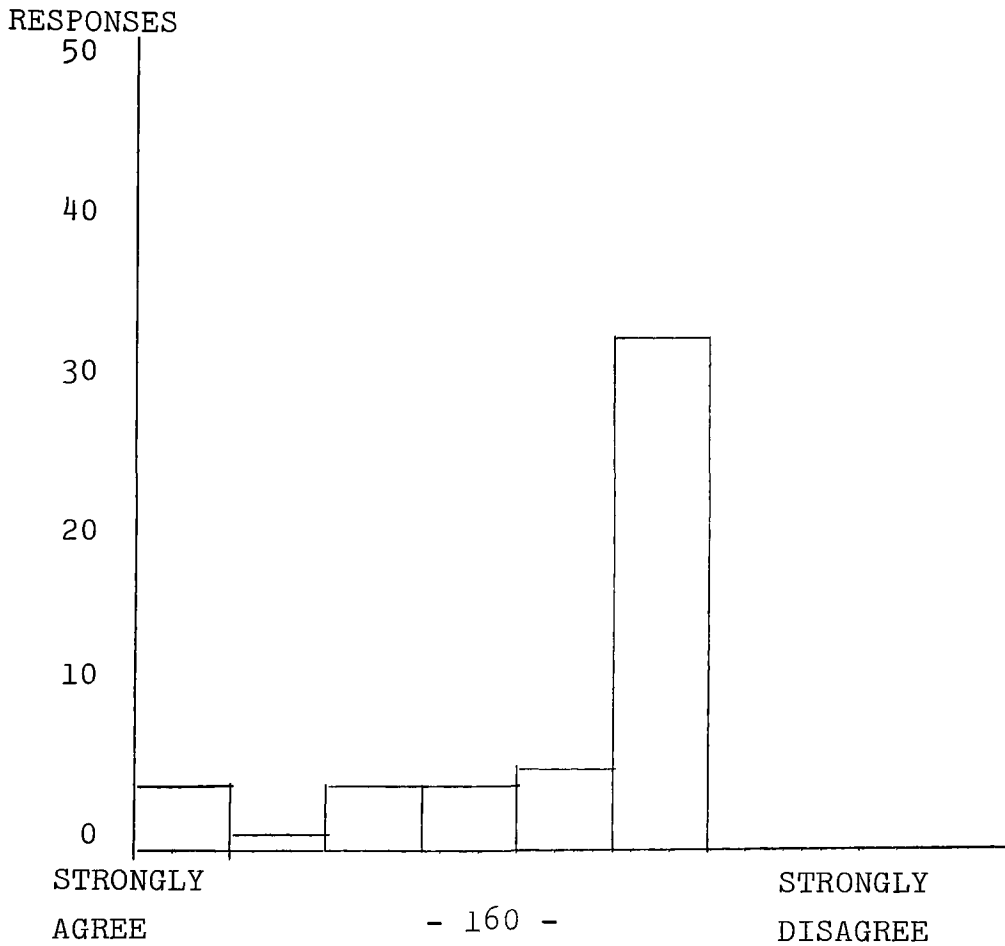


FIGURE: 4

TREATMENT AND PUNISHMENT

ITEM #15

In dealing with the juvenile criminal offender the criminal justice system should operate within the concept of treatment to fit the offender rather than punishment to fit the crime.

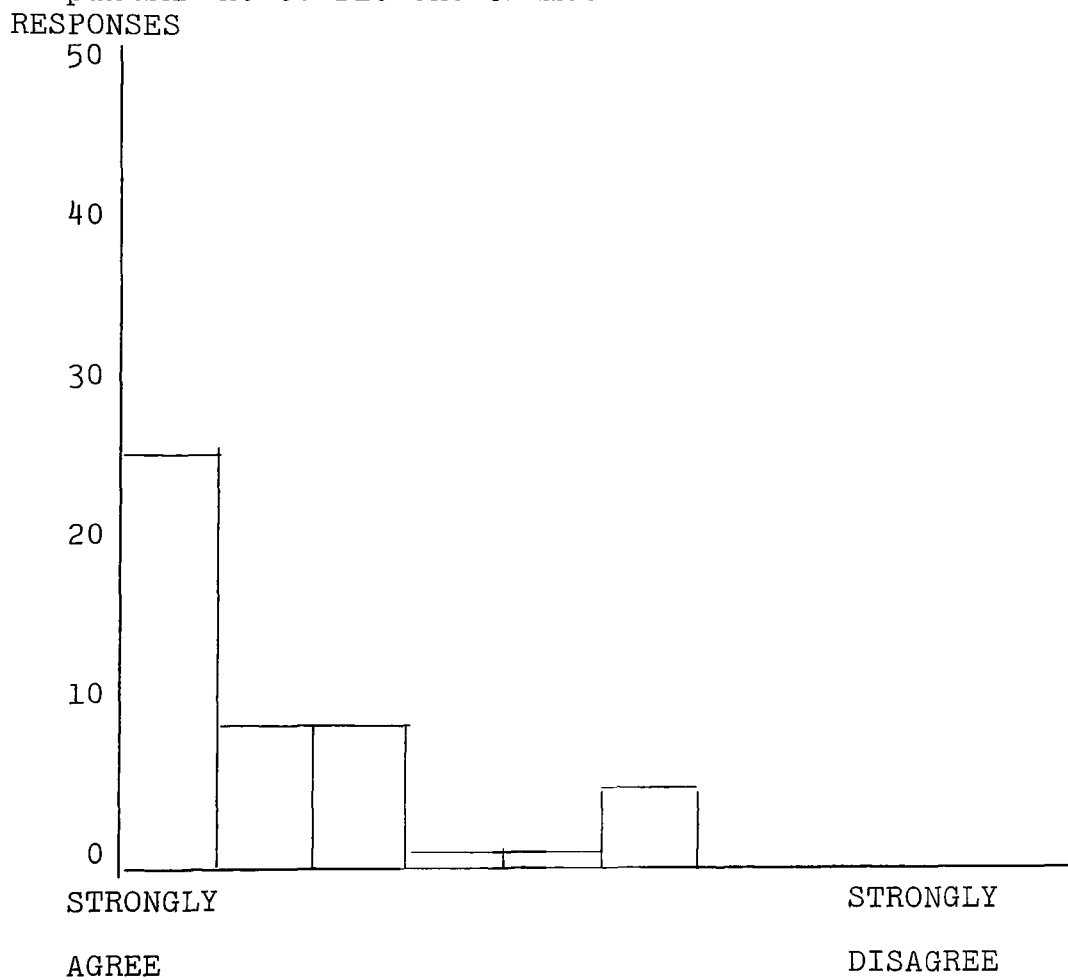


FIGURE: 5

STREET POLICEMAN'S RESPONSE TO ITEM #13

(DIFFERENTIAL TREATMENT: STREET POLICEMAN)

The street policeman should treat a juvenile who has committed a criminal offence the same way as an adult criminal offender.

RESPONSES

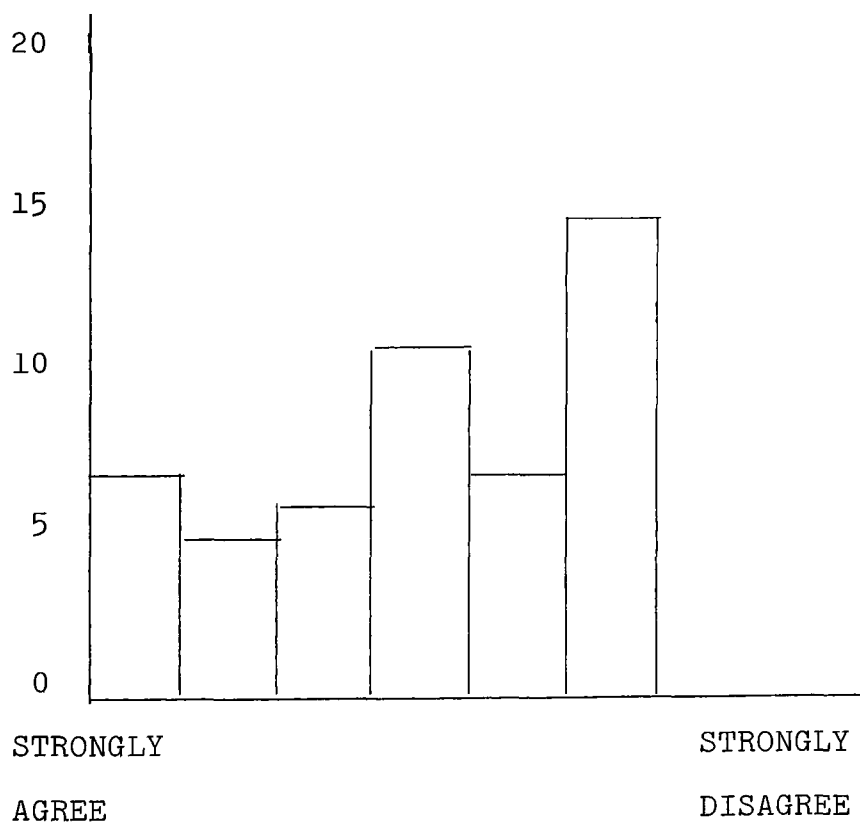


FIGURE: 6

STREET POLICEMAN'S RESPONSE TO ITEM #9

(DIFFERENTIAL TREATMENT: YOUTH SECTION)

A police force should have a specialized section to deal with the juvenile criminal offender.

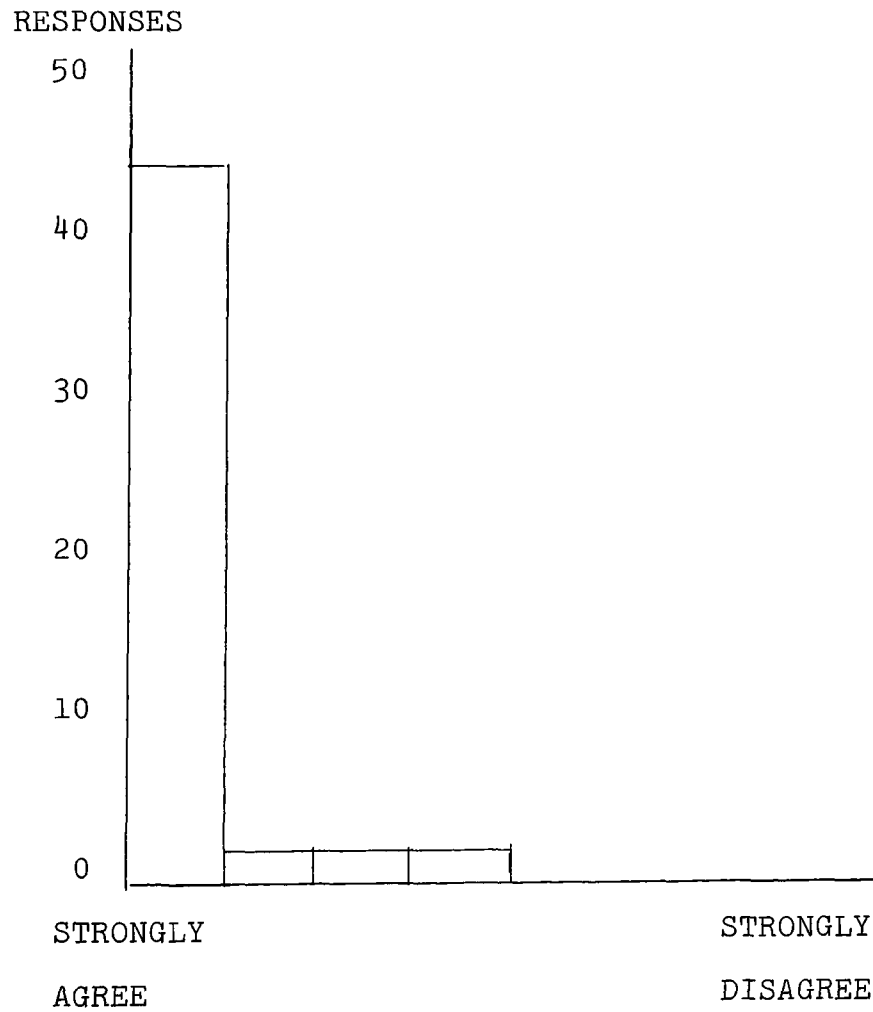


FIGURE: 7

STREET POLICEMAN'S RESPONSE TO ITEM #11

(DIFFERENTIAL TREATMENT: DETECTIVE)

A detective should treat a juvenile who has committed a criminal offence the same way as an adult who has committed a criminal offence.

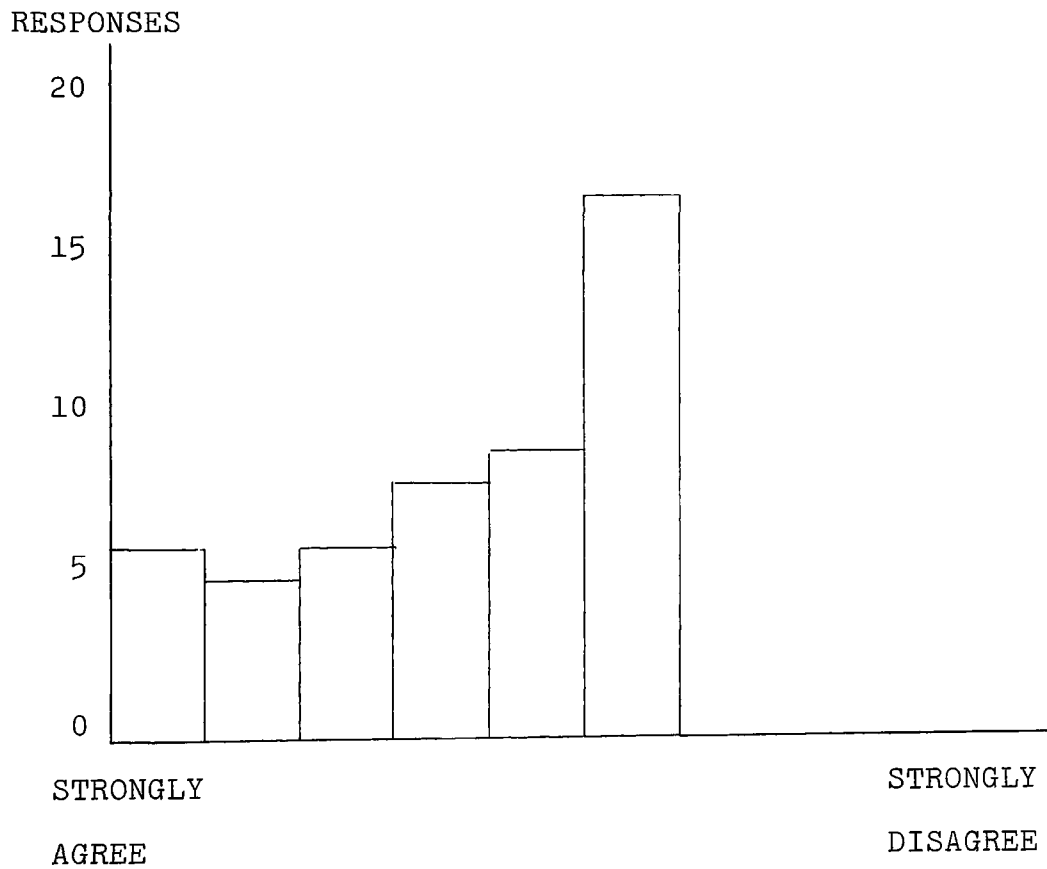


FIGURE: 8

STREET POLICEMAN'S RESPONSE TO ITEM #12

(DIFFERENTIAL TREATMENT: COURTS AND POST TRAIL)

The courts, institutions and post release services should treat the juvenile criminal offender the same way as the adult criminal offender.

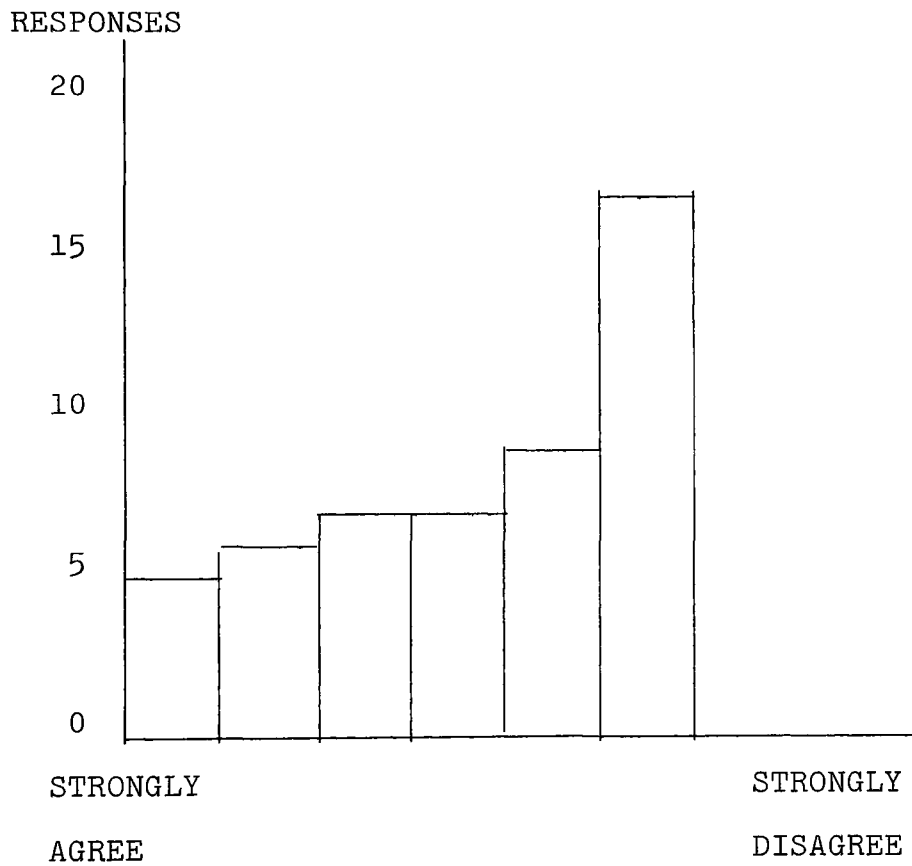


FIGURE: 9

STREET POLICEMAN RESPONSE TO ITEM #18

A detective investigating a criminal offence should inform:

(A) A juvenile offender of his rights

(B) An adult offender of his rights.

RESPONSES

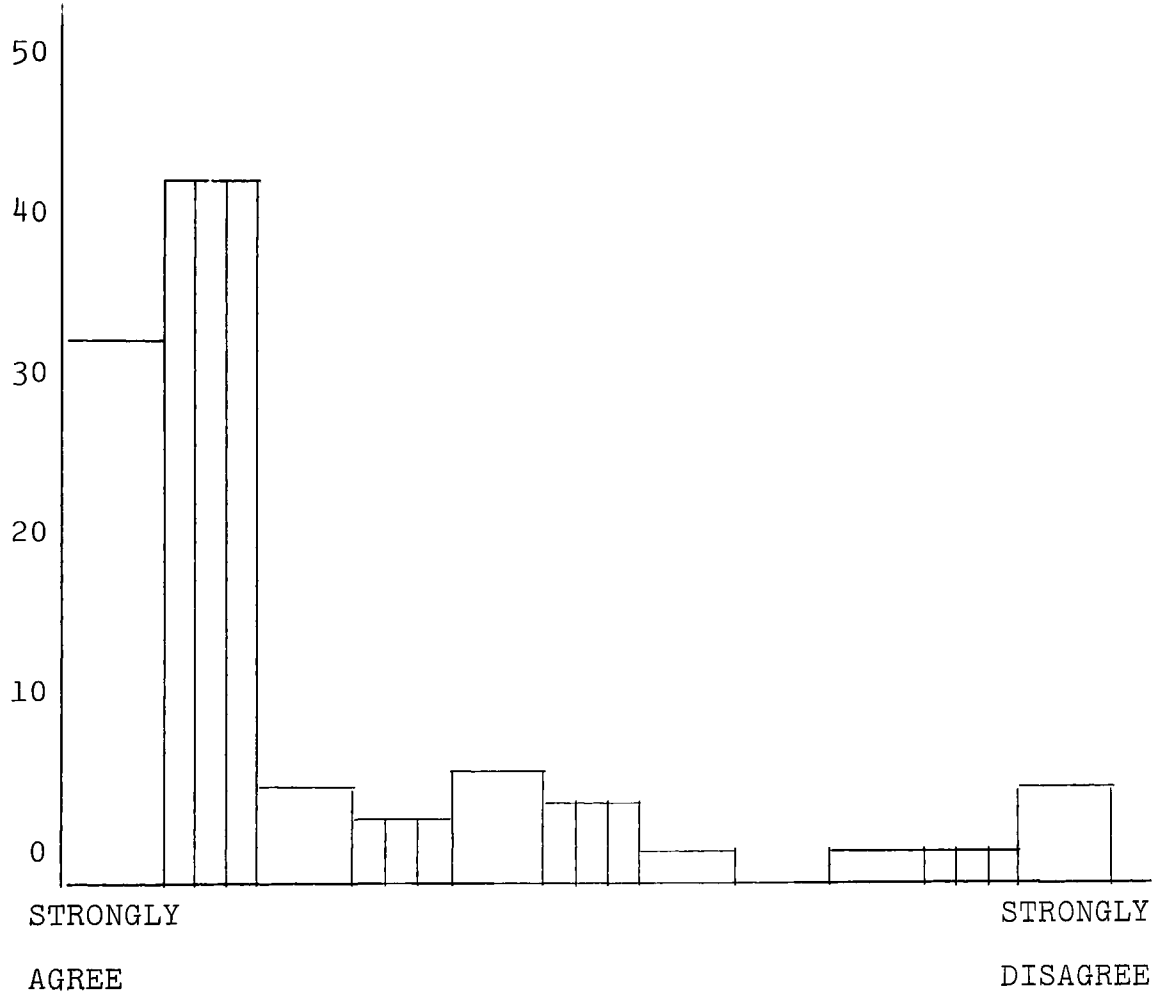


FIGURE: 10

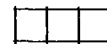
STREET POLICEMAN RESPONSE TO ITEM #17

A street policeman at the scene of a criminal offence should inform:

(A) A juvenile offender of his rights



(B) An adult offender of his rights.



RESPONSES

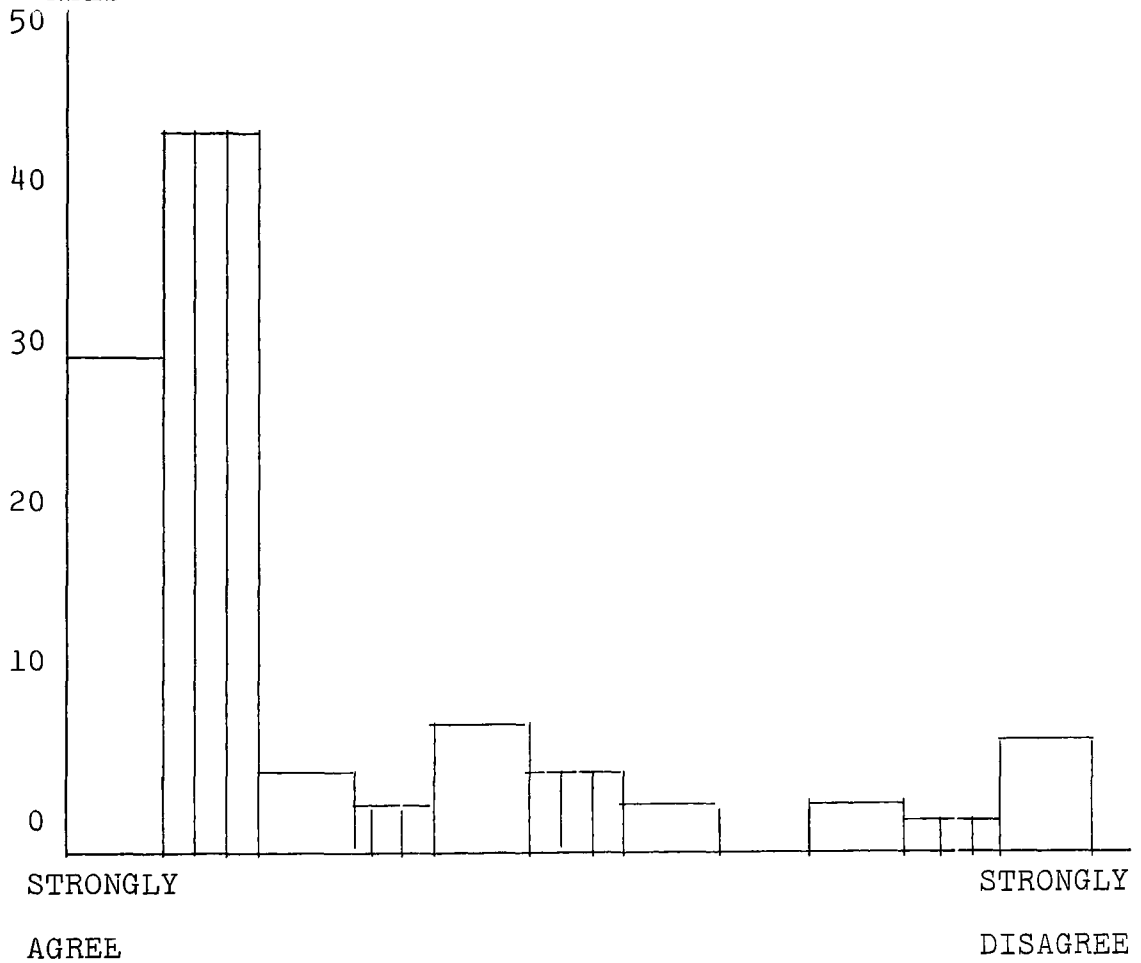


FIGURE: 11

STREET POLICEMAN RESPONSE TO ITEM #19

The legal procedures and rules in the courts, institutions and post-release services should be the same for the juvenile criminal offender and the adult criminal offender.

RESPONSES

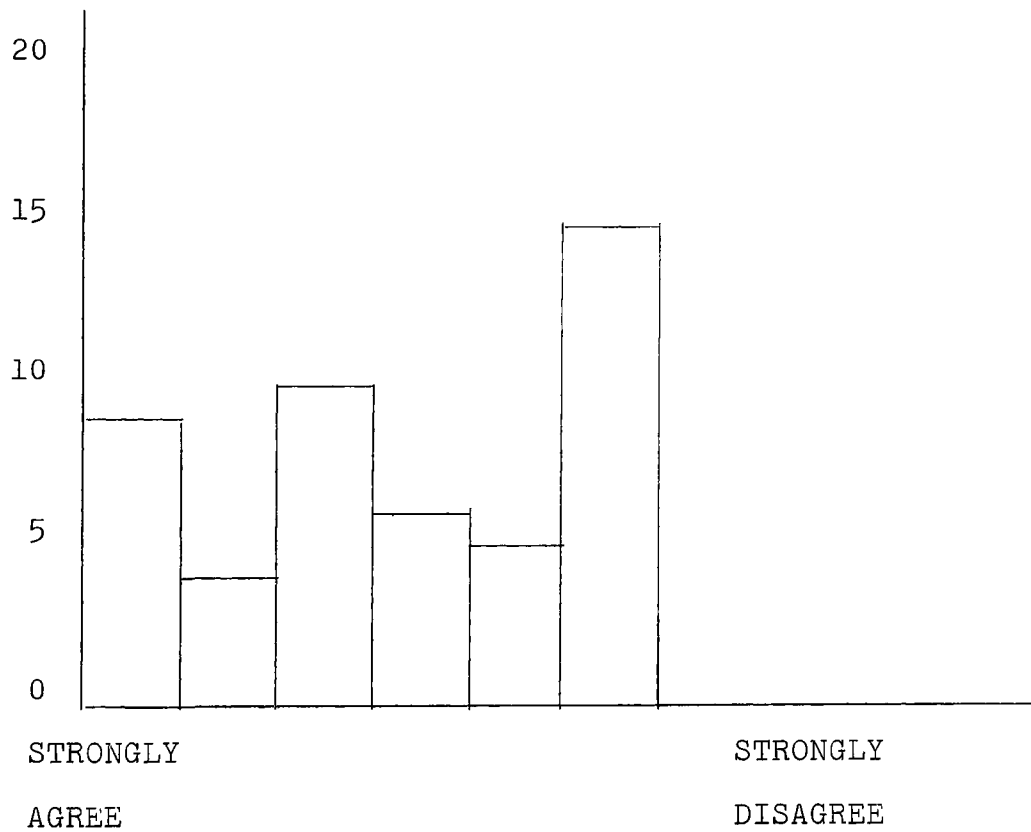
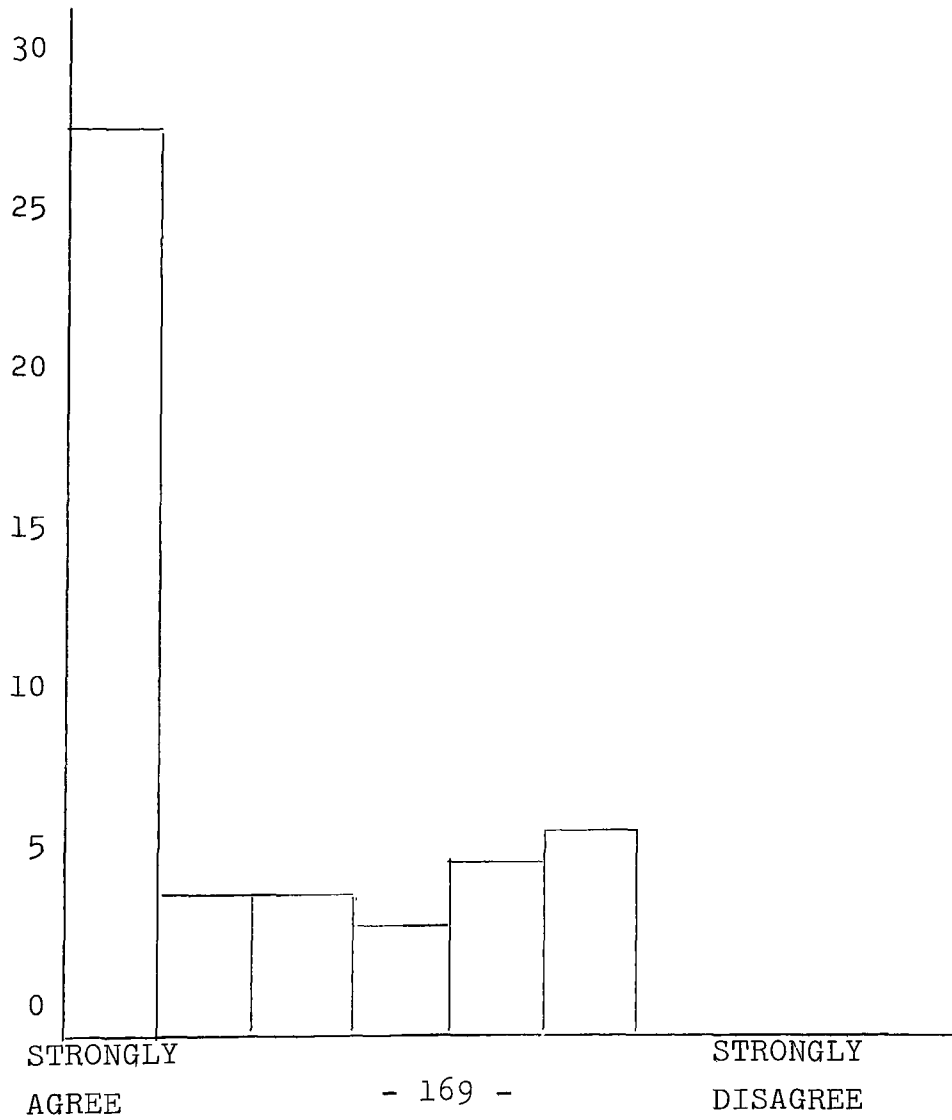


FIGURE: 12

STREET POLICEMAN RESPONSE TO ITEM #6

The youth section when dealing with the juvenile criminal offender should give him the same legal rights as an adult criminal offender would receive.

RESPONSES



## THESIS SUMMARY

This study is concerned with the manner in which the street policeman perceives the juvenile who has committed a criminal code offence. It is, on a conceptual level, a study of the policeman's role in society; the role defined by the street policeman's ideal concepts towards the juvenile criminal offender.

The major impetus behind the study was the increased activity observed concerning police interaction with the juvenile offender, as government bodies, citizen groups, and the police themselves have pushed towards developing more of a socio-police perspective to deal with the police structure. Also, as the street policeman is the initial point of contact for most juvenile criminal occurrences and as the outcome of this interaction is seen to have crucial implication for the juvenile, it was felt that an examination of the conceptual processes employed by the street policeman was a valid activity to undertake. The study did not assume a direct relationship between the structure of the policeman's values as observed in the study and his subsequent behavior, but suggests that the values observed can be taken as indicating a tendency to act in

a certain direction.

The conceptual basis of the study was adopted from John Gandy's doctoral dissertation (University of Toronto) which viewed the policeman's perception of the juvenile in a bipolar context with one pole representing the child welfare value and the other, representing the community protection value. From this continuum, a Likert-type scale (CWCP scale) was formulated, consisting of four concepts, each concept capable of being perceived in a child welfare or community protection perspective.

Three hypothesis, based on Gandy's results, were employed as research hypothesis. There are:

1. Neither the community protection value nor the child welfare value is a dominant value of the street policeman in his perception of the juvenile criminal offender;
2. Age and length of service will not significantly affect the street policeman's values of the juvenile criminal offender;
3. The proportion of street policeman perceiving differential treatment of the juvenile offender as the appropriate response will decrease as

the seriousness of the offence increases.

The data collection was done by means of a questionnaire which was distributed to a portion of the street police personnel of a police force (total personnel approximately 600 policeman).

The observed findings indicate a tendency for the street policeman, on a conceptual level, to support the child welfare value rather than indicating support for neither value. This finding seen in a temporal context, supports the perspective that the child welfare value has permeated all aspects of the juvenile criminal justice system on, at least, a conceptual level. The second hypothesis is rejected as the variables, age and length of service are observed to be significantly related to the street policeman's values. The third hypothesis was supported.

Further analysis, employing a branching procedure, indicates a weak relationship between higher education and a tendency to support the child welfare value. Also an inverse relationship between juvenile court experience and educational level was observed in the CWCP scores.

The individual concepts comprising the CWCP scale were examined and it is observed that the street policeman's

perception of the juvenile as being misguided and misdirected, is related to the age of the juvenile. The older the juvenile, the less support there is for assigning the juvenile the misguided and misdirected attributes. The street policeman's support for differential treatment of the juvenile and support for the legal rights of the juvenile is found to be related to which administrative level is dealing with the juvenile offender. These findings suggest that the street policeman's observed support for the child welfare value will decrease if the street policeman's own administrative level is considered.