5-2016

Shifting the Understanding of Youth Public Order Crime: An Opportunity for Diversion

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AN OPPORTUNITY FOR DIVERSION

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MAY 22, 2016

A MASTERS RESEARCH PAPER

Submitted to the faculty of Clark University, Worcester, Massachusetts in partial

fulfillment of the requirement for the degree of Master of Arts in the department of

Community Development and Planning

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Acknowledgements:

I would like to express my deep appreciation to everyone who supported me during the course of this research. First, I thank my research advisor Professor Laurie Ross for introducing and welcoming me into the messy world of Community Development. Her approach is both supportive and flexible, and has allowed me to explore my own lines of thought. I extend my gratitude to my second reader, Professor Ellen Foley for her support in all of my academic pursuits. I would also like to thank my unsung mentor in all things creative, my Dad.

Abstract:

Youth, particularly young men of color, exist in a vulnerable position in relation to law-enforcement. Poor relationships between youth and police officers have an impact on the quality of their interactions and contribute to the disproportionate number of young people arrested as a result of police contact. There were 313 incidents were analyzed from the 2014 Worcester Police reports of juvenile arrests in order to understand the quality and outcomes of the interactions. The data indicates that youth's negative perceptions of officer's procedural justice affects the demeanor of the youth towards the officer. The demeanor of the youth affects the officers' arrest decisions. It is found that the result of these two interrelated phenomenon is the incurrence of public order charges as a result of poor quality interaction. These charges can be newly understood as crimes of order against the police. Police training should be implemented to as an intervention to increase developmental competence and disrupt the cycle of escalation that drives the high number of 'low-level" charges for youth in Worcester.

Introduction:

In the last several years a nation-wide conversation has exploded around the appropriate role of the police in our communities. This topic is especially important in relation to police treatment of young people of color living in urban areas. According to one study by The Guardian, 'despite making up only 2% of the total US population, African American males between the ages of 15 and 34 comprised more than 15% of all deaths logged this year by an ongoing investigation into the use of deadly force by police' (Swaine, et al. 2015). Institutions such as law-enforcement are meant to serve and protect all citizens. However, young people in low-income neighborhoods continue to exist in a particularly vulnerable position. Youth, especially boys of color, attract a disproportionate number of police initiated contact that is more likely to result in police use of force than encounters with members of other age groups (Herz 2001). Youth are consistently more likely than adults to be subject to inappropriate use of force, and use of intimidation tactics by law-enforcement (Cuneen and White 2011). Police use of force is an issue that has garnered massive amounts of media attention. Less attention has been paid to gaining an understanding of the nature of interactions between youth and police that may contribute to arrest outcomes.

This research was developed based on the assumption that diversion from the juvenile justice system, especially for first-time, low-level offenders, is a positive outcome for the youth in our community. This assumption is informed by the extensive body of literature that has emerged in the last several decades on the

negative outcomes of exposure to arrest, the juvenile court system and secure detention. Residential detention is shown to have drastic negative effects on youth development, including social development and educational achievement (Liberman, David and Kideuk 2014); (Bernburg 2006); (Grisso 2000).

The juvenile justice system can be seen as a pipeline, along which there are many opportunities for diversion. The vast majority of the literature focuses on the negative effects of a juvenile justice system that does not take into account juvenile developmental differences in the treatment of youth during court proceedings. This is shown to have negative effects on the treatment and outcomes for youth once they are arrested and taken in to the juvenile justice system (Grisso 2000); (Beyer 2011). Much of this literature critiques the juvenile justice system for its harmful treatment of young people and shows that the system does not adequately take into account youth developmental differences. This literature uses a developmental psychology lens to reimagine a juvenile justice system that is informed by knowledge of youth development.

While the pre-arrest moment is often identified as a key decision-making point, fewer research projects have examined opportunities for diversion at this level. The primary focus has been on the legal system (post arrest), and is meant to be a guide for policy changes based on sound scientific research. One notable exception is the substantial amount of research on pre-arrest diversion by police officers for juveniles with identified mental illnesses (Hartford, Carey and Mendonca 2006). This research has been used to inform the creation of the co-responder model, pairing

police officers with mental health professionals in order to reduce the disproportionate number of arrests of youth with mental illnesses.

The pre-arrest focus of this research project was chosen based on the extensive body of literature about the negative effects of an arrest on youth, specifically labeling theory. Proponents of labeling theory have shown that exposure to arrest positively affects the probability that the youth will become involved in deviant social networks such as gangs. Societal labeling and the internalization of a criminal identity may lead to an increased likelihood that the individual will partake in future criminal activities through their ties to criminally involved social groups (Bernburg 2006).

> ...deviant groups provide social shelter from stigma as well as providing collective rationalizations, definitions, peer pressure and opportunities that encourage and facilitate deviant behavior (Becker1963:38-9).

There are also secondary, social factors that occur when a youth is labeled as a criminal via arrest. First time arrest is associated with an increased likelihood of future arrests (Liberman, David and Kideuk 2014). The increase in future arrests cannot be explained by an increase in criminal offending, but rather is caused by increased surveillance and heightened responses by law-enforcement (Liberman, David and Kideuk 2014).

The Worcester Context:

This research contributes to the work of the Clark University Worcester Local Action Research Partner Team, funded by the Shannon Community Safety Initiative

Grant; a state grant program through the Office of Public Safety and Security. The research team works to create and implement a Comprehensive Community Initiative to reduce youth violence in Worcester. There are six domains identified as crucial sites for activities/strategies, which contribute to the overall project outcome of reducing youth violence in Worcester. This research project contributes to the research of the 'diversion' domain. The goal of the diversion domain is to reduce the number of youth arrested and reduce the number of youth charged and detained in the juvenile justices system. One identified strategy is to increase police trainings on juvenile specific issues.

One strategy for achieving the goal of youth diversion is written as "expanded training for police officers on the effect of trauma on brain development, de-escalation, youth development, implicit bias, etc.". Despite this being an identified strategy, to date there has been little research collected for the project on the literature and the issue in the local Worcester context. This research aims to fill that gap in the project and root our local recommendations in national research.

In Massachusetts, approximately 53% of all youth detained are held for non-violent, or non-weapon offenses. Of the youth released from Department of Youth Services custody, recidivism rates were highest (24%) for youth convicted of public-order offenses (Deparment of Youth Serivces (DYS) 2006). In Worcester specifically, the majority of the youth arrested are of Black and Latino males in the Main South and Bell Hill neighborhoods (Practicum report, 2015). The majority of those arrested are first-time offenders arrested for low-level offenses. Initial contact with the police

and the juvenile justice system has been shown to have positive effect on rates of re-offending, recidivism, and lower future life outcomes.

<u>Statement of Purpose:</u>

The objective of this study is to explore the nature of 'low-level' 'public order' arrest incidents in Worcester, which constituted a large percentage of the total arrests in 2014. This was done through analysis of the interaction recorded between youth and officer in the incident reports of juvenile arrests from the Worcester Police Department from 2014. The purpose of the project is to obtain a greater understanding of what occurs during these interactions and point to recommendations for changes in the Worcester Police Department. The goal of this research is to connect the literature on police and youth interactions to the data available in the local Worcester context.

The primary research question asks, what can be learned about the nature of interactions between youth and officers from police officers' reports on 'low-level', 'public order' arrests? The secondary, related research question asks what are the common characteristics of these scenarios that might give insight about the quality of encounters between youth and law-enforcement. This line of questioning aims to contribute to answering the question of *what* the attributes of those incidents are.

This study analyzes the police narratives of in order to piece together a more complete story of what occurs during the identified incidents. Other projects have worked to analyze the quantitative aspects of this same data set (Practicum Report,

2015). This paper uses that analysis as a starting point and then attempts to fill in the missing details using the accounts of the Worcester Police Officers themselves. Without this analysis of the narrative data, the understanding of juvenile arrest in Worcester is incomplete.

Summary:

This paper begins with a review of the relevant literature on theories of youth-police interaction, which helps to contextualize my research in the larger conversation about juvenile arrests. Two theories, the demeanor hypothesis and the procedural justice theory, are outlined in this section. These theories provide a lens through which findings are later analyzed. The second section of the paper outlines the research methodology employed to analyze the primary data of the 2014 Worcester Police juvenile arrest reports. Included in this section is a discussion of the limitations of the study. The third section outlines the primary themes that arose from the research process, using representative excerpts from the arrest narratives. This section is divided into four categories. The first discusses the prevalence of low-level public order offenses in Worcester. The following three categories disseminate the components of an arrest encounter. These are 1) the reason of initial contact between youth and police, 2) the actions and reactions of both officers and youth during their interactions, and 3) the arrest outcomes. Section four analyzes the findings in relation to the theories presented in the literature and begins to shift the meaning of public order charges for youth. The fifth and final section of the paper is a call for an intervention that acts on the police-level with the goal of bettering

police/youth relations and diverting a greater number youth from the experiences and consequences of arrest.

Contextual Framework:

The goal of the literature review is to situate the Worcester data in the context of national research. The review serves as a theoretical basis for analysis of the Worcester specific data and informs the way the data is organized, questioned and analyzed.

The Demeanor Hypothesis:

This section reviews literature pertaining to the nature of youth-police interactions including police officer training on citizen communication, extra-legal factors including race and demeanor of the youth. The literature has shown that the manner in which officers communicate has considerable impact on the outcome of police-citizen interactions (Birzer 1999). Current studies suggest academy-level training does not fully train recruits on effective interpersonal communication strategies (Fagin 1987) (Bernburg 2006).

Law-enforcement officers are allowed a great deal of discretion in highly unsupervised situations. This body of research examines characteristics of the suspects such as "the dispositional preferences of victims, the race and demeanor the suspect, and the presence of bystanders" as extra-legal factors that may affect arrest decisions (Smith and Visher 1981). In other words police arrest decisions are not

solely connected to the law (Smith and Visher 1981) (Brown 2005). These studies show that both legal and extra-legal factors can contribute to arrest outcomes.

It has been shown that youth's attitudes towards police can have a negative effect on the outcome of the interaction. The demeanor hypothesis states that a subject's demeanor affects subsequent police behavior. This hypothesis has been reinforced by studies that have shown that police are more likely to assert their authority (through arrest or use of force) if the suspect is hostile or disrespectful (Engel, Sobol and Worden, Further Exploration of the Demeanor Hypothesis: the Interaction Effects of Suspect Characteristics and Demeanor on Police Behavior 2000) (Lundman 1974) (Worden and Shepard 1996). Little research has been developed to analyze the effects of suspect demeanor in combination with other extra-legal characteristics such as race and gender (Klinger 1996). The demeanor hypothesis contributes to the conversation on how and why officers use their arrest powers.

A more specific emphasis in the literature is focused on examining police arrest decisions in relation to racial discrimination (Smith and Visher 1981) (Brown 2005). This literature focuses on the disproportionate contact that police have with minorities, particularly minority youth. This literature is well documented and has established that minorities more likely to be subjected to higher levels police surveillance and stops than their white peers, which cannot be explained by higher rates of criminal activity alone (Brown 2005) (Murphy 2013). The largest body of literature on the subject focuses on the occurrence of racial profiling during traffic stops (Fridell n.d.).

Legal Cynicism and Procedural Justice:

Lower income minority groups have been shown to hold more negative attitudes towards police officers than higher income white people (Taylor, et al. 2001). Adults in general are reported to have favorable attitudes towards the police, and although racial minorities have less positive attitudes than white people, they still tend to regard the police favorably (Taylor, et al. 2001).

To date, the literature has placed less emphasis on studying youth's perceptions of law-enforcement than adults. The studies that have emerged recently to fill this gap have found that youth in low-income, minority, urban neighborhoods hold more negative attitudes toward police than adults. These perceptions and attitudes have been described as legal cynicism, "in which law and the agents or its enforcement are viewed as illegitimate, unresponsive, and ill equipped to ensure public safety" (Kirk and Matsuda 2011).

Two main approaches have been used to theorize on the basis of legal cynicism. The first is embodied by Anderson's code of the street; an approach that explains that immersion in a subculture that validates deviant behavior directly undermines the rule of law (Anderson 1999). This theory advances the idea that the social isolation of poor neighborhoods increases the propagation of 'oppositional norms', where police are seen as less effective than informal tactics of resolving conflict (Warner 2003). Under this code, cooperation with police is discouraged, and is often referred to as "snitching" (Rosenfeld, Jacobs and Wright 2003). The alternate explanation, called cultural attenuation, understands people's perception of the legal

system as weak but not as wholly inadequate (Warner, 2003). Recent studies have found the cultural attenuation explanation to better represent the reality of youth's attitudes (Carr, Napolitano and Keating 2007)

The literature has found that youth's perceptions of the legitimacy and effectiveness of police officers rests on the quality of their interactions with police officers, rather than the outcomes and effectiveness of the criminal justice system (SFY, 2014; Carr et al, 2007). Procedural justice, defined as the "perceived fairness of the procedures involved in decision-making and the perceived treatment one receives from the decision-maker", is even more important to youth than it is to adults (Murphy 2013). The negative narratives that youth hold about law-enforcement are primarily influenced by personal experiences (either self or someone close to them) that they perceived to have been unfair (Carr, Napolitano and Keating 2007). Lack of procedural justice in officer's interactions with youth contributes to low levels of youth cooperation and compliance during their interactions (Murphy 2013).

The importance of procedural justice can be understood through the group value model in social psychology. This model maintains that a person's sense of self-worth is derived from membership within a group. The way that authority figures, such as police, treat them communicates important messages about their status within the group. Unfair treatment or procedures communicates "disrespect and marginality" within society (Lind and Tyler 1988). This is particularly important for youth, as their sense of self is still uncertain and more sensitive to the effects of

procedural justice (De Cremer and Sedikides 2005). For youth, restricting sense of freedom is likely to lead to negative perceptions of police (Murphy 2013).

Recently there has been more of an emphasis in the literature on highlighting the potential consequences of youth's negative perceptions, experiences and attitudes towards officers of the law (Carr, Napolitano and Keating 2007). Out of this research has come an alternative model to coercive/deterrence-based policing. Justice-based policing emphasizes procedural justice during police/citizens encounters and would likely compel people to voluntarily defer to the police's requests and directives and be less likely to challenge and defy police decisions. A focus of procedural justice/justice based policing would reduce the number of non-compliance offenses.

These two theoretical frameworks, the demeanor hypothesis and the procedural justice theory, are particularly instructive in structuring the discussion of public order offenses. Demeanor theory explains that police officers' decisions to arrest hinge on their perceptions of the suspects' demeanor during the encounter. Literature on procedural justice explains that the decisions youth make during encounters with law-enforcement are based on the youth's perceptions of the fairness of police procedures. These theoretical lenses are used to discuss and analyze the findings presented in the following sections.

Methods:

There are several methods employed in this study. The primary method is an analysis of the 2014 Worcester Police Department written juvenile arrest reports.

The reports were provided by the Worcester Police Department to the Shannon working group to aid in the goal of reducing youth violence in Worcester. There are over 750 pages of narrative reports that were written by individual officers on the force. To date, there has been little attention placed on analyzing the content of the narratives by the WPD or the working group. There is a substantial amount of raw information to be gleaned from this valuable primary data source.

A qualitative coding process was undertaken using the qualitative data analysis software MAXQDA to sort, organize, and make meaning of the reports. The document was split into 313 individual incidents. In the case of multiple reports, which occurred when multiple officers are present or multiple juveniles were arrested during the same incident, these were counted as a single incident in the numbering system. The decision to split the data into this unit of analysis was made based on the research goal of understanding the interactions within incidents rather than discrete juvenile offenders or arrests. Further, this project did not aim to analyze the linguistics of police report writing, but rather to look the incidents as a story that reflects the officer's understanding of what occurred.

The coding process provided the organizational structure that was used as the basis of analysis. There were several methods for coding qualitative data that were employed in this process (Miles and Huberman 2014).

1) Open coding: an initial read through, during which, concepts and categories emerged organically and helped to form codes.

2) Lexical coding: used to automatically search the document for key words and phrases. These pre-set or 'priori codes' were determined by the conceptual framework of the project, the research questions, and prior knowledge.

3) The final phase combined open and priori coding techniques, as the researcher re-read the text with identified concepts and categories in mind to reaffirm that the concept groups 1) accurately reflect what is in the text and 2) explore how the categories are related (i.e. what conditions caused or influenced the concepts?

Figure 1: The following categories were established as priori and emergent codes during the coding process. The code categories are informed by the literature review, the assumptions of the researcher and emergent themes in the data.

Code System	
⌄ ▭ Youth Action/Reaction	
▭ Non-compliance with PO	24
◉ Youth verbal reaction to PO	46
⌄ ▭ Additional Charges/Arrests	
◉ Additional Person Arrested	7
▭ Disorderly conduct	38
◉ Distrubing the peace	33
⌄ ◉ Distrupting schools assembly	13
▭ Arrests at school	25
◉ Interfering with investigation	6
◉ Other	17
◉ Resisting Arrest	31
⌄ ▭ Characteristics of Arrest	
▭ Public Space	32
▭ Group	52
▭ Mental health concern	6
◉ Presence of family	31
⌄ ▭ Reason for Contact	1
▭ Arrest on Warrant	65
▭ Contact based on person/locati	24
◉ Domestic dispute	59
▭ Other reason for contact	19
▭ Traffic Stop	23
⌄ ▭ Officer Action/Reaction	
▭ Frisk/search	22
◉ PO Attempt to deescalate	31
◉ PO in fear for saftey	22
◉ PO physical force	33

The secondary method was the inclusion of the findings of an initial of analysis of the 2014 Worcester juvenile arrest data completed the spring of 2015 (see Community Development Practicum Report on Juvenile Pre-Arrest Diversion, 2015). A number of the findings from that report are included in the findings of this paper as a point of reference for the direction of this research.

Limitations of the Data Set:

There are several limitations and considerations that need to be taken into account regarding the research process. The first limitation is the narrow time frame of the data as the data set is only the narrative reports from 2014. A larger data set would allow the research to compare changes over time.

Second is the nature of the reports, as narrative accounts of the daily activities of Worcester Police Officers. As such, they are written in varying states of organization and detail. The document itself is not formatted in a consistent way and it can therefor be difficult to follow the story of each incident in a chronological order. Further, officers' personal biases and personalities are reflected in the way that they write their reports.

Most notably, these reports are *arrest* reports, and do not document police interactions with juveniles that do not result in arrest. This characteristic of the data prevents a comparison of the interactions that led to arrest to the interactions that did not result in an arrest. Further, the officers often include details in their accounts as a way to provide justification for their actions. Following this logic, it is not surprising that the most detailed accounts are those that result in additional arrests based on their interaction. In cases where the officer successfully calms down the situation, they may not feel the need to include the details of the interaction. These interactions are commonly stated in the following manner (this is an example of a warrant arrest):

Upon arrival, we knocked on the door and were met by (redact). (redact) was then arrested and handcuffed (DL). He was then transported to the Worcester Police Department in my marked cruiser with the permission from Sgt.

Findings:

The first portion of the findings section presents the Worcester juvenile arrest data and a discussion of the prevalence of 'low-level' 'public order' crimes. The rest of the findings section outlines the three main organizational categories that emerged in the data; 1) the reason for police contact, 2) the actions and reactions of officers and youth during the course of the interaction, and 3) the arrest outcome of the incidents. These categories represent a loose chronology of the components of an interaction from initial contact through arrest. Included in the discussion are representational excerpts from the arrest report to bring the reader closer to the data.

The initial level of analysis, completed by a group in the Community Development Practicum class, resulted in the following findings (see The Opportunity for Juvenile Pre-Arrest Diversion in Worcester, Massachusetts).

The greatest number of offenses occurred within the Main South and Bell Hill neighborhoods (see appendix 3). Females represented 22% of all arrests and males represented 78%. 16 and 17 year olds made up more than half of all the juveniles arrested. Compared to Worcester, Massachusetts Public School Data, Hispanics and African Americans were overrepresented in the arrest data by 13% and 14%, respectively. Asians and whites were underrepresented in the arrest data by 7% and 16%, respectively (see appendix 4).

The group found that there were 326 discrete juvenile offenders who were charged with a total of 728 charges. Of the 326 offenders, 218 were first time offenders. Low-level offenses comprised the highest number of juvenile arrests in (291 out of 728 arrests or 48%). Public order offenses (disorderly conduct, disturbing the peace, school disturbance, resisting arrest) made up the largest number of arrests within the low-level category (113 of the 291).

Figure 2:

2014 Juvenile Low-Level Offense Data	Total
Total of Low-Level Offenses 2014 (Youth)	279
Total of Low-Level Offenders 2014 (Youth)	159

Figure 2: Indicates low-level offenses and offenders in 2014. A total of 159 juvenile offenders (49%) committed low-level offenses in 2014. Figure 3 divides the low-level offenses into the categories presented above.

Fig. 3:
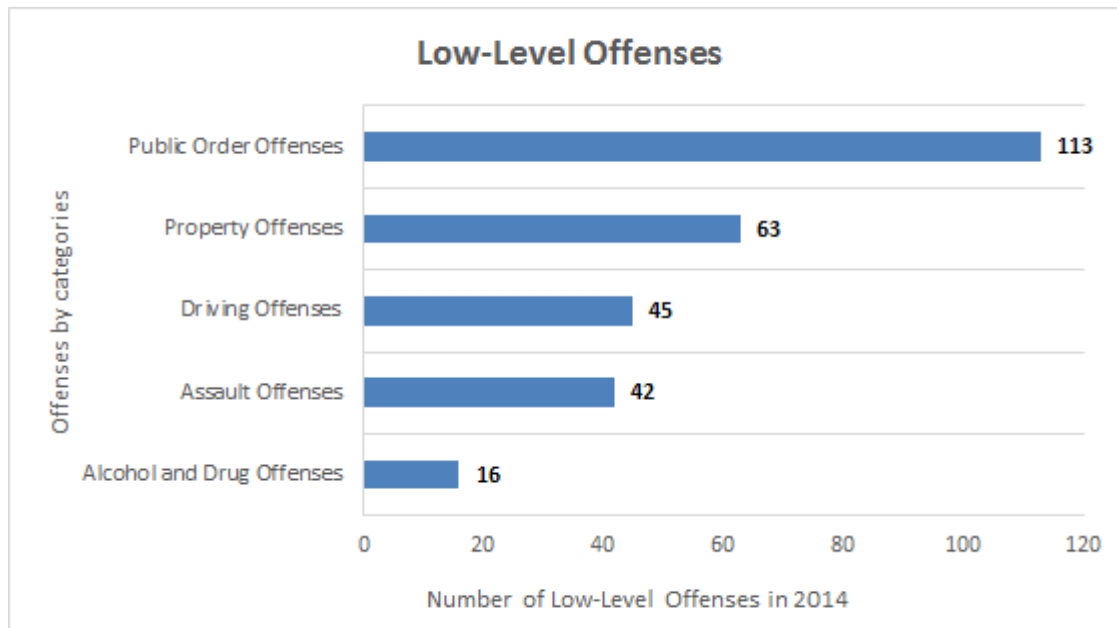
A Focus on 'Public Order' Charges:

The term "low-level" offense refers to a minor (misdemeanor) crime. In order to analyze the low-levels offenses they were categorized into the following offense criteria under the guidance of Lynsey Heffernan, the Massachusetts State Coordinator of the Juvenile Detention Alternatives Initiative (JDAI).

- Public Order: Disorderly Conduct, Disturbing the Peace, School Disturbance, Resisting Arrest
- Alcohol and Drug: Minor Possession of Liquor, Open Container, Class D with Intent to Distribute
- Property: Shoplifting (all types), Under $250 Malicious Destruction of Property, Larceny under $250, Receiving Stolen Property Under $250, Church vandalism

- Assault: Assault & Battery (A&B), Assault, Threatening, Affray (This sample excludes: A&B with Dangerous Weapon, or A&B of protected groups)
- Driving: All

Out of this analysis, three categories of juvenile arrests were identified as ones that present promising opportunities to focus diversion efforts. One of the categories identified was low-level category, which makes up the highest number of juvenile arrests with 48% of total charges. Public order offenses are the most common charges within the low level category and make up 40% of low-level arrests.

The initial level of analysis was unable to explain the cause for such a high percentage of 'public order' offenses. This finding is the catalyst that informed the direction of the research topic for this paper. A closer look at the narrative arrest report data was organized allows for deeper exploration into the nature of the interactions that lead to public order charges.

There were a total of 109 *incidents* that included public order offenses found in the reports. A definition of public order offences are "those activities or behaviors which are alleged to cause disruption or offence to the general public" they are considered "harmful to the public good and disruptive to a community's daily life" (USLegal). The officers' reports occasionally included language describing the visible reaction of the public to the behavior of the suspect.

> I saw two women avoid the area as they appeared to be frightened. I told the two to calm down. There actions disrupted the section of Park Ave.

> (redact) behavior began to draw the attention of people in the parking lot and began to draw a crowd of people.

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However, descriptive language regarding the public response to the juvenile's behavior was not included in the majority of public order incident reports (descriptions were only included in 42 out of 109 incidents).

Within this category six specific subcategories emerged; additional person arrested (8), disorderly conduct (38), disturbing the peace (33), disrupting school assembly (13), interfering with police investigation (7), resisting arrest (31).

Three of the public order charges (resisting arrest, disorderly person, disturbing the peace) were commonly bundled. In other words, these three charges often occurred within the same incident. Together, disorderly conduct and disturbing the peace occurred 27 times, disorderly conduct and resisting arrest occurred 15 times, disturbing the peace and resisting arrest occurred 16 times.

Reason for Police Contact:

This category captures several reasons for initial police contact. The reports show that there are two categories of causes for contact between an officer and a young person. The first category is contact based on the known and observed criminal activity of the youth. In this first set of scenarios, the officer engages with the youth based on legal factors.

Legal Factors:

Legal factors are criminal activities that the officer observed and reported in the narrative reports. These incidents include stops for traffic violations, littering, and execution of warrants. There were 66 incidents in which the contact was a warrant

execution, 59 calls for domestic disputes, and 23 traffic stops. This is not to say that police officers' decision to stop the suspect is not also influenced by extra-legal factors such as race, only that legal factors are provided in the narrative to justify the stop.

Extra-Legal Factors:

The second category is contact based on the officer's assumption of the youth's criminal activity. In this second set of scenarios the officer engages with the youth based on extra-legal factors. In these incidents reason for initial police contact is primarily based on a factor directly related to the assumptions that the police officer held prior to the contact.

> As I approached the male closer, I recognized him immediately to be a person of interest in the recent breaks in the area, identified as (redact). (redact) is known to the Worcester Police Department as a flagged gang member and has been arrested for receiving stolen property recently and has seven open court cases.—Male, 20, White

> (redact) is a Kilby street gang associate and suspected Kilby street gang member. The area around Clark university is Kilby street posse, as well as the larger umbrella gang called "Main South", area. This is also a high crime, high drug, high gang concentration area in which there has been many arrests for violent crimes, robberies, shootings and stabbings. –Male, 19, Black

An in depth explanation of what previous knowledge the officer holds towards the person or place are not always articulated in the reports, but include the officer's use of targeted contact based on intuition, training, and personal bias. There were a

total of 56 incidents in which the initial reason for police contact was influence by extra-legal factors.

Although contact based on assumptions of the officer occurs in more incidents than just the number of 'escalated' public order incidents, they are reflective of increased surveillance of particular youth in particular places in the community. In many of these cases the suspect is later charged with other crimes, as they are followed and observed by the officer.

The officer's perception of the 'nervousness' or 'anxiety' that the youth displays in response to the increase in surveillance is often cited as reason enough to follow or stop and conduct a search.

> I was patrolling on Paine Street and approaching Harlow Street when my attention was drawn towards a male who seemed to be cautiously approaching Lincoln Street. The male then looked back and saw me and immediately took off down Lincoln Street. –Male, Black, 20

> ….(redact) made eye contact with our car and became visibly nervous. Due to the fact that (redact) was a suspect in an armed Robbery of an individual in the same area, we turned our unmarked Ford Taurus cruiser around in order to observe their actions. All three males continued to watch our cruiser and attempted to blend into a crowd in the area of 70 Florence street. We drove by the males that continued to watch us. --Male, Hispanic, 17; Male, Black, 18; Male, Hispanic, 17

> I asked his friend's name, and he was hesitant in giving me an answer. In my training and experience, a lack of eye contact during conversation and hesitation in answering questions are both common traits of deceptive behavior.--Male, White, 18

In the first two incidents above, the extra-legal factor that prompted police contact was the police officers' perception of the "suspicious" behavior of the youth.

The stop was not based on the officers' observation of criminal activity. In the third example, the officers' perception of the youths' nervousness led to a frisk search.

There were a total of 52 incidents in which youth were arrested on public order charges in public places. The following are two examples of incidents that ended in an arrest for public order charges:

> (redact) and (redact) wanted to discuss the situation and the reason why they should be able to stay (in a public space), every third of fourth word out of their mouths was " can you fucking believe this" " are you fucking real" Customers that were eating were now throwing their food away and leaving... They were informed it is not up to a debate, they need to leave now, and to stop yelling and swearing. They were free to go and to calm down. They refused (redact) stated "You Can't Fucking Tell me what to do " " are you fucking kidding" (redact) stated " All these fucking cops here for this bullshit".
> --*Male, Black 20, Black, Female 19*

> I positioned my cruiser at the entrance/exit of the parking lot and stopped the group. This group mostly consisting of females refused to answer questions in regards to the fight. Several females began yelling at me in regards to the way I stopped them, one female holding a small child in her arms then began yelling and swearing at me. At this time I informed her to stop and calm down or she would be arrested. The female continued to yell at me as she did not like the way I was talking to her. She began to walk away from and told me to Fuck off.
> --*Female, Black, 16*

In many of these incidents the youth responded to the police with verbal outrage at the reason for police involvement. They often were reported verbally attacking the police officer's authority to engage with them in a public space.

Officer Actions/Reactions:

This category captures the specific actions and reactions that the officer describes taking throughout the narrative. Within this code category there were four sub-codes that arose based on the focus of the study and the content of the report.

There were: 1) an attempt by the police officer to deescalate the situation, 2) police officer fear for physical safety and 3) police officer use of physical force or a frisk search.

<u>Attempt to Deescalate:</u>

There were several strategies officers reported using when speaking to youth in order to avoid further escalation. These attempts at de-escalation were met with varying levels of success. There were a total of 31 incidents in which the officer describes any attempt to deescalate the situation, regardless of the effectiveness or outcome of the attempt. The two most common strategies reported were 1) a verbal statement calling for the young person to 'calm down' and 2) a verbal reminder of the charges that could be incurred in the behavior continued. The following quote is an examples of an incident in which the officers employed both of these tactics without success:

> "I along with assisting officers tried to talk to redact(1) but he continued to pace back and forth. An attempt to ask redact(2) to speak with redact(1) in Spanish only prompted redact(1) to start yelling towards the street and towards the apartment building. He was advised to calm down ...at first redact contained his emotions and was asked again in Spanish by redact(2) what happened. At this time redact(1) became even more boisterous and started yelling than he had previously done for no apparent reason...In an effort to stop the commotion redact(1) was advised he was going to be arrested for being a disorderly person."
> Male, Hispanic, 17
>
> "I tried to speak to him but he was extremely agitated and would not calm down...so due to his upset behavior and being out of control and not listening to the staff at the school he was placed under arrest for the following: disorderly behavior, disturbing the peace and disruption of school assembly"
> Male, Black, 16

The officers' attempts to calm the young person were minimal and often ineffective. Instead, these served as a point of escalation in which the young person often responded with further disrespectful language.

Fear for Safety:

Police officers often reported when they felt in fear for their personal safety. There were 22 incidents in which the officer described feelings of fear or the potential of danger for themselves or other officers. Often this was accompanied by descriptions of physical indicators that are meant to convey the reason the officer perceived the young person to be a threat.

> I observed that redact was sweating profusely, clinching his jaw and fists and was posturing himself in an assaultive manner. His tone was over bearing and he was refusing commands to calm his behavior. Redact even went so far as to momentarily remove his eye glasses which through my extensive training and experience I knew to be a pre attack indicator of assaultive behavior. Perceiving that redact's assaultive posture and mannerisms would imminently lead to a physical assault upon the Detective, I drew my department issues TASER X26 #7. –Male, Black, 18

Use of Physical Force:

An officer's report of fear for personal safety often resulted in the use of physical force. The use of physical force by a police officer occurred 33 times in the data. In these incidents, the officer describes using physical force beyond the standard handcuffing procedure that is described in the majority of the cases. This code includes instances in which the officer initiates the use of force (i.e. makes the first physical contact). Officers reported conducting frisk searches 22 times in the

arrest reports.. While frisk searches are not the same as officer's use of force, they represent another type of physical bodily intrusion.

Youth Action/Reaction:

This section captures the actions and reactions of youth that are reported by the officers in the narratives. There are two types of actions that are most often described; 1) verbal and non-verbal non-compliance and 2) fleeing from the police. The first section describes the ways that youth negatively respond to the presence and actions of the officer. The second category describes incidents in which youth flee from the police, often before there is any interaction between the youth and the officer. Both types of non-compliance are likely to result in the incurrence of public order charges.

Verbal and Non-verbal Non-Compliance:

Many of the officer's accounts included specific quotes by youth that communicated the attitudes, fears, and resentments that the youth hold towards law-enforcement. Often, officers relayed what the youth said during their interactions to communicate their reaction to the presence or actions of the officer. In many cases the officer included quotes from the youth about the presence and actions of the officer. This came in the form of both verbal and non-verbal examples of youth's attitudes towards police officers.

There were 46 incidents in which youth were reported as displaying verbal 'attitude' towards the officer. These were most commonly found in response to an

officer's choice to stop the youth based on extra-legal factors and the officer's initiation of physical contact (use of force or frisk search).

There were two ways that youth were reported to be verbally non-compliant; 1) by questioning the authority that the officer had to take an action, 2) insulting the officer. The following are examples of each type of verbal exchange.

> redact began yelling profanities saying 'don't you fucking cops have anything better to do' and 'who the fuck do you think you are'…redact continued to yell profanities and asked me if I had a quota to meet?
> --Male, Hispanic, 17

> He stated to me that I had no right to pull his vehicle over and that I was violating his rights. He began to use profane language towards both of us. He began using fighting words and trying to provoke us into a verbal argument about his arrest. He was so angry I felt that he may try to run or become combative towards Officer redact and myself.
> --Male, Black, 18

> Redact continuously yelled to use 'why are you arresting him?', 'what did he do?', 'you have no right!'… I told her that redact was being placed under arrest for driving without a license. I told her that she needed to calm herself and not to yell in such a manner…she continued her loud, rude behavior and began to use profane language…she was placed under arrest for Disturbing the Peace.
> --Female, Hispanic, 16

Each of the incidents above resulted in a public order charge. The response of the youth to the presence of the officer caused escalation and ended in an arrest.

Fleeing the Police:

The presence of a police officer was often enough to cause escalation before the interaction began. In these cases the presence of a police officer was enough to cause an escalation. There were 16 incidents in which the youth fled the police, regardless of their involvement in criminal activity observed by the police.

I asked why redact ran after I said I was a Police Officer. Redact said he ran because I was a Police Officer. Redact was charged with disorderly conduct, disturbing the peace and also resisting arrest for running from police and failing to comply with our demands to stop as well as failing to comply with officer redact's commands to submit to being placed into custody at the end of the foot pursuit."--Male, Hispanic, 18

As Officer redact and I turned up Huntington Ave a group of 5-6 males dressed in dark clothing were running down Huntington onto West Boylston Street. The males were looking back over their shoulders as if running from something. We altered our direction and followed the makes into the parking lot. We pulled over and pulled our vehicle along side of the group.--Male, Hispanic, 17 (arrested), 2 black males (not caught)

While the nature of the data does not allow us to further investigate these particular youth's attitudes towards police, we can infer the state of many of their perceptions from the number of incidents in which youth display negative attitudes towards officers. There were 52 incidents in which the officer reported that the youth verbally reacted to the actions or presence of the officer in a negative way.

Arrest Outcomes:

Within the 109 'public order' incidents there were two categories of arrest outcomes. The first includes incidents that resulted in a public order charge as well as an additional charge. The second is an incident that resulted in no other charge besides a public order charge.

Public Order Charge and Additional Charge:

The first were arrests based on criminal activity in addition to the public order charge. There were 24 incidents in which the officers observe youth, use their

assumptions about their character, past record, or location to justify increased

surveillance, stop, or searches of the youth. In these scenarios, the youth are often

charged with criminal charges such as trespassing or possession of alcohol, drugs or

weapons.

The second is an arrest based on outstanding warrant status in addition to a

public order charge. There were a total of 23 of these incidents.

> At this time I ran Mr. redact information through CJIS and it was confirmed by
> the CJIS operator that Mr. redact had an outstanding warrant for
> walking/riding on railroad tracks. Mr redact was placed in Handcuffs (DL) and
> arrested for his outstanding warrant.

One strategy employed by youth with outstanding warrants is to give a false

name when stopped by the police. This is reported only a few times in the arrest

reports, but is likely representative of a larger number of instances that are not found

out by officers.

Only Public Order Charge:

The second outcome was a stop that resulted only in a public order charge. In

these incidents the charges reflected only what occurred during the course of the

interaction and were devoid of other criminal charges. There were 24 instances in

which youth were arrested exclusively for public-order offenses.   While this number

is not extremely large, these incidents represent pure escalation, which can only be

attributed to the interaction between the officer and the juvenile. This means that

during the course of the interaction the officer was not able to find any other evidence

of criminal activity, including drugs, alcohol, weapons, or warrants.

There were several versions of these incidents. The first and most common type was incidents in which a youth, who was not the primary subject, refused to cooperate with the police. This occurred in 9 incidents for one of two reasons. The first reason was because they were upset by how a friend or family member was being treated by the police.

> While speaking with redact, redact's son came to the top of the stairs. I attempted to ask him for an account of what took place, however he yelled that he had nothing to say to me and that I shouldn't even bother trying to speak with him. It was my perception that he was agitated at the presence of police, and spoke to me in a hostile tone...When he saw that his father was placed under arrest he began yelling at us to take the handcuffs off. He then began to stare directly at me and clench his fists. I grabbed redact's arm and informed him that he was under arrest. He is being charged with disorderly person, disturbing the peace, and interfering with a police investigation.--Male, black, 17

> After securing redact and bringing him out of the attic space. Redact ran up to him and hugged him tightly. She was told to let go and we needed to take him outside because everyone was still yelling and being unruly. She refused to let him go and interfered with us removing him from the house so we could place him in the wagon for transport. Officer redact and I had to physically pull her off of redact to maintain custody of him...she continued to try to grab onto redact and was subsequently taken to the ground and placed in handcuffs for resisting (arrest) and interfering with the police.--Black, Female, 16

The second reason was because the young person did not want to assist the police by providing information in an investigation. There were 26 incidents in which the youth did not cooperate with the officer during the course of an investigation.

> Officer redact instructed me to retrieve some evidence that may have been captured on the cell phone of an onlooker. I approached this individual and tried to have a conversation with him. As I was walking towards him he began to walk backwards saying derogatory racial slurs towards me, I instructed him that I needed his phone. He responded in a loud voice "Nah, Nigga, you aint

taking this"…He continued his rant, and refused to come towards me to speak. This individual was placed under arrest for disturbing the peace, disorderly conduct and interfering with a police officer.--Male, Hispanic, 18

There were 9 incidents in which an additional *person* was arrested for a 'public order' charge, other than the original suspects involved in the interaction. While not as common an additional charge, these instances were particularly striking because of the clear dependency they have on the conditions of the interaction.

Analysis:

The following section includes a discussion of the findings in relation to the theories of demeanor and procedural justice. While they are discussed as separate sections, they should be understood as interrelated processes that affect one another in a cycle of escalation.

Officer's Use of Public Order Arrests:

Police officers' decisions to arrest youth have been found to be contingent on the suspect's demeanor towards the officer. This paper uses the demeanor hypothesis to explore Worcester Police Officers' use of public order arrests as a response to perceived disrespect and non-compliance. Analysis of the arrest reports reveals that there are several factors that influenced the officer's decision to arrest a youth for a public order charge. These factors include 1) presence of groups of youth, 2) location in public space, and 3) the presence of another public order charge.

Public Spaces:

        The narratives give insight into the way that law-enforcement agents are trained to handle young people existing in public spaces. There is a plethora of literature on police culture's embedded domination of public space, particularly how this effects young people and people of racial minorities. In his book Understanding Police Culture, John Crank finds that "coercive territorial control" is an aspect of police culture and includes not only the use of violence but also the use of other forms of control such as threats and assertions of authority (Crank 2010).

        Further, young people are more likely to attract police attention because of society's view of young people as potential threats (Carr, Napolitano and Keating 2007). Young people are more likely to gather in public spaces and been seen as a public nuisance or disturbance; regardless of their participation in illegal activity.

Groups of Youth:

        Literature on youth development has shown that youth are likely to act differently when they are in a group setting. DiLalla & Gottsman find that "group relations may promote aggression and other forms of delinquency to such an extent that these activities may be seen as almost normative during adolescence (Dilalla and Gottesman 1989).

Presence of other public order charge

As noted in the findings section, three public order offenses were commonly bundled within incidents (disturbing the peace, resisting arrest, disorderly conduct). This finding raises questions about the distinctions between these three charges and how they overlap. It was a common occurrence for a young person who displayed disrespect towards a police officer to receive all three of these distinct charges for the action.

Factors Influencing Youth Demeanor:

When viewed through the procedural justice lens, it is possible to see the how youths' demeanors during police encounters is influenced by the youth's perception that the actions of the police are procedurally unfair. The data shows that youth are likely to perceive public order arrests, and the conduct of the officer during public order arrests as procedurally unjust, changing their demeanor during the interaction. This was exemplified through the common co-occurrence of public order charges with youth displaying disrespect towards the officer.

The literature has found that youth's perceptions of the legitimacy and effectiveness of police officers rests on the quality of their interactions with police officers, rather than the outcomes and effectiveness of the criminal justice system (Carr, Napolitano and Keating 2007). The arrest reports provided glimpses into the youths' perceptions of police legitimacy. One of the most common reactions to police by youth was verbal questioning of the procedural legitimacy of the officers' actions.

Analysis of the arrest reports helps us to understand which aspects of the interaction were important factors that influenced youth perceptions of the 'quality' of the interaction and their subsequent demeanor. Four factors of the incident were found to influence the demeanor of the youth; 1) the reason the young person was originally stopped was based on extra-legal factors, such as the officer's prior knowledge of the suspect or the location, 2) groups of youth were stopped in public places, 3) the officer's use of force and frisk searches and 4) officer's treatment of a young person's friend or family member.

Youth perceive greater level of unfairness when they are stopped based on extra legal factors such as the officers' previous knowledge of the youth or the location. The literature has found that police criminal treatment of groups of youth in public spaces leads to more negative perceptions of police by youth. The extra police attention causes young people to view the police as asserting their authority unduly (Carr, Napolitano and Keating 2007). The way that officers approach a young person was shown to have an effect on the youth's reaction to the officer. This was consistent with what was found in the reports. When the officer approached a young person based on 'extra-legal' factors, the youth often did not cooperate with the officer, leading to additional public order charges.

A New Understanding of Public Order:

I conclude that the current usage of public order arrests is a harmful cycle that contributes to negative relationships between youth and officers as well as driving up arrest rates, and contact with the criminal justice system. This finding raises

questions about the nature of law-enforcement's definition and usage of public order offenses. The narrative police reports show that public order charges are better described as being influenced by the presence of the police and the quality of the interaction between the youth and the police officer. In these incidents, the youth is arrested for something more directly related to the officer than to the public. Examples of this include lack of cooperation, disrespect or threat to the officer.   This finding may be useful in informing recommendations for ways that officers can more accurately interpret and respond to a youths' demeanor during the encounter, reducing the number of public order arrests.

Conclusion:

This research adds to what has been written on the negative consequences of poor relationships between youth and police on youth arrest rates by articulating a theory of escalation to describe how interactions often result in additional 'public order' charges. As first time, public order, offenses were the largest 'bucket' of juvenile arrests in Worcester in 2014, they have been identified as a site for effective pre-arrest diversion for youth in this community.

Analysis of the arrest reports shows that there were a sizable number of juvenile arrest incidents that were escalated during the course of the interaction with Worcester Police Officers that occurred before arrest. A closer look at the data shows that 'public order' offenses can be better defined as offenses directed towards the

officer. If the charge is understood as 'disrespect' or 'attitude' towards officer, the meaning and cause of the offense has shifted.

Further Research:

        This research aimed to develop an explanation of what occurred during interactions between youth and police on the streets of our community. The purpose of this research is to contribute to the well being of young people in the Worcester community. The current data set contributes to answering questions such as: *how many* times escalation occurs and *what* the attributes of those incidents were. Further qualitative research could be done to include insights and experiences of the youth, the primary population it aims to serve. Interviews with both officers and youth in the community could supplement the findings of this paper. Qualitative data from interviews could contribute to a better understanding of *why* escalation occurs, inclusive of the lived experiences of the subjects of the research. By including the voices of the target population, the research would move closer to the interpretive paradigm, taking into account the truths of participants in the production of knowledge.

        Further research could analyze the variables of gender, age, and race in conversation with the analysis of youth/police officer interactions. These variables have been identified in the literature as other extra-legal factors that may affect officer's treatment of youth and arrest outcomes.

Recommendations:

   The findings described above indicate that there is need for an intervention with

the aim of improving relations between youth and law-enforcement. I recommend

targeting interventions at the site of law-enforcement, as they are a centralized

institution with the structures in place to implement training. I believe that targeting

the intervention at the police level, rather than focusing on youth as the primary

intervention site, would be most effective at disrupting this pattern of interaction.

Police officers are also the actors who hold more power in their interactions as they

benefit from cultural and professional legitimacy in our society (Crank, 2010).

      This paper also furthers an understanding of the specific qualities of

interactions that could be addressed in new or reformed police trainings. Police

officers should be trained on the differences between justice policing and coercive

deterrence-based policing. All officers, new and current, would need to receive

juvenile specific training. Special emphasis (additional training) should be placed on

officers that often come in contact with youth (school resource officers, gang unit

etc.).

      Research shows that juveniles have developmentally different needs and

responses to authority figures, including law-enforcement (Grisso 2000). Historically,

research and practice have emphasized cognitive behavioral treatment programs

that focus on the development of individual juvenile competencies. Programs such as

the Aggression Replacement Training (ART) work with criminally involved young

people on social skills training, anger control and moral reasoning (Goldstien, Glick

and Gibbs 1998). Less emphasis has been placed on training police officers to account for developmental differences during their interactions with juveniles (Herz 2001).

Literature shows that juveniles respond to authority differently, have developmentally different needs and responses to law-enforcement and require specific de-escalation tactics that differ from adults. This literature suggests that police trainings on adolescent brain development, de-escalation and conflict resolution, behavior modification with teenagers, and trauma would assist police in interpersonal interactions with youth in their community.

The Worcester Police Department does not currently train officers on developmental informed de-escalation tactics for potentially aggressive juveniles. This is problematic given that juvenile aggression differs from adult aggression in 1) the ability to control aggression, 2) deliberate v. emotional aggression, and 3) directed v. unbridled aggression (Herz 2001) (Loeber and Hay 1997).

Developmental competence refers to an understanding that young people's thoughts and behaviors are a product of their developmental stage. Increased developmental competence among officers may allow for a better understanding of the demeanors youth display during their interactions. True developmental competence means that "institutional responses to the developmental stage of youth" are adjusted (Thurau 2013).

Very few police programs nationally have integrated developmental competence training into their academies. There are even fewer studies on the effectiveness of youth-centered police training programs. The study entitled

Improving Police Encounters With Juveniles: Does Training Make A Difference? by Denise Herz begins to fill the gap in the literature by evaluating the effects of an experimental training program for Nebraska police officers on De-Escalating Juvenile Aggression (Herz 2001). The research concludes that training provides an avenue for improving the nature of police encounters with potentially aggressive youth.

While this paper recommends youth-focused trainings for WPD officers, it is necessary to recognize that disrupting the cycle of escalation will only be accomplished through a larger cultural shift within the institution of law-enforcement. Police culture is determined and reproduced through a number of areas including "organizational structures, policies, behaviors, arrest patterns, corruption, education, training practices, attitudes toward suspects and citizens, forms of patrol" (Crank 2010). Therefore, police reform complex and difficult to achieve.

The manner of police interactions influences the public's perception of police officers (Fagin 1987); (Mastrofski 1999). Changes in youth and police interactions will help to set forth a causal relationship with more positive perceptions of police by young people (Bartholomew, et al. 2013). The outcomes of police reform and possible community/youth programs is to reduce the numbers of youth charges, the traumatic quality of arrest, and the danger of the interaction for both youth and officers. The long-term impact of these outcomes would be a more positive relationship between youth and law-enforcement and diversion of youth from the criminal justice system.

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Appendices:

Figure 4: Locations of arrests

Juvenile Criminal Charge Density by Neighborhood in 2014

Source: Worcester Police Department

Some charges that occurred in 2014 were located at the same coordinate on a map. In order to gain a clear and accurate picture of all of the charges made in 2014, density of charges by neighborhood area was calculated. Neighborhoods labeled are ones that contained the highest density of charges.
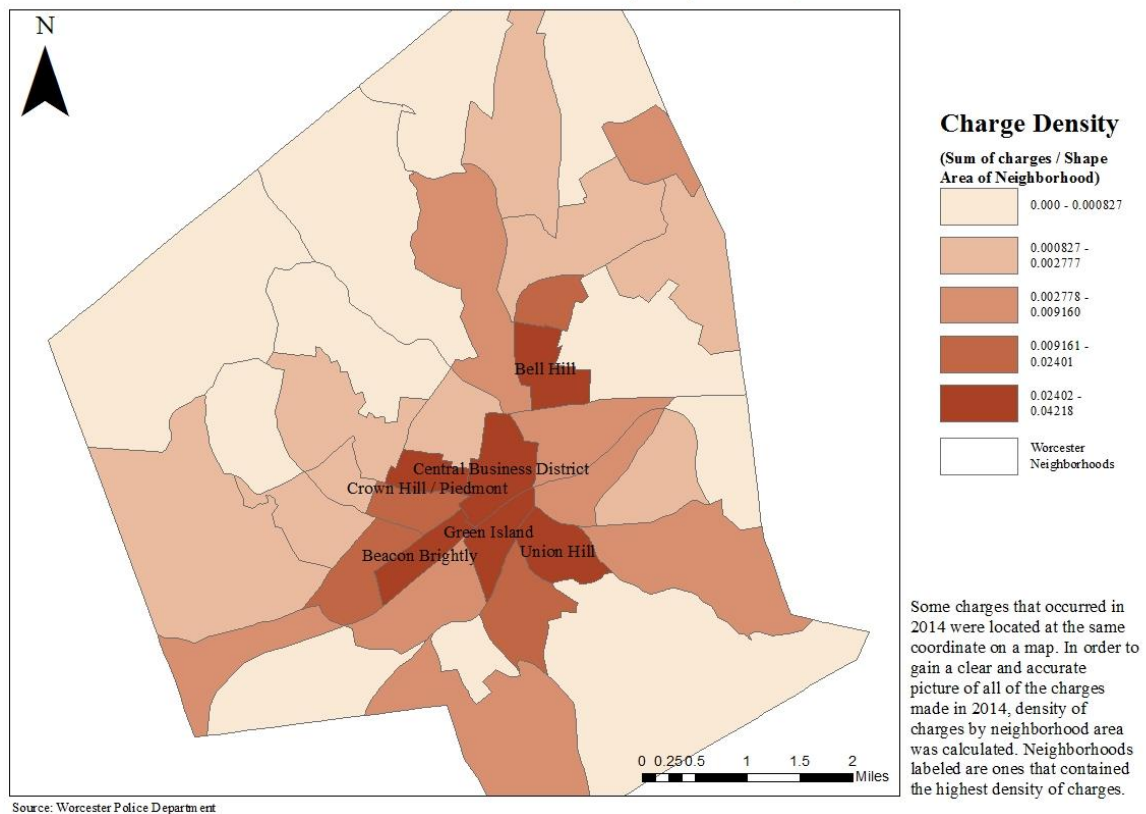
Figure 5: Race and Ethnicity of Low-Level Offenders
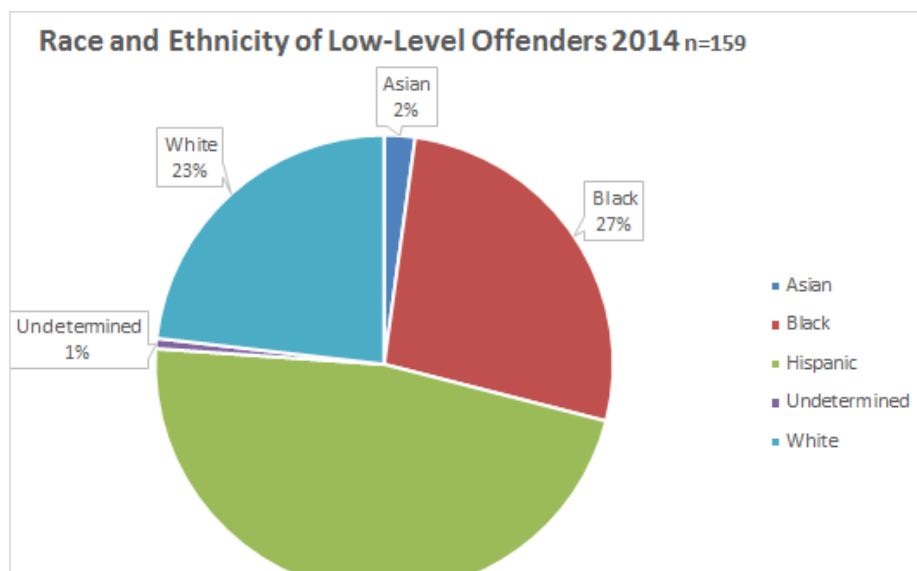
Figure 6: WPS Enrollment Data by Race and Ethnicity

Enrollment Data by Race and Ethnicity: Worcester Public Schools 2013-2014

- African American: 14%
- Asian: 8%
- Hispanic: 38%
- White: 36%
- Multi-Race Non-Hispanic: 4%
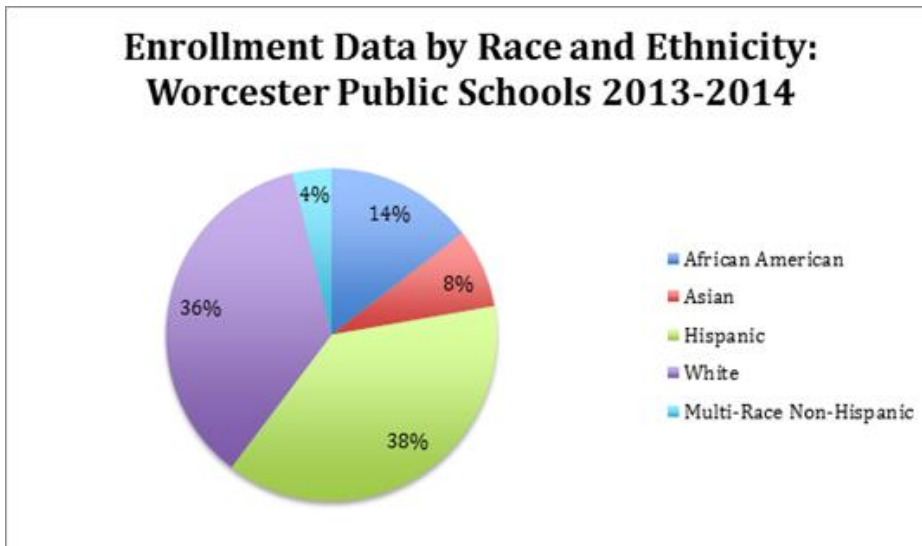
Figure 7: Juvenile Offenses by Chapter Violations

Juvenile Offenses by Chapter Violations: Worcester 2014	
Chapter Violation	**Number of Violations**
Crimes Against Property	141
Crimes Against Chastity, Morality, Decency, and Good Order	146
Crimes Against the Person	123
Search Warrants, Rewards, Fugitives from Justice, Arrest, Examination, Commitment and Bail. Probation Officers and Board of Probation	111
Crimes Against Public Peace	49
Crimes Against Public Justice	40
Motor Vehicles and Aircrafts	36

Controlled Substance Acts	18
Alcoholic Liquors	11
VCO9	14
Common Law	15
VCO13	4
Proceedings to Prevent Crimes	3
Felonies, Accessories, and Attempts to Commit Crimes	3
Detained	2
Law of Road	4
Common Carriers of Passengers by Motor Vehicles	1
Inland Fisheries and Game and Other Natural Resources	1
Desertion, Non-support, and Illegitamacy	1
Abuse Prevention	1
VCO12	1

Figure 8: Demographics (Total Arrests vs. Low-Level)

Table One: Comparative Analysis: Demographics (Total Arrests vs. Low-Level, Home-based arrests, School)									
Category	Totals		Race (percentage)				Gender (percentage)		First Time Offenders (in Worcester)
	Offenses	*Offenders*	*White*	*Black*	*Hispanic*	*Asian*	*Male*	*Female*	
Worcester Public Schools Demographics (2013-2014 AY) n= 24,562	N/A	N/A	36%	14%	38%	8%	52%	48%	N/A
Total Arrests	728	326	20%	28%	51%	1%	78%	22%	33%
Low-Level	291	159	22%	28%	48%	1%	78%	21%	39%
Arrests for Violent Offenses in Juvenile's Home	59	42	17%	31%	48%	2%	60%	40%	36%
School (7 AM-2 PM)	32	21	24%	33%	43%	0%	67%	33%	48%
14 Years Old and Under	181	65	15%	38%	45%	2%	80%	20%	35%
First Time Contact (in Worcester)	218	107	17%	33%	49%	1%	75%	25%	100%