

Viewpoints **YOUTH TODAY**

When Asking, “Why Me?” Means Disorderly Conduct

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By *Lisa H. Thureau*

The altercation here this summer between Professor Henry Gates and Officer Joseph Crowley raises important questions about what youth around the country have learned from it, because youth are more likely than adults to be arrested and sent to court for rubbing cops the wrong way.

Nationally, about 21 percent of all juvenile court referrals in 2005 were for “disorderly conduct” or “obstruction of justice.” For adults, that number was about 5 percent.

Over the past five years, during interview of officers in Cambridge and across Massachusetts about their interactions with youth, those officers have routinely told me they will arrest a youth for being rude, for “giving attitude” and for not submitting to officers’ authority. Whether or not the youth has a reason to object is generally deemed irrelevant. Whether the youth has committed an offense does not determine the outcome.

“ ‘You write the ticket,’ is what I tell them,” explained one officer who is popular with youth. A youth’s response to him determines whether he will up the ante and move to arrest the youth for a minor offense, or use the incident as a teachable moment about the underlying offense and the attitude. This focus on the offender rather than the offense is a characteristic of juvenile justice and speaks volumes about what and who is viewed as criminal.

To ascribe complete control to youth as solely responsible for who “writes the ticket” is part of the general mantra about youth having “choices.” That sounds like common sense, but in some of the environments where we preach its use, living it is not so easy. The mantra also wrongly suggests that officers have no role in the escalation of such interactions.

Consider most urban environments. Probable cause is not a prerequisite for the frequent semi-violent pat frisks by officers on African-American and Latino youths. When youths protest, officers respond in mockery, perhaps with, “You fit the description of a kid in a white T-shirt and bulky jeans.” Most urban youth know that asking an officer for his badge number is asking to be arrested.

In such situations, has a youth who protests or merely questions his treatment written his own ticket?

The Gates arrest story and the many untold ones like it are not new. Consider the findings of researchers Irving Piliavin and Scott Briar in 1964, from “Police Encounters with Juveniles,” in *The American Journal of Sociology*:

“Thus it is not unlikely that frequent encounters with police, particularly those involving youths innocent of wrongdoing, will increase the hostility of these juveniles towards law enforcement personnel. It is also not unlikely that the frequency of such encounters will in time reduce their significance in the eyes of apprehended juveniles, thereby leading these youths to regard them as ‘routine.’

“Such responses to police encounters, however, are those which law-enforcement personnel perceive as indicators of the serious delinquent. They thus serve to vindicate and reinforce officers’ prejudices, leading to closer surveillance of Negro districts, more frequent encounters with Negro youths, and so on in a vicious circle. Moreover, the consequences of this chain of events are reflected in police statistics showing a disproportionately high percentage of Negroes among juvenile offenders, thereby providing ‘objective’ justification for concentrating police attention on Negro youths.”

Over the past 45 years, however, the political and racial awareness of youth has changed. Many youth experience race at its most raw aspect with officers, and tend to use that occasion to get political and to act on their rights. They often ask officers, “Are you doing this to me because I’m black?”

One lesson of the Gates/Crowley affair for officers dealing with youth of color ought to be that in 2009, an officer who cannot answer a question about his racial animus, who cannot explain that his intervention results from the specific illegal actions of a youth of color, is unprepared for a confrontation with a youth who may correctly presume his status as an offender, not the offense, is at issue.

But what is the lesson for youth? They’re not likely to ever enjoy a conciliatory beer with an arresting officer, much less the president. No, they must navigate between what the law promises (free speech, freedom from unreasonable search and seizure) and what police officers will tolerate before arresting youth. They must steer between the submissiveness of the 1950s “shuck and jive” and today’s unflappable certainty that everyone has a right to respect.

This is no easy feat for youth. And so, when asked what they had learned from the Gates/Crowley incident, a group of Boston teens at the Youth and Police in Partnership program predictably concluded that walking between these two worlds means compliance. “Just comply, just do everything they say, or they’ll throw a ‘trespass’ on you and then a ‘disorderly’ and it just makes it worse,” said 16-year-old Jacarry. Or, as Joseph put it, “Be polite to police, because it doesn’t matter if you’re not doing something wrong. They’ll take their authority to full throttle with you if you question them.”

The statistics on juveniles’ disorderly arrests are likely to tell us who learned what in 2009.

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