An Exploration of the Experience of Interaction between the Police and Juvenile Offenders in Taiwan

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By developing Foucault's concepts of power, this paper aims to explore the interaction experience between Taiwanese police and juvenile offenders from a critical perspective.

From macro analysis of social discourse to micro daily practice, the study objectives are to examine whether the police act as a mechanism of discourse formation for juvenile offenders, to articulate how the strategies and techniques are enforced or strengthened and to scrutinise how juveniles are disciplined and resisted.

The findings reveal that the dual-oppositional discourses are constructed by defining juveniles as either 'normal' or 'deviant'. Through the discipline and inspection techniques used by police, juveniles are forced to fit the image of the 'normal juvenile'.

To maintain a sense of their autonomous self, juveniles choose to resist these stereotypes. The struggle contributes to the criminal discourse reproduction, pushing juveniles into categories of criminal offenders. It is hoped that this paper can offer a framework for analysing and discussing policy in criminology and criminal justice.

Introduction

Many juvenile delinquent stereotypes are often revealed in the media or newspapers; for example, juveniles readily make trouble or commit such crimes as staying out late or hanging out at improper places. These images are always negative and the public tends to believe them. Therefore, the public believe that, in regard to any criminal behavior committed by juveniles, the

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police should put them into juvenile jails in order to prevent any further serious crime and to protect the society.

In the field of criminology, scholars of social conflict theory argue that the response to crime by politically more powerful individuals or groups, and especially by governmental institutions such as police, courts and law and justice departments, is to label suspected offenders as inferior class persons. Therefore, it is crucial to examine the interaction between these institutions and deviant juveniles (Scraton and Chadwick 1996).

Moreover, based upon Wolfgang, Figlio and Sellin's study (1972), if juveniles have frequent contact with law and justice departments, they are more likely to commit crimes and get arrested once they become adults. Since the police department is the first line of administration in the law and justice system, deviant juveniles usually appear in police stations prior to facing the court. Thus, police play a crucial role in dealing with juvenile crimes and they also have the discretionary power to send these juveniles to court (Young 1997).

Nevertheless, while the public continues to seek the causes of juvenile crime and the factors that influence juvenile behavior by looking at aspects of education, society and social work or welfare, the French philosopher, Foucault's (1977) concept of power, provides a different insight.   He suggests that the occurrences of deviant behavior result from government-created social regulations, the main purpose of which is to distinguish between the so-called group of law obedient persons and the group of resisters (evidenced by deviant behavior). Individuals in this latter group are sent to jail where they can be re-educated and the social order secured.   This is an efficient system of social management to control and discipline people in society, with the police, courts, health and welfare institutions being used to ensure social management (Garland 2001).

Foucault's concept of power provides people with a different way of thinking. It means that, when discussing the causes of juvenile crimes, we should take note of the relationship between police and juveniles by utilising Foucault's concept. For instance, when preventing so-called juvenile crimes, what kind of power is being exercised and how is it being used? Who are the ones who construct or define juvenile criminal behaviors and bring them into contact with the actual justice system? This topic of police interaction with

juveniles therefore requires research and discussion in order to understand the relationship between these two groups.

Hence, the purpose of this research is to consider:

1. The types of discourse on juvenile offenders;

2. The exercise of power by police towards juvenile offenders; and

3. The obedience and resistance of juvenile offenders to police power.

Research Methodology and Procedures

A qualitative inquiry and a purposive sampling strategy were utilised as the research methodology.

Study subjects

The interview sample contained seven police officers and ten juvenile offenders, all of whom had had many experiences in interacting with each other in their environments.

Of the seven police interviewed, three were front-line uniformed policemen who were on duty for supervising street juveniles, two were plainclothes policemen who were responsible for juvenile affairs and two were detectives in the Juvenile Delinquency Prevention Brigade. All had worked for 13 to 19 years in Tainan county.

The ten juvenile offenders interviewed all lived in Tainan county and were selected from a juvenile prison, Ming-Yang Correctional high school, which is the only prison that confines juvenile offenders for serious juvenile crimes, such as murder and robbery. Of the ten juveniles interviewed, five were imprisoned for robbery, three for murder and two for kidnapping. Prison terms ranged from four years to 10 years, with an average of 7.5 years. All of the young people were aged between 15 and 17 years.

Information collection strategy and analysis

This research utilised a three-stage data collection strategy (Patton 2002). The first stage involved pilot research in order to obtain proper interview

questions. The second stage involved in-depth interviews conducted with the seven police officers and 10 juvenile offenders. In the third stage, for the purposes of data triangulation, juvenile interviewees' court verdicts, record of previous crimes, results of psychological tests etc. were obtained in order to assess the reliability of the interview contents.

Research limitation

Because only seven police and ten juveniles were interviewed, it is not possible to generalise to the broader police community or to juvenile offenders as a whole. Instead, this paper is just a small piece of qualitative research, the purpose of which is to find out more about and provide some interpretation of the interaction between police and juvenile offenders. This research is only at the initial stage of investigating this issue but may generate further discussion in the future.

Research findings

The research found that the police have two functions. One is that, in the administration of criminal justice, police define certain types of 'bothersome' juveniles and label them as such. The other is that, through the process of institutionalisation, a discourse of discrimination is constructed to maintain the relations of domination and subordination and ensure their legitimacy and structural significance.

Defining bothersome juveniles

In the country's laws and regulations, there are many limitations placed on juveniles' behavior; for example, they cannot smoke, fight, watch pornographic videos, ride scooters without a license and so on. In addition, juveniles also have time limitations placed on them; for instance, they have to go to school, follow the daily schedule, then come back home within the regulated time. All of these regulations define a concept of how a 'good' young man should behave and draw a clear boundary between right and wrong (The Ministry of Interior 1991; The Ministry of Education 2003).

The police have been authorised by the government to define juveniles as either 'normal' or 'deviant'. The police therefore search or watch out for deviant behaviour, with the main purpose apparently being to help correct deviant juveniles through the use of regular discipline. For instance, once juveniles appear or stay at an improper location, they can be investigated, corrected and even punished by the police on duty.

'When we found juveniles at the place where they cannot stay or did something wrong, we would interfere' P01 .

'......when they drove a scooter without taking a safety helmet or unsafe driving, or their behavior or attitude was like deviant ones, we would cross-examine them or clamp down on them' P03 .

'When we were patrolling at the campus and found that juveniles who were wearing the uniform were smoking, we would get involved ...' (P06).

'First time I usually cautioned him..., gave him three chances, but it also depended on his attitude' P07 .

In contrast, because the behavior of juveniles is often spontaneous, it means the laws and regulations are sometimes meaningless to them. However, the police will always let them know when they are wrong. To these juveniles, the police are viewed as troublesome and as trying to 'set them up'. They are seen as harmful and as abusing their authority. As a result, the police become a negative symbol, a group whose purpose is to deprive them of their freedom.

'At that time, actually I didn't think whether it is illegal or not. I did it because I was happy with it, and also I didn't think about the level of illegality at all' J05 .

'Because of curiosity, and my friend asked me to do...' J04 .

'I had violated two cases of copyright-law, and I knew that was illegal, but I felt nothing' J09 .

'We all call them cops, bulls, because they are all furtive' J03 .

'I awfully hated their behavior, very strange, abnormal, and if they had nothing to do, they liked to make trouble for me' (J01).

Maintaining the relations of domination and subordination through the discourse of discrimination

Power refers to the various forms of domination and subordination and the symmetrical balance of forces that operate whenever and wherever social relations exist. Therefore, power-knowledge-body relations constitute the irreducible basis of society. For Foucault, bodies caught up in power-knowledge relations form a kind of physical substratum that serves as a foundation for social relations and institutions (Garland 1990). Hence, the distribution of police stations within cities, the 'hang-high' police badge symbolising the power of discipline, and a supervising network connected by patrol cars, all mean that deviant juveniles are unable to hide away. Deviant juveniles are always the targets.

Within their normal daily life schedule, the police continually search the streets for 'bad guys' and try to correct deviant juveniles by utilising regular discipline or other soft approaches to make these people behave appropriately. To discipline deviant juveniles and, to monitor their current situation, the police record them for continuous tracking of their behavior, family situation and friends.

'On my working area, one of our tasks is to check these deviant juveniles' behavior, notice their behavior or attitude etc. and give them some guidance and assistance' P06 .

'We have some forms to examine their recent situation and background of family, then there are three way to examine; by self, telephone examination and examination of school' P06 .

Police powers are also used and extended via exhortation, physical work, coaching and even beating, to force the juvenile offenders to become regulated or transformed into 'normal' individuals.

'(I) asked them to write something to repent their error, or let them read an article, or make a report of what they have learned. …On the other hand, this way would help me to understand what they thought about' P02 .

'…took them with me to the local police station, I told his parents their child's characteristics were traitorous. I had a splint .. and I would hit him with a splint at the scene………, but this was normal discipline, I always told their parents this situation' P0 .

The police and the patrol cars become the symbols of supervision and arrest, like a running 'power center'. In addition, the relationship between forms of power and juveniles' bodies is connected through knowledge, the 'know-how', on which techniques and strategies depend and point to the cognitive aspects. Therefore, juveniles always become the target.

'As I knew he had a record of crime, I would notice his behavior when I met him on the road' P03 .

'I would go to talk something to him, when I meet him on the road, or sometimes visited him at his home. Let him feel we are noticing him' (P07).

'I had no idea, did not do any bad thing, but I could always feel they were watching me' (J10 .

In the beginning, the juveniles ignore the police surveillance but gradually, they come to watch and notice their own behavior themselves. Thus, while anger and helplessness are the usual responses they express when caught by police, because they cannot resist the power of police and keep being told they are wrong, these juveniles become brainwashed and come to believe they really are 'wrong'; i.e. that they really are juvenile offenders.

'While he was chasing after me, the police may not know what I have done, maybe I was too scared so I ran away' J02 .

'He would say what kind of crimes he committed, why catch me, why make me trouble' (P04).

'They always said " If you resist, I will handle this legally". I have listened to this sentence more times laughing , you could stay silent, but if you want to resist, you will get more troubles' J02 .

'They gave me the feeling that we were different, they assumed I was a bad boy' (J05).

'Because police met this kind of deviant juveniles like us, they will not let us go easily'.

The obedience and resistance of juvenile offenders to the exercise of police powers

As mentioned, the police power consists of a supervising network that the juveniles are unable to resist. The juveniles are graded by the police according to their obedience and resistance. While they cooperate with the police, they may be categorised as 'good boys' but if they do not cooperate, they will be labeled as 'bad boys', and even as criminals.

'I would talk to him if you didn't cooperate with me, I would report on the situation of incorporation to a judge. That might influence your judgment,……if you could report the whole event, we would know how to help you…' P05.

The police can utilise regular discipline or other soft approaches to make the juveniles behave appropriately and sometimes they use considerable power to repress these people and to further exclude or isolate them to juvenile correctional high schools (i.e. juvenile prison).

'That is group behaviors of scooter racing; we hit them by stick and took them away without saying anything, since their behavior endangered the public safety' P02.

In the face of police power, the juveniles often react against it by doing the opposite. It results in juvenile resistance to the incorrect stereotypes. By becoming angry with police or even by taking group action against the police, they try to fight for 'freedom' and 'individuality' (self-dignity). But this reinforces the police stereotype of them that they are 'breaking the rules/orders', 'behaving disorderly' and are just bad kids and juvenile offenders.

'To bring a wrong charge against me, I would be very angry, sometimes, I couldn't stand it and argue with them' (J03).

'When we were scooter racing on the streets, absolutely we always provoked the police, sometimes shouted and yelled at them, sometime threw eggs at them'. J05.

'Sometimes, when we were scooter racing on the streets, the more they wanted to catch us, the more we wanted to provoke them. That was very exciting' J06.

'When juveniles commit crimes, eighty-five percent of them would recommit crimes again, for instance, the deviant juveniles and the criminal juveniles were almost the same people in our responsible district' P02 .

Conclusion

Juveniles are consistently examined, supervised, regulated and punished according to different types of discourse based upon discrimination. The police will rely on these judgments and judge juveniles according to these images of young people as either 'bad kids' or 'good kids'. While most people conclude that age is the problem, sometimes people need to consider that different behavior in different circumstances could warrant different outcomes; for instance, when stealing something from the street, the penalty could be different from those who take something away from the school, because the school may protect the student by counseling him/her privately instead of sending them to the police station.

Juveniles' disobedience and resistance should be discussed, since the law and the regulations are always set up by adults and are based on their points of view. To juveniles, some of these viewpoints are unreasonable, contradictory and are far from reality. Through the mass media, education system and the improper attitude of the law executives, the power of 'labeling' is wide-spread and further distorts the self-cognitive ability.

As such, the juvenile offenders respond by resisting the values and judgment of society by committing more serious crime. This process is proved by Wilkins's (1964) theory of the deviancy amplification spiral, which argues that youths identify with the label attached to them and thus believe themselves to be more deviant and separate from the rest of society. As Becker (1963) explains, the social construct argument is not so much concerned with the causes of crime and deviance in social factors or social situations, but in establishing that social groups create deviance by making the rules whose infraction constitutes deviance, and by applying those rules to particular people and labeling them as outsiders.

Recommendations

In terms of the ubiquitous power network, how can people let go of it? Is this difficult? Foucault (1978) explained that the goal is to ask the individual not to be influenced by the power; instead, a person should follow his or her mind by resisting power. As Foucault (1978, p. 95) says, 'where there is power, there is resistance, and yet, or rather consequently, this resistance is never in a position of exteriority in relation to power'. People have to consider what they would like to do in order to be free from the political 'dual-constraint' instead of being manipulated as 'special' objects.

As a result, in the experience of observing the interaction between the police and juvenile offenders, both parties have to be more aware of each other's situation. For instance, the police should consider whether it is necessary to label juveniles and what kind of influence this may have on these young people. Yet, the labeled juvenile should not accept that control passively; instead, he or she should try to resist the discourse constructed by powerful sources. Once people come to depend on the suggestions from others, they lose their individuality.

Hopefully this research can help policy making in the future. In particular, education programs for police officers and for juveniles should include knowledge about the power structure between police and juveniles.

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