

# A bibliographical essay on the relationships between police forces and the youth in Latin America\*

Alfredo Zavaleta, Gabriel Kessler, Arturo Alvarado  
and Jorge Zaverucha\*\*

**Abstract:** The relationships between police and youth have been described so far as a variable that depends on the set of interactions between citizens and police forces. Even though there are not many essays about this issue, the existing ones emphasize the lack of cooperation, the abuse by police forces and, to a lesser degree, the formal cooperation between these social actors (Goubaud, 2009; ISDP, 2010). This review essay analyzes some of the main trends on this topic. We emphasize police legitimacy among youth, youth resistance to police abuse, and the criminalization of youth by police forces and judges. The topic reviewed in this essay describes the relationships between police forces and youth in some cities, particularly in urban neighborhoods and outskirts. Most of these studies agree in the conflictive character of these relationships and warn about their implications for the construction of safe cities and the recognition of young people as rights-bearing subjects (ISDP, 2010; Vanderschueren *et al.*, 2011). This essay is structured around three recurrent topics in the literature: legitimacy, conflictive interaction and police abuse. Most of the studies reviewed are centered on adolescent men; we have almost not found studies that differentiate between genders. Therefore, to understand the variations between men and women and it is part of a pending research agenda.

*Keywords:* urban violence, youth, police, legitimacy, justice, Latin America.

## *Una aproximación a las relaciones entre policías y jóvenes en América Latina*

**Resumen:** Las relaciones entre policías y jóvenes han sido descritas hasta ahora como una variable dependiente del conjunto de interacciones entre ciudadanos y policías. No hay

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\*\*Alfredo Zavaleta Betancourt is full-time researcher, type C at the Instituto de Investigaciones Histórico-Sociales. Universidad Veracruzana. Diego Leño, 8 esq. Bremond, Centro, Xalapa, Veracruz, Mexico. Tel: (228) 812 47 19. E-mail: azavaleta@uv.mx. Gabriel Kessler is professor at Facultad de Humanidades y Ciencias de la Educación, Universidad Nacional de la Plata, Ensenada, Buenos Aires, Argentina. Calle 51 e/ 124 y 125, (1925). Tels: 54 221 423 66 73; 423 01 25; 423 01 27. E-mail: gkessler@dd.com.ar. Arturo Alvarado Mendoza is director of the Centro de Estudios Sociológicos, El Colegio de México, Camino al Ajusco, 20, Pedregal de Sta. Teresa, 10740, Mexico City. Tel: 55 5449 3064. E-mail: alvarado@colmex.mx. Jorge Zaverucha is professor at Centro de Filosofia e Ciências Humanas, Universidad Federal de Pernambuco, Av. Acadêmico Hélio Ramos - s/n - 14º andar, Cidade Universitária-Recife, PE, Brasil, CEP: 50.670-901. Tel: (81) 21 26 82 83. E-mail: jorgezaverucha@uol.com.br

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muchos ensayos acerca de este tema; no obstante, los que existen enfatizan la falta de cooperación, los abusos policiales y, en menor medida, la cooperación formal entre estos actores sociales (Goubaud, 2009; ISDP, 2010).

En estas circunstancias, el presente trabajo analiza algunas de las principales tendencias de un campo de estudio sobre este tema. Para tal efecto, nos interesa la legitimidad policial entre los jóvenes, la resistencia juvenil a los abusos policiales y la criminalización de los jóvenes por policías y jueces. Los ensayos que utilizamos en este trabajo describen las relaciones entre policías y jóvenes en algunas ciudades, particularmente en barrios y en periferias urbanas. La mayoría de estos trabajos coinciden en el carácter conflictivo de estas relaciones y advierten las implicaciones de esta situación para la construcción de ciudades seguras y el reconocimiento de los jóvenes como sujetos de derechos (ISDP, 2010; Vanderschueren *et al.*, 2011). Para la problematización de estos trabajos, presentaremos sus principales argumentos divididos en tres problemáticas identificadas: la legitimidad, la interacción conflictiva y el abuso policial. En estas secciones procuraremos responder en qué forma estas interpretaciones y sus conceptos contribuyen a entender la relación entre violencia policial y juventud. Un punto importante es que la mayoría de estos trabajos están centrados en adolescentes hombres; casi no hemos encontrado estudios que diferencien entre los géneros. Por ende, es imposible, hoy día y de acuerdo con los estudios utilizados en este trabajo, conocer las variaciones entre hombres y mujeres, lo cual es parte de una agenda de investigación pendiente.

*Palabras clave:* violencia urbana, jóvenes, policía, legitimidad, justicia, América Latina.

## Police forces, police legitimacy and rule of law<sup>1</sup>

Police work is an activity of public agents that involves a large amount of discretion (power of action and unlimited punishment, even aggressive,<sup>2</sup> within prerogatives that are not always pre-established ranging from vigilance, detentions, revisions, to imprisonment), and also uncertainty and

<sup>1</sup>Public safety policy is a political decision that seeks to distribute scarce public resources to an issue that the group in control of the State apparatus deems important. It is an arm for social control and a criminal instrument of the State. Within it, police forces function as an institution that has the faculty to exert physical coercion to prevent the event of an infraction, as well as repress the acts that they cannot manage to prevent from happening. The police force is the main instrument to produce order between all the managers of public safety. It is part of a set of social and political institutions that maintain social control on individuals and groups, particularly the youth. The police force is the most visible expression of government authority (Bayley, 2006, p. 20), it is also one of the armed branches of the State and the State's criminal justice system (which is also made up of other institutions, such as the Public Prosecutor, the courts and the penitentiary institutions). However, the police force is also a social product and as such it is part of the historical organization of power in a society, it is part of the procedures used to solve violent power struggles.

<sup>2</sup>It is important to distinguish between the aggressive and the violent behavior. An aggression is not necessarily violent, and it can even be essential for a human being to save his/her life in extreme situations. Violence, instead, implies producing damage, control and subjugation. On many occasions it is legal, although it is considered illegitimate (Silva, 2006, p. 665).

monopolistic power. A police force within democracies is one that exerts its work based on an explicit notion of rule of law and is subject to control, democratic accountability, and the respect of human rights (Varenik, 2005; Rose-Ackerman, 2004).

Unfortunately, it is common for the relationship between police and youth to be instilled with physical violence and vigilance and control over the latter, carried out under the perspective of territorial domination of the State (Barreira, 2009, p. 219). On the other hand, it is important to take into account that there is a youth culture that overvalues the show business (Debord, 1997), and behaviors (characteristic of our times) that lead them to risky practices assumed as youthful values.<sup>3</sup> In order to better understand this valuation of risk, we need to study youth as a culturally constructed category, in which there are different types of young people, whether as members of different social classes, students, punks, skinheads, employed-unemployed, rural, urban, homosexuals, street youth, or juvenile delinquents.

In facing the youth, the police exerts contradictory behaviors: it protects as much as it represses; it protects an order based on common collective interests while simultaneously represses in conflicts, particularly among groups that do not accept the order that the police attempts to impose. This contradiction implies the notion of “legitimate use of force”, which is generally defined and specified by political actors, who determine when and how its use is acceptable, against them or against other groups, and assumes that there is consensus regarding the democratic criteria of social control.

In authoritarian regimes, police violence has the general support or acceptance from political leaders (Bayley, 2006), but in democratic ones, police abuse represents a failure of the police as an institution, of the State, or of both actors simultaneously. In addition, the consequences of abuses in democracies can be devastating (a crisis of the institution, a legitimacy crisis or the destitution of authorities), which makes evident that while violating human rights is not something exclusive of authoritarian regimes it is the consequences of such violations what sometimes mark a difference.<sup>4</sup>

<sup>3</sup>They are led through condemned and dangerous paths to others and to themselves (Abramovay, 2010).

<sup>4</sup>According to Bobbio (1992), there is no democracy if the rights of men are not recognized and protected; without democracy there are not the minimal conditions for the peaceful resolution of conflicts.

Indeed, the police as an institution reflect the socio-political nature of each regime (Rivera, 2010). A central task for any democratic leadership is to make the population to have trust in the police. One of the central tenets of the liberal State is that all power presupposes the possibility of abuse. The agencies that monopolize the legitimate use of force (in a Weberian sense) show a surprising and huge autonomy *visàvis* the democratically constituted authorities. In this sense, in Latin America there was until recently the optimistic belief that the rule of law would arrive alongside liberal democracy, but this has not happened.

The rule of law presupposes the existence of legal security and this can only be achieved and prosper when there is a well-known and respected order, in the sense that people coexist based on specific norms and not only based on a set of laws. For the rule of law to function the gap between the “legal country” and the “real country” should be eliminated, so that a solid democracy can be constituted. A legal system whose rules are ignored by the state agents is incapable of obtaining the adhesion of its citizens. Laws are seen, then, as an instrument for social control instead of a mechanism for conflict resolution. The democratic legal system differs from the authoritarian one because of its capacity to induce cooperation and not distrust.

### **Legitimacy, representation, trust and social capital**

With regard to legitimacy<sup>5</sup> of police actions, to explain compliance with the law by youth is an important issue. According to Hinds (2009), legitimacy is sustained by four pillars:

1. Vast contact between young people and policemen.
2. The nature of this contact is predominately unsupervised.
3. Broad discretionary powers conferred to the police in their treatment of young people.
4. A process of socialization and building of citizenship.

<sup>5</sup> To Bobbio, legitimacy serves to distinguish the power of rights from the power of facts. Democracies separate carefully the excessive use of force (when the police use force too much), from the excessive use of force (circumstance where force is used very frequently). In addition to Bobbio, Weber, Durkheim and Habermas stated that coercion is insufficient to govern. The exercise of power must involve something else, a shared common idea. On the contrary, power does not have legitimacy. Control of citizens over the agencies of State that exert coercive power is, in this sense, crucial for democratic states that seek legitimacy.

Police legitimacy has two components, a normative one and an instrumental one. The latter is seen as the capacity of the police to control crime and criminals. The normative dimension includes both the valuation of individuals about the fairness of police behavior (when exercising their functions: procedural justice), and justice in the distribution of policing resources on various groups of the population and on decision-making by police (distributive justice) (Tyler, 2001, p. 42). Thus, when the police treat an individual correctly, he/she tends to have more positive and collaborative attitudes towards it. Therefore, a productive interaction arises between both parts. On the contrary, if the police carry out an approach in an abusive manner, the individual will tend to respond defensively or disrespectfully (Hawdon, 2008, p.188). In this case the police create, ironically, the same conditions that they wanted to avoid.

According to Hinds (2009, p. 11), fairness in policing is evaluated according to the following elements:

1. Representation or the opportunity to express opinions or points of view regarding the problem, the situation or the event before the authority makes a decision.
2. Consistency and neutrality of the rules in decision-making for all people (equality in treatment) and throughout time (following the same procedures).
3. In the confidence on the benevolence of the authorities' motives.
4. "Being treated with respect and dignity".

When the police make decisions based on procedural justice, it generates three large positive results:

1. People are more willing to accept the decisions of the police, even when the results may be negative.
2. Judgement from people regarding police work as that of a legitimate authority is more likely, and it can be maintained and reinforces.
3. The people are more willing to cooperate and support the police (Hinds, 2007, p. 197).

The problem with this proposition is that it does not take into account the social conditions in which the police conduct is validated. Social conditions influence the valuation of the police, and at the same time that they determine police conducts (Hawdon, 2008).

On the other hand, the literature about youth socialization points to adolescence being a period when the young person is used to rebelling against several institutions, among them the police (an anti-authority syndrome) (Clark and Weninger, 1964, p. 3488). Young people, as a group, are frequently seen as a problem and treated as “permanent suspects”, as criminals or as “enemies” (Norman, 2009, p. 365). Thus, contact between police and youth is characterized by stereotypes. The relationship becomes a self-fulfilling prophecy: when the police detain a young pedestrian, even if the detention is justified, the young person interprets that he/she was detained because of his/her identity, clothing, skin color, or for belonging to a specific ethnic minority. These negative encounters generate normative and instrumental costs that affect the legitimacy of the police and police efficiency.

In addition, since young people are used to using public spaces to manifest their rebelliousness, on occasion in violent forms and perhaps generating disturbances, they are more prone to be repressed by the police. This adverse and negative experience (Norman, 2009, p. 3364) turns into a basis to forge the youth’s point of view and marks their initial contact with the police,<sup>6</sup> and imposes marks both physical and emotional that are difficult to overcome. It affects the legitimacy of the police for the young, who see it as an instrument of negative social control. Most of the young people who come into contact with the juvenile justice system do so as a result of the repressive actions of the police. It should be noted that the police have a crucial role as gatekeeper of the legal or conflict resolution system, and therefore its discretionary power needs to be supervised so that it is not applied arbitrarily, since when making a mistake the life of a young person can be permanently affected.

As a rule, both the police and the young are victims of the prejudiced social conducts (social traps), where no actor is capable of cooperating because of the mutual distrust and the lack of social capital. People only cooperate when there is mutual trust (and no one expects to be a sucker). This situation is evidenced in game theory with the “prisoners’ dilemma”. Collective action problems arise when two or more individuals must cooperate to attain a specific result, but individual cost-benefit calculations make them choose socially costly alternatives (Sandler, 1992). Mutual distrust

<sup>6</sup>Negative evaluation can stem from the direct contact of a young person with police repression. But it can be fruit of the negative evaluation of the group (peer networks) or a consequence of the sociocultural context.

leads to non-cooperative behaviors (Rothstein, 2005, p. 36). This is why the idea that rational agents coordinating to establish, automatically, socially efficient behavior is not sustainable.

How to solve this problem? One answer lies on the idea of *social capital*. James Coleman (1988) defined it as the ability of people to work jointly following common purposes, whether in groups or organizations. If the members of one group expect and behave in a reliable and honest manner, the other group will proceed similarly and then there will be a platform to rule.<sup>7</sup>

Public safety is a public good and this fact produces greater problems because of its regulation in the market. The relationships between police and youth are not characterized by trust. Therefore, the challenge to build social capital between these actors is a problem of public agenda. We will move now to review the types of interactions associated with the forms of police work.

## Styles of policing

James Q. Wilson (1968) has contributed in a notable manner to the study of the relationship between the police and the community. He suggested three styles of policing in accordance to the characteristics in each community, highlighting that policing is not a monolithic formula applicable to any group, but rather a choice that authorities must define. The first style is the one he called *watchman*, in which the authorities consider that the principal function of the police is to be responsible for maintaining a particular social order and law enforcement is secondary. This style incen-

<sup>7</sup> Putnam (1993) defines social capital as “characteristics of an organization”, norms and trust networks; and Fukuyama (2000) adds that these allow cooperation. The capacity of association depends on the community sharing certain norms and values (such as trust) and being able to articulate their individual interests to those of large groups (Fukuyama, 1995). Without this trust, cooperation through a set of formal rules will have to be applied through coercive means. This conception contains aspects such as active participation in volunteer networks-associations, which are sustained in trust and reciprocity; these relationships generate mutual and co-obligatory forms of exchange.

There are divergences between the scholars of social capital with regard to the conditions that generate it, be they the climate of trust between individuals in a community, or their ability to generate forms of individual or institutional cooperation. Giddens (1991, p. 95) suggests that there is an ontological safety, the belief that most people have a conscious self-identity in their persona as part of a social environment that connects his/her social habits and allows building trust.

tivizes the discretionary power of the police and, as consequence, it promotes an informal norm in which leaders and certain minorities are not detained for “private” conducts unless they are quite serious. In general, in this style the police are encouraged to follow a path of minimal resistance (Wilson, 1968, p. 344).

When disorderly situations occur, distributive justice tends to be applied. Offenders are punished according to contextual factors (when the disturbance occurs, the place where it happens, the personal characteristics of whoever violated the norms) instead of applying legal prescriptions concerning the deviant behavior. This means that normative patterns of different behaviors that vary from one community to the other influence the vision on the person who commits the offense.

The second style is *legalistic*, where the emphasis is in law enforcement and maintaining order (Wilson, 1968, p. 172). When the criminal codes are followed with greater rigor, there is a decrease in the discretionary power of the police, who is encouraged to apply the normative values prescribed by the laws that are valid for all members of the community. Under these circumstances, where the emphasis within the “legalistic” police departments is in law enforcement, policemen are trained to understand justice under the framing of individual culpability. In this type of model the characteristics of the offender and the environment where the act takes place do not influence police conduct. The only distinction is the one in agreement with the classification of the crime committed. These police try to obtain the maximum results possible independently of the quality (Wilson, 1968, p. 191).

The third type is the one oriented by service, *service style*. It is a kind of middle term between the first two styles already mentioned. The so-called *community police*, which tries to patrol on foot rather than motorized vehicles, to be closer to the population, falls within the service style. This style takes more into account the opinion of the community and emphasizes public relations between policemen and citizens (Wilson 1968, p. 203; Blanco, 2011), assuming that with this interaction crime can be better prevented. It emphasizes conflict resolution within the community. This type of work reinforces social controls (Wilson and Kelling, 1982). In situations or communities with scarce social capital there can be a tendency to value less procedural justice than the one with results, even though this involves human rights violations. In this sense, the relationship between youth and police depends to a great degree on the social capital there is within each community (Hawdon, 2008).



## Formal and informal contacts

According to the Anglo-Saxon literature, in general, formal contacts have to do with police's actions for territorial control, *stop and search*, which in many cases consider the young population as one of its main targets. This type of interaction tends to generate a confrontation between police and youth, since it is perceived as a form of violence or at least authoritarianism (Loader, 1996). However, Hinds points out that the informal relationships that young people establish with the police have been scarcely studied. It is important to highlight that in these studies, informal contacts refer to institutional ones, such as reunions, joint activities, visits to the police station or to schools, where "police power" is not exerted. This author shows the importance of informal contacts to improve youth's trust in the police, that is, Hinds shows that, keeping other variables constant, groups of young people who have had informal contact with police forces (particularly in schools) start developing a more positive perception of the institution which eventually produces greater cooperation between both actors. These findings agree with others found within adult population (Maxson, Hennigan and Sloane, 2003).

Naturally, it would be necessary to differentiate these informal contacts within institutional frameworks and within other public spaces where young people interact and perform verbal, friendly exchanges, and activities in common with the police, without them exercising their institutional role. In general, it is important to study these connections, as Alvarado and Silva (2011) do, stressing the need to visualize who it is that begins the contact, without forgetting that although the role of policeman is not being exercised explicitly, both the police officers and the young people know that these are policemen, so that power relations are also brought into play.<sup>8</sup>

## Procedural justice

The perspective of *procedural justice* establishes a difference between justice in procedures and police effectiveness. The former refers to the way the police performs their duties independent of their concrete results regarding the crime. The central author of this line is J. Fagan and his various

<sup>8</sup> These authors define contacts in function of the purpose of the encounters and the types of contact that police forces and the population establish.

collaborators (*e.g.* Tyler and Huo, 2002; Tyler and Fagan, 2004), who show in several studies that evaluation of the police is made up separately on both dimensions. Specifically, they find that the higher trust in the police, both by youth and adults, depends mostly on the consideration that the police apply the right procedures in a consistent and neutral manner. The more the police act with this type of justice, the greater it will be trusted and also the greater the willingness to collaborate with them. This is more important than the effectiveness of their performance.

The interest of these authors is to develop a model for police regulation that increases their legitimacy. In this sense, they point out three dimensions of procedural justice: *a)* the quality of decision-making, particularly perceiving neutrality and consistency in whatever the police decide to carry out; *b)* quality in treatment, being treated with dignity; and *c)* trustworthiness and individual rights, that is, the belief that the authorities act with benevolence and with a sincere desire to be just (Tyler, 2000). It is noteworthy that a certain tension exists in this discussion, since on the one hand it represents an effort to theorize about the link between observing procedures and trust in the police, and on the other it is a rather formalist vision about police-citizenry relationship.

## Legal socialization

The analysis of legal socialization in children and adolescents is related to the *procedural justice* just described. The authors of the studies in this area use as antecedents a series of studies influenced by Jean Piaget on the conformation of moral judgement in children and adolescents (Tapp and Levine, 1977). Interested in building a “good society”, these studies were interested in children developing positive social and moral orientations (Hyman, 1959). The idea is that the first experiences with institutions linked to the law, with the police being one of the main ones, will shape the perceptions and posterior attitudes with them, as well as a greater willingness to collaborate with legal institutions. In contrast, bad early experiences would decrease the willingness to collaborate with the law. It is not only about personal experience: specific neighborhood contexts, and groups of peers can affect this “normal” legal socialization. It would be interesting to differentiate between the consequences of these contacts in young people in conflict with the law and in young people without conflicts with the law. Specifically, it would be interesting to see whether these contacts affect the

type of relationship they establish with the police, as well as the legitimacy they attribute to the police institution.

Legal socialization includes three dimensions: *a*) institutional legitimacy;<sup>9</sup> *b*) cynicism about the legal system, and *c*) moral disengagement. The first refers to the feeling of obligation towards legal institutions and actors. Empirical studies measure this through the degree in which people feel they must obey the decisions of legal authorities, even when they feel they are mistaken and do not agree with their interests. The central question of this line of research is whether police legitimacy is enough to accept that the police must enforce certain laws, ordinances or other types of norms, even when this goes against the particular interests of the individuals. “Legal cynicism” reflects general values about the legitimacy of the law and of social norms. Studies in this line traditionally build on social anomie, but recently they have been linked instead with urban subcultures and manners in which they express a different relationship with the law. In this sense, there is a diversion from the law when individuals or groups consider it reasonable to act outside the law.<sup>10</sup>

Interestingly, these texts prove that during childhood and first adolescence, compliance with the law and the legitimacy of authorities tends to be high. Moreover, their point is that the types of relationships that the police establish with children and adolescents are, to a considerable extent, what determines whether compliance and legitimacy remain high or start decreasing. The authors conclude that if an important amount of crimes is committed by young people, this is related also to the way in which the authorities relate to them in their advance from childhood to adolescence, *i.e.*, without strictly following procedural justice. Consequently, the perception of the law will tend to diminish be very low. This is an important framework to explain youth crime, one that is not commonly found in the Latin American context.

<sup>9</sup>In the process of legal socialization, a central theme is the legitimation of the law and the institutions. This is based in three assumptions: *a*) people have different opinions on the legitimacy of authorities; *b*) these opinions make up different conducts, and *c*) these perceptions derive from the experiences of social integration (Fagan and Tyler, 2005, p. 220).

<sup>10</sup>The pioneering studies on “neutralization techniques” by Skyes and Matza (2008), are noteworthy. They describe argumentative techniques to justify (or at least minimize the responsibility) violations to the law violation (*e.g.*, minimizing blame, investing in responsibility, denying damage). Sampson and Bartusch (1998) defined this concept as legal cynicism. Moral disengagement entails behavior that deviates from the relevant moral parameters (Bandura, 1990). It presupposes that adolescent behavior is based on moral values and that illegal conducts are inconsistent with moral values.

One of the basis in these studies, in some cases carried out by researchers who have a closer relationship with the police, is that they start out from the idea that police work cannot be done only in compliance with the law of a community, but rather that it requires the active help of the population in the efforts for preventing and treating crime locally (Sampson, Raudenbush and Earls, 1997). In some of these studies there is a certain similarity with the ideas presented by the so-called “right-winged realism” (Garland, 2005), such as the “co-production of security” between community and public agencies. This is a theme that deserves to be debated in depth in our countries, because of the political implications it has and the type of relationship that it presupposes between police and community.

Without sidestepping this debate, Tyler (2001) refers to a society where there is an internally motivated compliance with the law and respect to the legal authorities, a kind of “law-abiding society” that is different from Latin American societies. The advantage of this type of society is that the economic and social efforts can be directed towards themes other than the social control of crime, since the need for regulation through deterrence mechanisms can be minimized. Different authors have stressed the benefits of a society that is internally regulated, thus minimizing the need for vigilance and control (*e.g.*, Tyler and Huo, 2002). In this way, the interest for finding the key of this self-regulation is part of a long term research program whose antecedents are rooted in works about “social control” performed by Hirschi (1969) and colleagues.

Framed within the Weberian conceptualization of legitimate authority, these studies are interested in the way in which legitimacy is produced inside the communities regarding police actions. One of the advantages of this type of legitimacy is that it is to a certain extent voluntary and does not depend on a constant evaluation of the police’s performance. Thus, an authority is legitimate to the extent that it is considered by people as having the right to have their rules and decisions accepted and followed by others. With regard to the police, general legitimacy, linked to the institution, can be differentiated from specific legitimacy, which an agent or a group of agents may have. This is particularly relevant in many of our countries, where in general terms the view on the police as an institution is quite negative, even if in some cases there can be greater legitimacy of particular agents with which there is an everyday relationship. However, needless to say, both legitimacy dimensions are connected.

Studies in the United States have shown that people demonstrate more compliance *vis-à-vis* a specific police officer even when they consider that the legitimacy of the police as an institution is low (Tyler and Huo, 2002). Likewise, the manner in which the police intervene in a particular situation also plays a role in the construction of its legitimacy (Reiss, 1972). For example, officers like to respond to complaints from citizens because this legitimizes their action more than when they are the ones who decide to intervene in conflicts or events without having been called upon. The value of the so-called situational legitimacy is demonstrated by studies that show that when the legitimacy of the intervention is low, the police have greater probability of using physical force, also generating greater risks of physical injuries for the arrested person and for the police (Reiss, 1972). In many cases, these injuries are related to the intervention of other individuals for whom police intervention is not legitimate. That is, there is an attempt to produce situational legitimacy in police action, that has to do with prior criteria, demands, and whether the police respond to the real needs of the population, as radical criminology used to suggest with the idea of “minimal policing”, or if it acts as a force for territorial occupation in the poorest zones.

### **Profiling, discrimination and configuration of a population of suspects**

*Profiling* implies a discriminatory bias, yet it has been a central theme in the community-police relationship. It is a judgment of causal attribution insofar as it involves considering that police behavior is determined by ethnic and/or social class considerations. Studies in this area focus on the illegality of profiling practices, the frequency with which it happens, not only in the relationships between the police and the community but also in potential discriminatory practices within the ranks of the police itself. Profiling can be objective or subjective (Tyler and Wakslak, 2004). Another strand of this literature shows that the attribution of profiling is directly linked to the decrease in support to the police (Weitzer, 2002).

As could be expected, profiling is generally exerted against the most disadvantaged sectors. Studies of this practice in the USA predominate, but there are also studies on different countries. Some findings are common: the police seem to be more indulgent with some youth groups than others, some social classes than others, some races than others, and also past offenders with a record also tend to be treated differently than first offend-

ers. Now, it is rare that policepersons involved in these practices recognize that they have detained someone because of their ethnic or class characteristics, rather they say it is because “they resemble the description of the suspect”. Therefore, it is not always easy to study objectively the practice of profiling and, at the same time, the objective profiling does not necessarily coincide with the subjective perception of having been a victim of it. Beyond the difficulty in studying it, there have been a large number of complaints, particularly in the USA, as well as famous cases and investigations about profiling exercised against minorities (Harris, 1999).

In this sense, one of the findings of the studies is that attribution of profiling is *post facto*: populations that have been the object of some police action carried over with respect and taking care of procedures shows that are less prone to consider that the police have acted based on the bias of profiling is lower (Tyler and Wakslak, 2004). This evidence supports the strengthening of the procedural justice style of policing, which emphasizes the importance of how the police treats a certain population. Not only profiling is less frequently invoked in populations treated with respect and where procedures were observed, but also these practices increase institutional trust.

There is a significant relationship pointed out in the studies between profiling and dignified treatment: even in cases where the police could have acted without profiling, but rather carelessly for instance mishandling information, the likelihood of complaints of profiling is higher. The contrary case is also true: even if in reality the police actually got involved in profiling, but at the same time taking care of procedures and acting respectfully, the latter decreases the possibilities that such a bias is invoked. Consequently, the recommendations for the police are that it is not enough to avoid profiling, but that the treatment will also influence the accusation and, therefore, the decrease of support towards the police.

There are ways of police working that follow informal profiling rules based on class, race or gender. In general, those belong to a group known to be linked to certain types of crime (who, for instance, have already had some entry to police stations) are more likely to be closely observed. The police also monitors closely those who are considered to be originators of disorder and challengers to police authority, as well as those who can be linked to, or are in contact with, other suspects (Reiner, 2010). Certain authors, such as Choongh (1998), actually argue that the police exert a form of social control over youth through humiliation, punishment and submission that actually label or mark certain groups. The interesting thing is that in

this work there is a process of conflictive identity construction (by the police and its object population) through phases of labeling that has strong future consequences in the youth-police confrontation.

The research in Scotland carried out by McAra and McVie (2005) is framed within this perspective. The authors demonstrate with longitudinal studies that the police act disproportionately on those available young people who are perceived to belong to a lower social class, creating a subpopulation of “permanent suspects” who are detained much more regularly than young people from other classes, and even than young people from their own classes but without prior entries into police stations. There are two central questions in this study: *a)* what are the best predictors of contacts with the police? The answer is that the best predictor is having had prior contact with them. But the authors ask a second important question: *b)* what explains the first contact? In this case, the answer falls within the practice of profiling: the first contact is more likely with young people who are also involved in a greater number of infractions. A first contact is also more likely for those who have friends who have had prior contacts, that is, who are part of a community that is watched, part of that subpopulation of “permanent suspects”, and for those who spend too much time on the streets (who are also those belonging to lower social class sectors). Thus, the research underlines the role of class and labeling in police action.

Other ethnographic studies stress the development of police knowledge that could not be specified in the manners of procedural justice. This is sometimes called a police “sense of smell” that makes them “follow their nose” to detect dangerous people (see Garriga Zucal, 2013, for the Argentinean case). To be clear, there is a difference between actual profiling that can be disaggregated into its different dimensions, and a kind of practical knowledge incorporated into the police body according to informal rules of police action. However, when this practical knowledge is put in black and white it appears very similar to the actual practice of profiling.

Under this logic, there is one more line of studies on the rate of arrests according to the population available population. Doubtless, it would be interesting to have more data about this, since it relates the rate of police action as a function of the population available on the street and specially at certain hours (Willis, 1983). The neutrality of the concept has been questioned (Phillips and Bowling, 2002). In this connection, one of the most interesting critiques made to these studies is that they show that “availability on the street” is not neutral because previous discriminatory practices

make that, for instance, more Afro-American young people lose their jobs and are expelled from schools, thus they spend more time in the street.

### **Control and dispute over urban spaces**

There is a theme common in the bulk of essays analyzed in this study: the youth-police conflict that is produced by different forms of presence (of both actors) in a given territory. For instance, urban patrolling is considered to produce a tense relationship with the young people as a result of the territorial issue. In some cases there is a deliberate strategy of territorial dispersion of young people, as in England (McAra and McVie, 2005). In other cases, youth and police coexistence in the same territory produces tension, as pointed out by Barreira (2009) for the Brazilian case.

In France, as S. Body-Gendrot (2005) points out, for decades the police contributed to assign specific places in the city to the poor and other “easy to label” categories that were not welcome in the middle class areas. In this case, those specific places remained under the control of police forces who in turn felt that they had to do the “dirty work” that society did not want to do. In these spaces, the youth were object of a closer police control than in other places, particularly if certain expectations were not fulfilled (*i.e.*, “the right person in the right place at the right time”). Thus, undesirable behaviors were criminalized following the same logic that made it possible to exclude beggars from public spaces, or to fine parents of children who escaped school. Young people, in turn, resented this police control, because they also considered that these spaces were legitimately theirs. Further still, the author argues that youthful spatial identity is established from and through these relationships of subordination and domination. In the French case, on the side of the police-youth relationship there are countless examples of racism and brutality in police treatment.

However, Body-Gendrot also takes into account the police viewpoint. On the one hand, she underscores that the police are not a homogeneous unit, there are heterogeneities inside them: different studies clearly find racist elements as well as strong criticism within the institution. There are also relationships of subordination and autonomy inside the police force that imply that agents with less internal power (usually the younger ones) tend to be assigned to “hot zones”. Of course, they know that and feel that they are assigned to do “dirty work”. On the other hand, these young police officers, when confronted to territorialized subcultures of opposition to



the police, accumulate strong resentment against youth and are prone to violence against them in places where they are not exposed to general observation such as detention centers.

### **On police abuse against the youth**

Research about police abuse, considered as an exercise of power that in most cases implies violence analyze from negative and positive perspectives the changes that police and youth have experienced in the years of neoliberal adjustments and cultural post-modernization.<sup>11</sup> The studies that have built the object of this problem in the last twenty years call attention to police reform and the use of increasingly sophisticated strategies for social control (Dammert, 2009; Jobard, 2011), while most of the young people are described preferentially as subjects excluded from consumption, although keen for material culture and not solidary (Lipovetsky, 2007; Munist *et al.*, 2007).

Under these circumstances, “adversarial” encounters between police and youth are the result of distorted representations of the other part in the interaction or of “the degradation of shared understanding” (Gayol and Kessler, 2002). The police tend to represent young people as dangerous, while some young people, particularly those responsible for some crimes, with a weak idea of legality, “defend delinquency as a normal way of life in a universe perceived as a jungle” or represent the police as “an undesirable body” (Lipovetsky, 2007; Wacquant, 2007). This interaction has been analyzed through explanations that occasionally commit the excess of justifying small juvenile delinquency more as “a way of living and having a good time, destined to overcome daily boredom, than entering a criminal career” (Wacquant, 2007) or, as counterpart, defend the neoliberal policies as non-responsible of the unemployment that despairs the youth and leads them to criminal trajectories (Roché, 2001).

### **Criminalization and victimization of the youth by the police**

In the social science studies in Latin America that analyze this topic, the issue of police violence against the youth is understand as a product of ur-

<sup>11</sup> Studies by Lipovetsky are the best records of changes that young people experience in contemporary society (Lipovetsky, 2007).

ban insecurity.<sup>12</sup> These studies have shown that there is a mismatch between the feeling of insecurity and the indexes of crime or the low legitimacy of the police due to arbitrary and violent behavior on their behalf (Pegoraro, 2002; Alvarado and Silva, 2011). Insecurity in urban cities, in their “hyper-degraded” zones, is rather related to delinquency and violence as a pathological consequence of neoliberal policies. These studies about the feeling of insecurity and delinquency include juvenile violence as a segment of urban violence and police violence against youth as a secondary issue (Davis, 2006; Portes, Roberts and Grimson, 2008).

The most relevant studies on the youth issue during the last twenty years in Latin America focus, among other things, on themes of identity and youthful subjectivity, social repression, and actions that the police carry out against excluded youth. They also point out, marginally, that poor young people of the cities are the ones primarily affected by police abuse (Auyero, 1992; Gingold, 1992; Caldeira, 2010).<sup>13</sup> For example, in France, the studies about social repression are focused on the particular use that French police make of the zero-tolerance strategy, which, according to these studies, is the ideology, “this hysterical complaint of youth violence” that in the United States directs policies of prevention and crime control (Wacquant, 2007). In this perspective, there are those who insist in longer prison terms, “racial” imprisonment, and “ethnicization” of social repression exercised by policemen, directed selectively against poor young people in the cities (Wacquant, 2007; Muchielli, 2008).<sup>14</sup>

<sup>12</sup>In general, police violence, lethal or not, has been analyzed from a general perspective that does not consider, in most cases, the specificity of the violence that police exert on youth. The few studies there are about this analyze the youth’s vulnerability, their conflictive relations with the police and even, in some cases, the possibility of deconstructing the representations of repudiation or reciprocal stigmatizing between police and youth for the construction of safe public spaces (Goubaud, 2009; Alvarado and Silva, 2011). In the case of analyses of police violence against the youth, it is common to identify the reduction of observation of repression in public places of student protests and emerging youth cultures. In fact, police violence has been analyzed traditionally from classical perspectives as a modality of power exercised by state institutions that exert the monopoly of legitimate physical violence, or else, as an abuse of state repressive apparatus, together with prisons and justice courts, which would normalize or discipline young people through police control (Foucault, 1992; Muchielli, 2008).

<sup>13</sup>The descriptions of multiple violence exerted on poor young people in the principal Latin American cities problematize how police violence is added to economic and social structural exclusion, according to one author (Caldeira, 2010, p. 56).

<sup>14</sup>Loïc Wacquant speaks about “racial prison time” of the poor (2010, pp. 51-52, 59). Lau-

A variant of these studies presents police violence as a government reaction for young people who are not capable of self-emancipation, due to their social marginalization (Body-Gendrot, 2005; Balibar, 2007).

The extension of this approach to Latin American studies has been quite accepted due to the history of abuse that characterizes Latin American police forces. The old narrative of class repression has been substituted in these studies by approaches that are more focalized on the description of distrust present between police and youth, and how it determines the repression of youthful subcultures, “urban tribes” and student protests (Reguillo, 2010; Valenzuela, 2010). Specifically, in some studies classified as part of the Latin American cultural studies, predominates a macro-social explanation of the structural causes of police criminalization of youth. Alternatively, also relevant is an ethnographical construction of “micro-scenes” through the resource of the police approach and its violence, exerted against youth as a bio-political strategy (Ortiz, Recepter and Rangugni, 2007).<sup>15</sup> For these studies, the relationships between police and youth have been problematic because the police criminalize young people through a process of victimization based on labels that correspond to the youthful representation of an authoritarian institution, based on the abuse of power, violence and state domination. According to authors in this line of research, the nucleus of criminalization is integrated by the ideas of incivility and zero tolerance applied to delinquents and young people. The exercise of police power that implies resistance closes all possibility of dialogue, and is based on principles of distrust and structural exclusion.

Under these circumstances, the field of police and youth relationships has been analyzed predominately from a critical perspective. Young people appear in these narratives as victims of stigmatization, criminalization and

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rence Muchielli (2002) adds a historical element and concentrates on the category of youth, which they also adopt.

<sup>15</sup> Regarding this point, it is interesting that a second generation of French studies, inheritors of the work by Althusser, Bordieu and Foucault, emphasize the crisis of legitimacy of the police, the repressive strategies and the conditions of social exclusion of criminalized youth, as in the general lines these processes were described in the research program mentioned. The relationship between the first and the second generation of works on these topics can be seen in the empirical performance of a set of theoretical elements that were not made operative in the first generation (Wacquant, 2010; Muchielli, 2008; Body-Gendrot, 2005).

police abuse, which deny their civil and social rights. There is a series of studies from different academic cultures that set out the theme of the relationship between youth and police from an angle of asymmetrical police power that violates youth (Wacquant, 2010; Valenzuela, 2010; Makowsky, 2010). For them, young people exert violence and are objects of violence, as it happens with kidnappings and domestic violence (Ramírez, 2010). Once it is assumed that youth is a social construction, the youthful subjectivities in macro-social processes that would explain disenchantment, exclusion, disaffiliation, roaming, with social assistance or without it, can be found (Bonelli, 2008; Avenel, 2007).

The issue of stigmatization and criminalization of youth has been thoroughly explored from the prism of cultural studies, political sociology, and cultural anthropology (Reguillo, 2010; Valenzuela, 2010). These studies emphasize the processes of construction of youth in each country, the new youthful identities, and the interactions based on material and symbolic consumption or sub-consumption as determinants of their representations and various and heterogeneous conflictive interactions with the police (Lipovetsky, 2007). To a lesser degree, they address the strategies that the young people use to negotiate and become allies with police in the management of small delinquent networks, or else the daily contact between these agents (Gayol and Kessler, 2002). This bias is explained by the authoritarian culture of police that, particularly in Latin America, have a legendary history of rights violation. Moreover, in some cases such violations include urban cleansing through imprisonment and by committing murder against children and youth, in which increasingly more young people participate, or else through the use of children and young people in processes of social cleansing (ISDP, 2010).

In this regard, in Latin America the more anthropological studies describe a complex dynamic that involves various emotional repertoires and social rituals for the exercise of civil rights and access to justice (Pita, 2010; Cozzi, Lanziani and Font, 2007). The analysis of representations of death by family members of victims emphasize the difficulties to make visible the injustice of police violence, or else the low detention of policemen denounced for police abuse or lethal violence against young people in poor neighborhoods. These descriptions about the lethal violence of police and the victimization of young people from *favelas* or slums, address the difficulties of the construction of citizenship of those excluded and marginalized in the cities (Mouzo *et al.*, 2007).

## **The anti-authoritarianism of young people, youthful “incivilities” as anti-authoritarian socialization**

On the other hand, from a positive perspective, there is a series of studies that analyze the relationship between police and youth from sociology, from the angle of the risks that juvenile violent behaviors, influenced among other things by drug consumption, represent for social integration. A variation of this perspective is represented by studies that are directed at explaining the “incivilities”, crimes and urban violence within complex contexts characterized by migration and multi-culturalism (Roché, 1998). The merit of these studies is the analytic and systematic analysis of the problem through either longitudinal statistical series or historic-social perspectives that allow understanding the articulation of current manifestation of certain juvenile violent behaviors in face of the dynamics of other fields such as urbanization, schooling and social assistance, health, and the right to the city (Roché, 2001).

Studies from political sociology about insecurity, in opposition in some cases to the sociology of criminalization and imprisonment, analyze the relationship between juvenile delinquents and police as an example of the weakness of the government response to the problems in French society.<sup>16</sup> From this prism, youth delinquency is multifactorial and young people, dominated by hedonistic experimentation, confuse policemen with powerful men like businessmen, even though it is not up to the latter to hire the former. The criminal trajectories of young people and their conflictive relationships with the police depend on the socioeconomic environment, the quality of the relationships between children and parents, school abandonment, unemployment and government policies that must be a combination of prevention, control and health policies (Roché, 2001).


### **Final thoughts**

The representations that youth and police have about each other are determined by the pattern of police behaviors and interactions of cooperation or conflict with youth, regulated by norms (laws or social conventions) and by educational and labor policies (for childhood and adolescence) that formal-

<sup>16</sup> Wacquant does not have the objective of delinquency, although he justifies some of his youthful modalities in exchange for empty solutions in the long term.

ize legally and institutionally their confrontations. These conflictive representations and interactions are more complex in the cases when young people are related to armed forces, and also when they enter into relationships with paramilitary or (illegal) armed groups.

Legality, legitimacy and effectiveness of police in certain neighborhoods of the metropolitan zones are determined by the type of conflictive representations and interactions that they establish with youth in their disputes over control of small-scale drug trafficking and robbery in specific territories. Other variables also intervene, such as links and extension of criminal networks and communication media. Socialization of young people in culture of legality and judicial practices, based on formal contacts with the police (assertive, not only informal) or public encounters, determines trust and cooperation with local police institutions of a political regime.

In turn, police argue that they are limited in their work, due to the special legal treatment to adolescents, prevailing in several countries. For them, young people are the most conflictive people and they are the sector of the population that commits more crimes. Thus, interaction between these two actors is permeated by a climate of reciprocal fear and distrust. In certain cases, the relationship of young people with some policemen is of complicity. In others cases, the youth are more like the clientele of the police. Yet in other cases, their relationship is one of hostility. Although the research reviewed shows coincidences between countries, there are very precise particularities in each country. 

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