The Fourth Circuit was not required to take such steps to reach its result in *Lankford*. But its deliberate mention of the possible value of its injunction in assuring racial peace may presage a significant development in federal equity doctrine.

Admissibility of Confessions Obtained in Violation of the Juvenile Code

State v. Arbeiter, 408 S.W.2d 26 (Mo. 1966)

On December 3, 1963, Joseph Franz Arbeiter, age fifteen, was taken into custody by the St. Louis police. The police suspected that Arbeiter had fatally stabbed Mrs. Nancy Zanone the day before. Following an interrogation, Arbeiter confessed to the stabbing. In the course of the questioning, the police told Arbeiter that a witness placed him near the Zanone residence at the time of the stabbing; in fact, there was no such witness. Further, the police neglected to tell Arbeiter that Mrs. Zanone had died as a result of the stabbing. Approximately four hours after Arbeiter's apprehension he was turned over to the juvenile authorities. Subsequently, Arbeiter was certified by the juvenile court to stand trial as an adult, convicted of first degree murder, and sentenced to life imprisonment.

An appeal taken to the Supreme Court of Missouri resulted in the reversal of the conviction.[1] The court held that the failure of the police to comply with section 211.061 of the Missouri Juvenile Code, requiring an arresting officer to take a juvenile "immediately and directly before the juvenile court," required a finding that Arbeiter's confession was inadmissable.[2]

The proliferation of juvenile courts dating from the beginning of the twentieth century has not been totally successful.[3] Increasingly, the juvenile

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1. State v. Arbeiter, 408 S.W.2d 26 (Mo. 1966).

2. *Id.*

3. Kent v. United States, 383 U.S. 541 (1966); People v. Lewis, 260 N.Y. 171, 179, 183 N.E. 353, 356 (1932) (dissenting opinion); *In re* Holmes, 379 Pa. 599, 610, 109 A.2d 523, 528 (1954), *cert. denied*, 348 U.S. 973 (1955) (dissenting opinion); Antieau, *Constitutional Rights in Juvenile Courts*, 46 Cornell L.Q. 387 (1961); Handler, *The Juvenile Court and the Adversary System: Problems of Function and Form*, 1965 Wis. L. Rev. 7; Ketcham, *The Unfulfilled Promise of the Juvenile Court*, 7 Crime & Delinquency 97 (1961); Paulsen, *Fairness to the Juvenile Offender*, 41 Minn. L. Rev. 547

system has been critized for failure to exercise its *parens patriae* power to insure that the denial of constitutional safeguards does not result in basic unfairness to the juveniles whom the system was established to serve.[4] It is against this background that the *Arbeiter* decision must be analyzed.

The *Arbeiter* decision can initially be examined by analogizing it to the *McNabb-Mallory* doctrine, which is based on Federal Rule of Criminal Procedure 5(a). Both seek to resolve conflicts between police detention and interrogation practices and the dictates of governing rules. The *McNabb-Mallory* rule states that any person placed under arrest by federal authorities must be taken before a magistrate "without unnecessary delay," which means before interrogation.[5] Any confession obtained by federal authorities in violation of this doctrine is inadmissible.[6] The rationale of the rule is that bringing an arrestee before a magistrate prior to interrogation serves the dual function of acquainting the arrestee with his constitutional rights and discouraging over-zealous interrogation by the authorities.[7]

Since the *McNabb-Mallory* rule is not a constitutional requirement, but rather a procedural requirement of the Federal Rules of Criminal Procedure, it is not mandatory on the states.[8] While several states have statutes quite similar to Rule 5(a), the *McNabb-Mallory* rule has been rejected in all states[9] except, perhaps, Michigan.[10] The *Arbeiter* decision and its counterparts in other jurisdictions stand as somewhat of an anomaly.[11] That is, while the states have refused to exclude the confessions of adults when statutory requirements for arraignment are not complied with, some jurisdictions have been willing to apply a rule analogous to *McNabb-Mallory*

(1957); Paulsen, *The Juvenile Court and the Whole of the Law*, 11 WAYNE L. REV. 597 (1965).

4. Kent v. United States, 383 U.S. 541 (1966); *Antieau, supra* note 3. For an analysis of the particular rights that various juvenile courts deny juveniles see cases cited in Pee v. United States, 274 F.2d 556 (D.C. Cir. 1959) (Appendix B).

5. Mallory v. United States, 354 U.S. 449 (1957); McNabb v. United States, 318 U.S. 332 (1943).

6. Mallory v. United States, 354 U.S. 449 (1957); McNabb v. United States, 318 U.S. 332 (1943); 1960 WIS. L. REV. 164.

7. Mallory v. United States, 354 U.S. 449 (1957); McNabb v. United States, 318 U.S. 332 (1943).

8. LaFave, *Detention for Investigation by the Police: An Analysis of Current Practices*, 1962 WASH. U.L.Q. 331, 332.

9. F. INBAU & J. REID, LIE DETECTION AND CRIMINAL INTERROGATION 210 n.157 (3d ed. 1953); LaFave, *supra* note 8, at 332-33; 1960 WIS. L. REV. 164.

10. *Compare* People v. Hamilton, 359 Mich. 410, 102 N.W.2d 738 (1960), *with* People v. Harper, 365 Mich. 494, 113 N.W.2d 808, *cert. denied*, 371 U.S. 930 (1962).

11. Missouri has rejected the *McNabb-Mallory* rule. State v. Ellis, 354 Mo. 998, 193 S.W.2d 31 (1946); *cf.* State v. Lee, 361 Mo. 163, 233 S.W.2d 666 (1950), *overruled on other grounds*, State v. Chaney, 349 S.W.2d 238 (Mo. 1961).

when juveniles have been detained in violation of statutory requirements.[12] While the rationales used to support the two rules may vary, both the *McNabb-Mallory* rule and the *Arbeiter* decision are similar in operation—both require that a suspect be given consultation with a judicial officer before interrogation and, in effect, require the exclusion of confessions obtained in violation of statutes or rules.

It is difficult to compare the *Arbeiter* decision with decisions from other jurisdictions involving similar facts, or to estimate the significance of the *Arbeiter* decision. The issue presented by *Arbeiter* is at least initially one of statutory construction, and statutory language varies from jurisdiction to jurisdiction. Indeed, no jurisdiction has statutory language incorporating the Missouri mandate that an apprehended juvenile be "immediately and directly" taken to the juvenile authorities. However, twenty-two jurisdictions have statutes that are comparable to the Missouri statute.[13] Of the remaining jurisdictions, the majority require notification of a parent, the juvenile court, or a juvenile officer at some time during the arrest process.[14] Given the difficulty involved in generalizing about this problem, three statements can be made: (1) some jurisdictions rule inadmissible any confession obtained in violation of the juvenile code; (2) some jurisdictions require only "substantial compliance" with the juvenile code; and (3) the District of Columbia excludes from use in later criminal proceedings any confession or statement given by a juvenile after the jurisdiction of the juvenile court has attached and prior to his certification to stand trial as an adult.

The sole case cited by the Missouri court for support of the *Arbeiter* rationale was *State v. Shaw*.[15] In *Shaw*, the Arizona court held inadmissible the confession of a juvenile because the police failed to comply with the juvenile code. The Arizona Code provides that upon the arrest of a child

12. Notes 15-21 *infra* and accompanying text.

13. ALASKA STAT. § 47.10.140 (1962); ARIZ. REV. STAT. ANN. § 8-221 (1956); ARK. STAT. ANN. § 45-224 (1964); COLO. REV. STAT. ANN. § 22-8-7 (1963); D.C. CODE ANN. § 11-912 (1961); FLA. STAT. ANN. § 39.03 (1961); HAWAII REV. LAWS § 333-10 (1955); IDAHO CODE ANN. § 16-1811 (Supp. 1965); KAN. GEN. STAT. ANN. § 38-815 (1964); LA. REV. STAT. ANN. § 13:1577 (1951); MASS. ANN. LAWS ch. 119, § 67 (1965); MONT. REV. CODES ANN. § 10-609 (1947); NEB. STAT. § 43-205.02 (Supp. 1965); N.J. STAT. ANN. § 2A:4-32 (1952); N.M. STAT. ANN. § 13-8-43 (Supp. 1965); N.D. CENT. CODE § 27-16-09 (1960); OHIO REV. CODE ANN. § 2151.25 (Page 1954); S.C. CODE ANN. § 15-1187 (1962); S.D. CODE § 43.0318 (1939); TENN. CODE ANN. § 37-252 (Supp. 1966); VT. STAT. ANN. tit. 33, § 610 (Supp. 1965); WASH. REV. CODE ANN. § 13.04.120 (1962).

14. *E.g.*, GA. CODE ANN. § 24-2416 (1959); IND. ANN. STAT. § 9-3222 (1956); MICH. STAT. ANN. § 27.3178 (518.14) (1962); VA. CODE ANN. § 16.1-197 (1960).

15. 93 Ariz. 40, 378 P.2d 487 (1963).

under eighteen, the arresting officer "shall forthwith notify the probation officer. . . ."[16] Shaw was questioned for two and a half to three hours by the police before he confessed. The probation officer was then notified. Reversing the conviction, the Arizona court noted that a juvenile is denied many of the rights essential to due process in criminal proceedings. Therefore, he is compensated in the juvenile code by procedures not found in the criminal code; the requirement that the juvenile officer must be notified is one such compensation. In 1964, the Arizona court in *State v. Lopez,*[17] reaffirmed its holding in *Shaw.*

A 1964 Louisiana case, *In re Garland,*[18] held that the conviction of a juvenile was invalid because the detention and interrogation by the police for nearly six hours violated the juvenile code. The *Garland* court did not hold the confession invalid *solely* on the basis of the unlawful detention and interrogation. It also found that the confession was not freely given and that it was inconsistent with other evidence in the case. Nonetheless, the case is of considerable interest because the language of the Louisiana statute which requires any officer detaining a child to "immediately" notify the court or probation officer is mitigated by the qualifying phrase "and in any event within twenty-four hours. . . ."[19] Apparently, the Louisiana court concluded that the statutory language required an immediate *effort* to notify the proper authorities,[20] a factor notable by its absence in *Garland.*

Cases from several other jurisdictions, though distinguishable, seem to adopt the *Arbeiter* rationale.[21] However, one cannot be certain that these

16. ARIZ. REV. STAT. ANN. § 8-221 (1956).

17. 96 Ariz. 169, 393 P.2d 263 (1964).

18. 160 So. 2d 340, (La. Ct. App. 1964).

19. LA. REV. STAT. ANN. § 13:1577 (1951).

20. If the confession had been voluntary, and if the other evidence had been consistent with the confession, the *Garland* court could have upheld the conviction because twenty-four hours had not elapsed when the two juveniles were brought to the attention of the juvenile authorities. However, the court implied that a twenty-four hour delay required a showing of special circumstances. *See In re* Garland, 160 So. 2d 340 (La. Ct. App. 1964).

21. Several Florida cases hold that any conviction of an unmarried minor is void if the parents of the minor were not given notice of his hearing or trial. Collins v. Wainwright, 146 So. 2d 97 (Fla. 1962); Keene v. Cochran, 146 So. 2d 364 (Fla. 1962); Milligan v. State, 177 So. 2d 75 (Fla. Dist. Ct. App. 1965).

Hawaii has held that, upon arrest, all juveniles "are to be brought to the attention of the juvenile court as soon as reasonably practicable." However, the court has not indicated what "reasonably practicable" means and what the effect of a violation of that requirement would be. *In re* Castro, 44 Hawaii 455, 355 P.2d 46 (1960).

The Kentucky Supreme Court invalidated the conviction of a juvenile when the statutory provisions governing the certification of a juvenile to stand trial as an adult were not strictly complied with, finding that the language of the code is mandatory. Benge v.

jurisdictions, if faced with the facts in *Arbeiter,* would apply the *Arbeiter* rule.

The doctrine of "substantial compliance" with a juvenile code has been adopted in Massachusetts,[22] New Jersey,[23] Ohio,[24] and possibly Virginia[25]

Commonwealth, 346 S.W.2d 311 (Ky. 1961).

In United States v. Morales, 223 F. Supp. 160 (D. Mont. 1964), the judge stated:

> It is unnecessary to consider whether there was compliance with the Montana Juvenile Delinquency Act, and particularly with section 10-609, R.C.M. 1947, providing that "when a delinquent child is taken into custody, 'the officer taking the child into custody shall *immediately* report the fact to the court and the case shall then be proceeded with as provided in this act.' " *Id.* at 163 n.10.

If one places much weight on the emphasis given "immediately," this case may be read as supporting *Arbeiter.* The Federal Juvenile Act was controlling in *Morales,* making consideration of the Montana Code unnecessary. The Federal Juvenile Act has an interesting provision on arrest and detention, requiring an arresting officer to "immediately notify the Attorney General." 18 U.S.C. § 5035 (1964). The impracticality of strict compliance with this provision seems obvious.

22. Commonwealth v. Wallace, 346 Mass. 9, 190 N.E.2d 224 (1963). The Massachusetts court held failure to immediately notify the juvenile court and the parents of a detained child, as required by statute, MASS. ANN. LAWS ch. 119, § 67 (1965), did not necessarily render statements of the detained child inadmissible. The court stated: "We hold only that a violation of the statute in and of itself does not render a statement inadmissible, if otherwise competent." *Id.* at 17, 190 N.E.2d at 229. The court ultimately decided that the statement was not "otherwise competent" and held the confession inadmissible. It had been suggested earlier that § 67 might be "relevant" in "future litigation." Gordon & Harris, *An Investigation and Critique of the Defective Delinquent Statute in Massachusetts,* 30 B.U.L. REV. 459, 469 (1950).

23. State v. Smith, 32 N.J. 501, 161 A.2d 520 (1960), *cert. denied,* 364 U.S. 936 (1961). New Jersey was perhaps less candid than the Massachusetts court when it allowed in evidence confessions obtained from juveniles during nine and a half hours of questioning at the police station. The court said:

> We conclude there were no *per se* violations of our juvenile rules and practices in the apprehension without process and their interrogation in police headquarters before confinement in the detention center. *Id.* at 535, 161 A.2d at 538.

The New Jersey statute requires "immediate" notification of the juvenile court when a child is not released to his parents after arrest and detention. N.J. STAT. ANN. § 2A:4-32 (1952). Apparently, the form that a *per se* violation might take is left to our imagination.

24. State v. Stewart, 120 Ohio App. 199, 201 N.E.2d 793 (1963), *aff'd,* 176 Ohio St. 156, 198 N.E.2d 439, *cert. denied,* 379 U.S. 947 (1964). A juvenile murdered a college girl in Ohio but was not apprehended until one month later in California. An assistant prosecuting attorney and two policemen were sent to bring the boy back. The assistant prosecuting attorney acquainted the juvenile with his constitutional rights and obtained a full confession. Upon his return to Ohio, the juvenile was booked at a police station and then taken to the juvenile court, rather than first being taken to the juvenile court as required by OHIO REV. CODE ANN. § 2151.25 (Page 1954). Following certification for trial as an adult, Stewart was convicted of first degree murder and the death penalty was imposed. The Ohio Supreme Court affirmed, holding that the confession was admissible in evidence because the technical violation of the code resulted in no prejudice to the boy.

and Arkansas.[26] The theory of "substantial compliance" is that a violation of the juvenile code by the police in arresting and detaining a youth will not result in the exclusion of a confession, unless the juvenile can show that the statutory violation, or violations, have been prejudicial—that is, by proving that the confession was not freely given.[27]

The District of Columbia has devised a different solution to the problem of using the confession of juveniles. While the *McNabb-Mallory* rule cannot apply to juveniles because a juvenile must be taken before the juvenile court rather than a magistrate,[28] the D.C. court has held that any statement or confession obtained from a juvenile at any time during his detention by the juvenile authorities cannot be used in criminal proceedings following the juvenile's certification to stand trial as an adult.[29] Moreover, any con-

A year later, the *Stewart* case was held controlling in State v. Carder, 3 Ohio App. 2d. 381, 210 N.E.2d 714 (1965). The court conceded that there was, perhaps, a statutory violation of 2151.25, but held that "substantial compliance" with the juvenile code was sufficient. *Id.* at 387, 210 N.E.2d at 718.

25. In Durrette v. Commonwealth, 201 Va. 735, 113 S.E.2d 842 (1960), a confession was held admissible though the arrest and detention of the juvenile were not in "strict conformity" with the Virginia code. VA. CODE ANN. § 16.1-197 (1960). The vitality of this case may be questionable because of a recent Virginia case requiring strict compliance with other sections of the juvenile code. Peyton v. French, 147 S.E.2d 739 (Va. 1966). The Court distinguished *Durrette*: "That case is readily distinguishable on the facts and the statutes involved from the present case." *Id.* at 743. Serious doubts may be entertained as to how "readily distinguishable" the *Durrette* case actually is.

26. Monts v. State, 233 Ark. 816, 349 S.W.2d 350 (1961). The confession of a juvenile was held admissible in a trial resulting in his conviction for bombing a residence. The confession followed a twenty-four hour interrogation. The difficulty with the case is that the juvenile was not represented by counsel on appeal to the Arkansas Supreme Court and no challenge to the conviction based on § 45-224 of the juvenile code, requiring an arresting officer "to take said child directly before the juvenile court," was made. ARK. STAT. ANN. § 45-224 (1947).

27. State v. Stewart, 120 Ohio App. 199, 201 N.E.2d 793 (1963), *aff'd*, 176 Ohio St. 156, 198 N.E.2d 439, *cert. denied*, 379 U.S. 947 (1964).

28. Pee v. United States, 274 F.2d 556 (D.C. Cir. 1959).

29. Harrison v. United States, 359 F.2d 214 (D.C. Cir. 1965); Edwards v. United States, 330 F.2d 849 (D.C. Cir. 1964); Harling v. United States, 295 F.2d 161 (D.C. Cir. 1961); Pee v. United States, 274 F.2d 556 (D.C. Cir. 1959). The court refuses to allow statements made in the informal atmosphere of juvenile proceedings to be used as evidence in subsequent criminal proceedings. STANDARD JUVENILE COURT ACT § 13 (6th ed. 1959). Statutes prohibiting the use of evidence obtained in juvenile cases in subsequent civil or criminal actions are common. F. SUSSMAN, JUVENILE DELINQUENCY 32-33 (1950).

The states, unlike the District of Columbia, have refused to apply their statutory provisions strictly against the subsequent use of a juvenile's testimony. *See* Paulsen, *Fairness to the Juvenile Offender*, 41 MINN. L. REV. 547 (1957). For an interesting example of this problem see Dearing v. State, 151 Tex. Crim. 6, 204 S.W.2d 983 (1947). In addition, most states hold that a state constitutional guarantee against double jeopardy is not applicable to juvenile proceedings. People v. Silverstein, 121

fession or other evidence presented at the certification hearing cannot be used in a subsequent criminal proceeding.[30] This solution was suggested in the *Arbeiter* case[31] but was rejected by the Missouri court.[32] The court held that section 211.271(3), which prevents evidence used in "cases" before the juvenile courts from being used in subsequent proceedings, refers only to delinquency adjudications as distinguished from police interrogations and certification hearings.[33]

As observed above, the *Arbeiter* decision comes at a time when the juvenile court system is under serious criticism for its failure to afford juveniles some or all of the constitutional safeguards applicable in adult criminal proceedings.[34] *Arbeiter* seems to provide the juvenile system a means of demonstrating that a juvenile need not be afforded the usual constitutional safeguards in order to assure that his rights are protected at the interrogation stage of the proceedings.[35] The decision makes clear that in cases in which a juvenile may be certified to stand trial as an adult, he must be taken to the juvenile court before interrogation. The juvenile officer is thus vested with wide discretion to regulate interrogation so that the juvenile receives "fair treatment."[36]

There can be no doubt that the *Arbeiter* requirements apply to cases in which the juvenile is ultimately certified to stand trial as an adult.[37] However, because the decision to certify a juvenile is a matter of discretion with the juvenile court judge in most jurisdictions,[38] (though in some,

Cal. App. 2d 140, 262 P.2d 656 (1953); Moquin v. State, 216 Md. 524, 140 A.2d 914 (1958); *In re* Santillanes, 47 N.M. 140, 138 P.2d 503 (1943); *In re* Smith, 114 N.Y.S.2d 673 (Dom. Rel. Ct. 1952); State v. Smith, 75 N.D. 29, 25 N.W.2d 270 (1946); Antieau, *supra* note 3; Sheridan, *Double Jeopardy and Waiver in Juvenile Delinquency Proceedings*, 23 FED. PROB. 43 (Dec. 1959).

30. Harling v. United States, 295 F.2d 161 (D.C. Cir. 1961). *But see* United States v. Stevenson, 170 F. Supp. 315 (D.D.C. 1959).

31. Appellant's Reply Brief at 3-6, State v. Arbeiter, 408 S.W.2d 26 (Mo. 1966).

32. State v. Arbeiter, 408 S.W.2d 26, 29 (Mo. 1966).

33. *Id.*

34. Notes 3-4 *supra.*

35. *See* State v. Arbeiter, 408 S.W.2d 26 (Mo. 1966).

36. Mr. Justice Fortas, in the *Kent* case, reluctantly held that a juvenile is not entitled to the full range of criminal safeguards essential in criminal proceedings, but rather to "fair treatment." Kent v. United States, 383 U.S. 541, 555-556 (1966). As the term is used in this paper it does not necessarily carry with it the constitutional connotation Justice Fortas may have had in mind.

37. State v. Arbeiter, 408 S.W.2d 26 (Mo. 1966).

38. *E.g.*, D.C. CODE ANN. § 11-914 (1961); MO. REV. STAT. § 211.071 (1959); N.J. STAT. ANN. § 2A:4-15 (1952); N.M. STAT. ANN. § 13-8-27 (Supp. 1965); OHIO REV. CODE ANN. § 2151.26 (Page 1953). Of course, all jurisdictions have some certification procedure. *E.g.*, GA. CODE ANN. § 24-2410 (1959); IND. ANN. STAT. § 9-3214 (Supp. 1966); MD. ANN. CODE art. 26, § 54 (1957).

certification is mandatory if the offense is serious)[39] the arresting officer cannot be certain whether a juvenile will ultimately be certified. Therefore, at the minimum, the *Arbeiter* requirements should be followed in any offense serious enough that certification is possible, despite the fact that certification rarely occurs.[40]

Whatever merit there may be in the District of Columbia approach to the problem of police detention and interrogation of juveniles, it has not been adopted elsewhere, and it seems unlikely that it will be so adopted.[41] Thus, one is left with a choice between the *Arbeiter* rule and the doctrine of "substantial compliance." While the "substantial compliance" doctrine has the advantage of allowing the use of unquestionably truthful confessions —though obtained through police practices that are violative of statutory requirements—this advantage is more than offset by the disadvantages inherent in the doctrine. Unless a confession obtained in "substantial compliance" with the juvenile code is held inadmissible, neither the juvenile nor society has any assurance that the requirements of the juvenile code will in fact be complied with. The theory of the juvenile system, that juvenile offenders must be treated differently than adults, is given little chance to operate if a juvenile is brought before the juvenile court only after detention and interrogation resulting in a confession.

The unresolved question is whether the *Arbeiter* requirements are applicable in non-certification cases. For a number of reasons, it is suggested that they should be. First, the Missouri statute applies to the arrest of any child for "an offense."[42] Second, nothing in *Arbeiter* indicates any intent to limit its application to certification cases. Finally, the *Arbeiter* decision can be a means of providing adequate protection of juveniles' rights without applying the usual constitutional safeguards to juvenile proceedings. If this is a relevant factor, and apparently it is,[43] the *Arbeiter* requirements should be applicable in non-certification cases.

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39. DEL. CODE ANN. tit. 10, § 1159 (1953) (capital felony); FLA. STAT. ANN. § 39.02 (1961) (capital offense or life imprisonment); LA. REV. STAT. ANN. § 13:1570 (1951) (capital offense or attempt to commit a capital offense); TENN. CODE ANN. § 37-265 (Supp. 1966) (rape, armed robbery or murder).

40. Note, *Informal Disposition of Delinquency Cases: Survey and Comparison of Court Delegation of Decision-Making*, 1965 WASH. U.L.Q. 258.

41. *See* Paulsen, *supra* note 29. The Missouri court rejected the District of Columbia solution in *Arbeiter*. Note 31 *supra*.

42. MO. REV. STAT. § 211.061 (1959).

43. *See* Kent v. United States, 383 U.S. 541 (1966); Altman, *The Effect of the Miranda Case on Confessions in the Juvenile Court*, 5 AM. CRIM. L.Q. 79 (1967); Antieau, *supra* note 3; Paulsen, *The Juvenile Court and the Whole of the Law*, 11 WAYNE L. REV. 597 (1965); Comment, 7 SANTA CLARA LAW. 114 (1966). *See also*

The *Arbeiter* decision affects directly only the detention and interrogation of a juvenile. It would be a mistake to overestimate the effect the decision may have on the entire field of juvenile jurisdiction.[44] However, while these limitations on the impact of the decision must be recognized, the *Arbeiter* approach, by insisting that the juvenile courts have wide discretion in controlling the questioning of juveniles, is a proper response to the problem of detention and interrogation of juveniles.

Ketcham, *supra* note 3; Knowles, *Crime Investigation in the School: Its Constitutional Dimensions,* J. FAMILY L. 151 (1964); U.S. DEP'T OF HEALTH, EDUCATION, AND WELFARE, STANDARDS FOR JUVENILE AND FAMILY COURTS 74-75 (1966); U.S. DEP'T OF HEALTH, EDUCATION AND WELFARE, STANDARDS FOR SPECIALIZED COURTS DEALING WITH CHILDREN 38-39 (1954).

44. That the adoption of an *Arbeiter* type rule does not resolve all the problems facing the juvenile court system is graphically demonstrated by a recent Arizona case. Application of Gault, 99 Ariz. 181, 407 P.2d 760 (1965), *prob. juris. noted,* 384 U.S. 997 (1966). Arizona has a rule similar to the *Arbeiter* rule, State v. Shaw, 93 Ariz. 40, 378 P.2d 487 (1963), and Gault was taken immediately to the juvenile court. However, the Arizona court held that there is no right of appeal from a juvenile court order; that the right to counsel before a juvenile court is discretionary with the juvenile judge; that the juvenile judge need not advise a juvenile of his right against self-incrimination, though a juvenile aware of this right may exercise it; and that hearsay evidence that "reasonable men" would rely upon "in serious affairs" is admissible in juvenile delinquency hearings. The case is now before the Supreme Court. Application of Gault, 99 Ariz. 181, 407 P. 2d 760 (1965), *prob. juris. noted,* 384 U.S. 997 (1966).