LITTLE HOOVER COMMISSION

THE JUVENILE CRIME CHALLENGE: MAKING PREVENTION A PRIORITY

September 1994

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October 4, 1994

The Honorable Pete Wilson
Governor of California

The Honorable Bill Lockyer
President Pro Tempore of the Senate
and Members of the Senate

The Honorable Kenneth L. Maddy
Senate Minority Floor Leader

The Honorable Willie L. Brown Jr.
Speaker of the Assembly
and Members of the Assembly

The Honorable James Brulte
Assembly Minority Floor Leader

Dear Governor and Members of the Legislature:

When police arrest 14- and 15-year-olds who shrug off cold-blooded, unprovoked murder as a rite of passage, the rational public response is fear and anger: How can we protect ourselves? How can we make them pay for what they have done? And then at the policy-making level, the secondary but more productive response of perplexity sets in: How did these children become settled in lives of unthinkingly vicious, violent crime? What can we do to prevent coming generations from repeating the pattern?

The Little Hoover Commission has examined juvenile crime, its roots and its regulation in a seven-month study and has come to several key conclusions:

- The critical element for combatting juvenile crime in the long run is leadership. The State must establish a high-profile, powerful organization that can provide the leadership needed to put prevention at the top of the list of crime-fighting strategies.

- Because of the many roots of crime, no single preventive program is the "silver bullet" that will halt juvenile crime. When the lives of troubled youths are examined the triggers for their actions are multiple: Parents have failed, schools have failed, public organizations have failed and communities have failed. The concept that there are consequences linked to decisions and actions is not passed down to children. Reinvigorating these elements of society so that they may provide children with solid values and good decision-making skills requires multiple strategies that can be put into place according to specific needs of families, neighborhoods and communities.

Milton Marks Commission on California State Government Organization and Economy

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- Unfortunately, the universal agreement that prevention is vital has been systematically undercut by a gradual but accelerating shift in spending patterns over the last two decades. That shift has seen the near elimination of early intervention and prevention programs and the mushrooming of "back-end" incarceration expenses. The pivotal player that is well positioned to make a difference in the life of juvenile delinquents is the probation officer -- but probation budgets have been compressed and outreach efforts stripped to the point where many probation officers can do little more than keep track of overwhelming caseloads on paper. While tight fiscal constraints make it difficult to put prevention first, such a shift in priorities is crucial to halting the increasing amounts of violent juvenile crime.

The Commission has explored the basis for and ramifications of these conclusions in depth in a report that is rooted in academic studies, real-world experiences and pragmatic solutions. The report, which is being transmitted to the State's top policy-makers with this letter, covers six issues and offers 18 recommendations. Chief among the recommendations are:

1. Consolidating all juvenile anti-crime efforts in a single, high-level state agency to provide strong leadership and accountability for results.

2. Directing all government agencies to make early intervention and prevention programs a top priority.

3. Providing a continuum of options so that a range of consequences addresses misconduct by juveniles at all levels of severity.

4. Revising age, confidentiality and record-sealing laws to increase flexibility in the juvenile justice system so that appropriate decisions can be made and to acknowledge the public's right to information.

5. Increasing the ability of the California Youth Authority to provide needed treatment, training and education for juveniles appropriately committed to state facilities.

The Commission believes it is urgent that the State begin to make the long term changes that are needed to solve the crime problem rather than merely reacting to or containing it. The Commission looks forward to providing policy makers with active assistance in accomplishing the necessary reforms outlined in this report.

Sincerely,

Richard R. Terzian
Chairman

The Juvenile Crime Challenge:

Making Prevention a Priority

September 1994

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Executive Summary

Executive Summary

The State's Role

Issue 1: While crime is local in nature and impact, the State must provide meaningful leadership in shaping juvenile anti-violence and crime prevention efforts.

While the many components that feed a rising violent juvenile crime rate are beyond the control of state government, there are functions the State can perform to empower local communities and governments to mount aggressive anti-crime campaigns. In addition, there are steps the State can take to encourage a societal shift in attitudes about violence and its pervasive use to settle conflicts. While in the past some state programs focused on prevention activities, today there is no effective centralized point of authority and accountability for anti-crime efforts -- despite the existence of several bodies purportedly dedicated to that purpose.

Recommendation 1: **The Governor and the Legislature should consolidate juvenile anti-crime efforts in a single agency to provide strong leadership and accountability for results.**

The specific mandated duties should include:

- Leadership to highlight issues and concerns for the public, to set standards for local anti-crime activities, and to propose and promote legislation to further delinquency prevention.

- A clearinghouse function that would provide centralized assessment and evaluation of programs, promotion of models that work, and technical assistance for local governments and communities.

- A data gathering and assessment function that would provide reliable statistics on a statewide basis about trends in crime, results of programs and funds expended. The current lack of data on costs across jurisdictional levels, case outcomes and comprehensive recidivism tracking makes it difficult to make informed and rational policy decisions.

- Standardization of training for those connected with juvenile justice, including judges, district attorneys, probation officers, parole officials and public defenders.

- The identification of and dissemination of information about available sources of federal, state and private funding. When appropriate, the point of control for funding flow to local agencies and communities and the central point for accountability for the successful use of funding.

- Targeted information campaigns to bring about behavioral changes, on the part of both individuals at risk and businesses that unwittingly glorify violence and crime.

Recommendation 2: **The Governor and the Legislature should adopt legislation directing the Board of**

Education in conjunction with the Department of Education to evaluate and promote the use of effective conflict resolution curricula in public schools.

Providing an outcome-based assessment of various programs would give schools the option of including conflict resolution materials in their curricula that would be suited to their specific needs.

Recommendation 3: **Law enforcement officials at all levels of government should increase their emphasis on enforcing existing laws regarding firearms and alcohol.**

Continuing fiscal crises at all levels of government make it impossible to fully fund all programs at desirable levels. But because of the huge long-range cost of juvenile crime and the clear links between guns, alcohol and juvenile violence, policy makers should place a priority on enforcing existing laws that keep guns out of the hands of juveniles and existing laws that prohibit alcoholic consumption by juveniles.

Issue 2: As the nature of juvenile crime has changed, public support for a separate juvenile justice system has eroded and goals for the system have become unclear.

While the juvenile justice system was established with the underlying concept that most children can be salvaged and turned from a life of crime and thus should be handled differently than adult criminals, there is steady pressure to blur the distinction between juvenile and adult court. Some of the pressure has come from court decisions that have brought increasing due-process protection to juveniles. Other pressure comes from the public, where the reality of increasingly violent crime perpetrated by juveniles has created a groundswell for treating children as adults. Still other pressure comes from those who work within the juvenile justice system and see that it has lost its ability to clearly link consequences to actions. Since the system involves the discretionary action of many of the parties involved (police officers, probation officers, judges and district attorneys), an overarching policy statement that resolves

conflicting pressures and philosophies is critical to achieving consistency and equity.

Recommendation 4: **The Governor and the Legislature should direct the new juvenile crime prevention agency to draft a clear statement of philosophy, purpose and function that focuses on deterrence as the cornerstone for the juvenile criminal justice system.**

Setting aside the polarizing debate over whether rehabilitation or retribution should have the premier role in the juvenile justice system, the State's policy should be outcome-based. Society's primary goal in dealing with troubled juveniles is to deter repeat offenders and act to deter non-offenders from entering the system as first-time offenders. The State's policy, therefore, should focus on the most effective way to achieve deterrence and recognize that, in each case, a sophisticated analysis is required to determine the appropriate balance of treatment and punishment. The concepts that should be stated in the policy include:

- The reiteration that the basic premise of the present separate system still holds true, especially for status offenders and minor criminals: that generally children are salvageable and extra efforts should be made, by the State in place of their families when necessary, to influence their lives in positive, non-crime directions.

- The overriding need to ensure public safety and the right of the public to an open accountable system.

- A system that reinforces accountability for actions, personal responsibility for decisions made and consequences linked to deeds.

- The importance of individual assessment upon which to base appropriate treatment and/or punishment.

- In pursuit of deterrence, an appropriate balance between rehabilitation (treatment, training and education) and punishment, with competency development that can

reasonably be expected to lead to productive citizenship as a key goal.

- Sensitivity to the needs, concerns and perspectives of victims.

- Family preservation when possible or beneficial.

Issue 3: Funding cutbacks have disproportionately impacted the programs with the highest potential for success in diverting juveniles from crime.

Despite the universal belief among experts that the only hope of halting or diminishing juvenile crime is in taking appropriate steps before a youth is entrenched in a delinquency pattern, early-intervention programs have all but disappeared as fiscally strapped county and state departments have made selective budget cuts in the past decade. Front-line workers decry their inability to cope with the minor juvenile delinquent because of the pressing demands on their time and resources by chronic, violent offenders. This situation is especially distressing since these worst-case juveniles not only soak up resources because of the high cost of their treatment but also are the least likely to be deterred from a life of crime regardless of the treatment options undertaken. Placing a high priority on "front-end" programs is difficult without new funding but is critical to any successful crime prevention effort.

Recommendation 5: **The Governor and the Legislature should direct all state agencies involved in anti-crime efforts to make early intervention and prevention programs a top priority.**

Early identification, assessment and intervention is essential if at-risk children are going to be helped and diverted from criminal activity. Funding constraints and traditional divisions of turf should not be allowed to preclude local intra-agency, multi-disciplinary efforts among the key juvenile justice system players: law enforcement, probation, social services, schools, juvenile courts, public defenders, district attorneys and community leaders. Key elements of any model can be expected to include:

- A structure that is multi-disciplinary and intra-agency.
- A focus that is neighborhood or community-based.
- Multiple points of entry (i.e., children can be referred by schools, parents, organizations, social services, etc.)
- An emphasis on attacking truancy, often a first sign of movement toward delinquency.
- A mechanism for providing access to parenting skills resources since delinquency often arises in homes with poor parenting practices.
- A system that is sensitive to cultural diversity without altering the expectations of society about the standard of required behavior. This includes the availability of appropriate services with culturally targeted accessibility.

Recommendation 6: **The Governor and the Legislature should adopt legislation that eliminates barriers to inter- and intra-agency sharing of information that is necessary for early identification of and intervention with at-risk children.**

Current state statutes that are designed to protect the privacy of families and children are too restrictive to allow early identification and assessment of people in need of services.

System Reforms

Issue 4: Personal accountability and timely, appropriate consequences for actions are elements that should be reinforced by the juvenile justice system.

The message that individuals are responsible for the decisions they make and that illegal actions are accompanied

by consequences is often lost in today's juvenile justice system. A child may face little more than a lecture for the first half-dozen offenses, tactics that are the hallmark of the adult system are employed to get the youth "off the hook," and long delays separate deed from outcome. The stark reality of the impact of the juveniles' actions on their victims and other members of society is also lost in a system that has little room for victim input.

In addition, appropriate consequences are not always achieved because of the way the juvenile justice system approaches chronological age. The disturbing trend for younger and younger juveniles to commit violent and heinous crimes without receiving the perceived harsher treatment accorded adults with similar records has brought the juvenile system's age specifications under scrutiny by policy makers. At the same time, age restrictions on juvenile jurisdiction force the release of wards from state facilities even when they are evaluated as still being a threat to society -- with no parole oversight and no ability of a court to order further treatment or confinement. In both cases, simple solutions that merely address changing age limits will not necessarily ensure the results that juvenile justice experts believe are warranted and that the public wants.

Recommendation 7: **Working together, the State and the counties should ensure that a continuum of options exist so that a range of consequences addresses misconduct by juveniles at all levels of severity.**

From the point of first contact with the juvenile justice system, a youth should be made aware that he is accountable for his actions and that illegal activity brings consequences. For each juvenile who comes in contact with the juvenile justice system, the first step should be a thorough assessment of his needs for treatment and services. Options after the assessment will fall into one of three categories: 1) diversion; 2) local treatment; and 3) state incarceration. Diversion out of the system for youths with low-level needs and non-serious crimes can provide consequences through enforced participation in community or teen court programs. At the other end of the spectrum, juveniles who have committed multiple and serious

crimes and who have intensive-treatment needs should be sent to the California Youth Authority. Community-based treatment programs, including day treatment, intensive supervision and residential care when needed, should provide appropriate consequences for the mid-range of offenders.

Recommendation 8: **The Governor and the Legislature should adopt legislation that allows victims or affected family members to present testimony during the juvenile adjudication process.**

In criminal court, victims or their relatives may offer testimony about the impact of the crime on their lives during penalty phases of trials. No such input is provided for in the juvenile system. In addition to acknowledging the needs of victims for a voice in the system, providing a role for victims in the juvenile court process would confront juveniles with the reality of their actions and the consequences to others.

Recommendation 9: **The Governor and the Legislature should adopt legislation that restructures the remand process to maximize judicial flexibility to make appropriate dispositions of juvenile cases.**

The current remand process should be restructured in two ways: 1) The criteria on which judges base their decision to send juveniles to adult court should be revised and better defined; and 2) a narrow and procedurally difficult process should be established for addressing the rare, very young offender who is beyond hope of rehabilitation or whose crime is so severe that the balance of consequences, even while focused on deterrence, favors a severe penalty.

Recommendation 10: **The Governor and the Legislature should adopt legislation that returns a juvenile to juvenile court jurisdiction if an adult criminal court trial results in a conviction of a crime that is not listed in Welfare and Institutions Code Section 707b.**

Under existing law, a juvenile may be remanded to adult court for any of the many serious and violent crimes listed in Section 707b. Once in adult court, however, his case may be plea-bargained down to a lesser offense or he may be found guilty by a jury of a lesser offense. Although the outcome in these cases indicates he should not be handled as an adult, there is no mechanism currently for returning him to the jurisdiction of the juvenile court for sentencing or disposition. Creating such a mechanism would provide for more appropriate treatment and/or incarceration.

Recommendation 11: The Governor and the Legislature should adopt legislation that creates a system that allows judicial scrutiny and new disposition of cases where juveniles reach the maximum age in state custody and are still considered to be a threat to society based on their commitment offense, their conduct while incarcerated and the nature and circumstances of their crime.

Under existing law, a juvenile who "maxes out" in a CYA facility at age 21 or 25 (depending on the crime and situation under which the juvenile was sent to CYA) may not be retained or placed on probation but must simply be released. The sole, narrow exception allows the State to seek further confinement based on the argument that treatable physical or mental damage exists. A trial can then be held if the juvenile does not voluntarily agree to the extension of incarceration and treatment.

A similar mechanism should be created for those wards who are sentenced to CYA but refuse to take advantage of the opportunity for reform and rehabilitation because they know they will be set free at a certain age regardless of their actions. While the Commission is concerned about constitutional issues, including double jeopardy, the need to protect the public from dangerous criminals is strong; therefore, the creation of a system to address these small numbers of offenders should be considered.

Issue 5: The desire to shield juveniles from publicity to enhance the chances of rehabilitation in many cases should not outweigh the public's right to know about juvenile crime.

Specific policies that were adopted to shield juveniles from public exposure for youthful mistakes and to enhance prospects for rehabilitation have weakened the credibility of the entire system in the eyes of the public and ignore the need of the public to be aware of community occurrences. In addition, the normal checks and balances provided by having openness in a judicial system are non-existent in the juvenile system.

Recommendation 12: The Governor and the Legislature should adopt legislation to eliminate confidentiality for all juvenile adjudication and disposition processes involving serious crimes for those 14 and older.

The desire to shield youths from the public spotlight when they have committed petty crimes or are extremely young can be met by continuing to hold arrest, adjudication and disposition records confidential for those under 14 whose offenses are minor. But both the adjudication and disposition processes for serious crimes -- which represents stages that are reached only after the evidence has been weighed and formal charges have been filed -- would benefit from public scrutiny and the sunshine of openness.

Recommendation 13: The Governor and the Legislature should adopt legislation to reform and restrict the present sealed record laws when those who are 14 and older have committed serious crimes.

While there may be a compelling public interest in allowing a productive young adult to put his juvenile record behind him, the present laws are too broad and allow protective cover for too many youths who later continue a life of crime. In particular, laws should be modified to make the record sealing a justifiable decision rather than the default mode and to forbid sealing in cases where death was the result of the crime, predatory sexual

abuse is involved and when an insufficient amount of time has passed to establish a crime-free pattern of life.

Youth Authority

Issue 6: The California Youth Authority can be most effective and productive as the last-resort, intensive treatment option for serious and chronic juvenile criminals.

While the structure of the California Youth Authority -- both in physical dimension and in internal workings -- is criticized by juvenile advocates, the CYA system has many of the attributes that have been recommended by the Little Hoover Commission as important reforms for the state prison system, including rehabilitative programs and case-by-case scrutiny before release. Problems do plague the CYA, however, and almost all of them are related to budgetary issues. Among the areas of concern are:

- The CYA has long waiting lists for programs that wards must complete before the Youthful Offender Parole Board will consider them for parole. When wards cannot enter and complete a required program within their original commitment time frame, their sentence is increased. As a result, some juveniles serve -- at a high state cost -- time that is non-productive (while waiting for a program) or unnecessarily long.

- The CYA accepts youths from counties that have few treatment resources even though the juveniles may not be in need of the costly and intensive treatment option provided by CYA. The result is a higher-than-necessary cost to the State and the undesirable exposure of unsophisticated youths to more criminally mature individuals.

- The physical design of and overcrowding at CYA institutions contribute to violence and threaten ward and

staff safety. In addition to hampering the State's ability to meet its obligation to provide a violence-free environment, the costly result is longer periods of incarceration due to penalties for incidents and non-productive lockdown periods when rehabilitation efforts are minimal.

Recommendation 14: The Governor and the Legislature should resist efforts to create a determinate sentencing structure for juveniles or to remove ward assessment and release authorization from an independent body.

Were it not for the particular policies of recent Youthful Offender Parole Boards that have lengthened commitment times, it is difficult to believe that juvenile advocates -- who push individualized assessment and understand the need to deal with juvenile rehabilitation on a case-by-case basis -- would prefer a system that simply sets a date and releases a ward regardless of his progress. While the Little Hoover Commission rarely takes a stance against specific proposals, its perspective of determinate sentencing structures and their negative affect as seen in the adult criminal sentencing system is one of firm disapproval. While specific policies may come and go as the membership of the Youthful Offender Parole Board changes, the structure that it represents is a rational one in light of the rehabilitative goals of the juvenile justice system.

Recommendation 15: The Governor and the Legislature should link increased funding for CYA juvenile treatment programs to the adoption of legislation precluding the Youthful Offender Parole Board from adding time to a ward's commitment stay solely because programming has been unavailable.

If a ward's misbehavior or refusal to cooperate keeps him from completing Board-ordered programming, then it is a rational consequence to extend the time the ward must stay in CYA facilities. The present system is not only irrational but also inherently unfair when a ward, through no fault of his own, is required to remain in state custody simply because he has not

been able to move to the head of the long waiting lists for some required programs. Clearly the programs should be expanded, or alternative treatment that satisfies Board requirements should be developed and offered to the ward. After these steps are taken, if the problem of wards not being able to get into required programs persists, then the State should simply concede it must release the ward unrehabilitated because it does not have the resources to meet the needs rather than continuing the expensive and inequitable practice of retaining the wards in CYA facilities.

Recommendation 16: The Governor and the Legislature should adopt legislation that provides the California Youth Authority with mechanisms for more aggressively screening -- and rejecting when appropriate -- admissions to state facilities.

When the sole reason a ward ends up in the California Youth Authority is that he lives in a county with few treatment options, no one benefits. State law should be modified so that CYA examines and assesses a youth not only to determine if the youth can benefit from the placement but also to determine if other options available in more juvenile-service-oriented counties might be more appropriate. Funds saved by diverting commitments should be used in two ways: to increase services to existing wards and to stimulate the development of local options, as outlined in Recommendation 17 below.

Recommendation 17: The Governor and the Legislature should create a new mechanism to reward and underwrite the efforts of counties that develop alternative options that reduce commitments to the California Youth Authority.

The State's efforts to divert commitments through financial incentives have worked in the past, improving local options and providing more suitable treatment for less serious offenders. Such a system should be created again, particularly targeting counties that now have few options and encouraging the

formation of regional alternatives where rural counties are unable to support programs unilaterally.

Recommendation 18: The California Youth Authority should continue to focus its efforts on reducing violence and injuries in its facilities.

CYA's ability to run violence-free institutions is constrained by several factors, including type of youths dealt with, chronic overcrowded conditions and the physical design of aging buildings. But the State has a special obligation to provide a safe environment when it legitimately deprives an individual of freedom.

Introduction

Introduction

California's prisons, jails and youth institutions are overflowing, violent crime has risen alarmingly and citizens feel increasingly vulnerable in their homes, schools and job sites. The academic commentators who study the convergence of statistics, trends and policies see no relief in the future despite tough-on-crime rhetoric and reality. Crime will continue to be a major concern as the State's population growth persists, the economy remains stagnant and a swelling, alienated underclass rejects societal standards of behavior.

A significant, disproportionate and increasing share of California's crime problem is made up of juveniles. In addition, many of the adults in prison today began their criminal careers as youths and teenagers. Thus, any systematic attempt to reduce crime and the societal costs associated with it needs to place a high priority on addressing juveniles.

Having completed a prison-focused review of the adult criminal justice system, the Little Hoover Commission early in 1994 turned its attention to the juvenile justice system. The Commission's investigations led to several overriding conclusions that form the foundation for the Commission's approach to the juvenile justice system. Those conclusions include:

- The root causes of crime are many and diverse. Any hope of addressing those causes successfully

requires multi-faceted strategies, bits and pieces of which can be implemented by neighborhoods, communities and various levels of government. There is no silver bullet -- no simple, expedient answer that can be imposed from above.

- Any solution to juvenile crime must be bipartisan and involve all sectors of society: individuals, families, schools, churches, community groups, governments and businesses. While the scope of effort involved should be as broad as all of society, the Commission believes its report also must serve as a wake-up call to individuals. Individual initiative at the most local level and personal acceptance of responsibility for bringing about change is the key to reform. As one popular maxim puts it, "Think globally, act locally."

- The State has no particular "ownership" of the juvenile crime problem. The inclination toward crime often arises from factors at home; the impact of crime is felt in neighborhoods; the arrests, prosecutions and, in most cases, dispositions are city and county operations. Only 2 percent of juveniles arrested eventually are placed in state institutions. While the State is a bit player in the day-to-day staging of the juvenile justice system, it has the ability and responsibility to carve out a powerful role as a policy leader and facilitator for local solutions.

- Prevention works better and is cheaper than treatment. The sobering reality is that improving to the optimum extent how juvenile criminals are treated once they are apprehended will only reduce recidivism by at most 10 percent, experts agree.[1] While keeping that 10 percent from continually recycling through the juvenile justice system -- and ultimately, the adult system -- would free significant resources, the fact is that prevention and early intervention hold far more promise than good rehabilitation programs for actually reducing crime. Children are much harder to "fix" once they have become criminals than they are when they first show signs of deviant or anti-social behavior.

- Personal accountability for actions and decisions is the cornerstone of a civilized society. Children should be taught -- both at home and in schools -- informed decision-making processes. And they should learn that, in theory and in practice, there

are swift consequences for poor decisions and both tangible and intangible rewards for good decisions. To reinforce these lessons, all of the actors within the juvenile justice system, from the policeman on the beat to the judge in juvenile court, must strive to make the system work more effectively in providing consequences at all levels of criminal severity.

- The state, local governments and communities should approach juvenile crime from the perspective of outcome-based goals, chief of which should be deterring first-time offenses and reducing recidivism. The collection of reliable data and its systematic, validated analysis is crucial for good decision-making about policy and programs.

- Private enterprise involvement at many levels and in multiple modes is critical to successfully addressing root causes of crime. This ranges from partnerships with schools to improve education and mentoring roles with at-risk children to providing opportunities through programs such as the Free Venture enterprises in California Youth Authority facilities and creating targeted hiring practices.

Based on these concepts, the Commission developed a report to reform and improve the juvenile justice system that 1) does not rely on a single solution; 2) focuses on the appropriate role for the State while recognizing that responsibility -- and the best chance for success -- lies at the local level; and 3) places a priority on prevention.

In conducting its study, the Commission convened an advisory group of more than 70 experts (please see **Appendix A** for a listing of participants) drawn from a cross-section of perspectives that included law enforcement representatives, probation and parole interests, prosecuting and defense attorneys, judges, victims, juvenile advocates, members of the Legislature, state officials, community-based service organizations, academia and others. More than two dozen of the members participated in 36 hours of working-group sessions to develop key concepts and potential recommendations for the Commission to consider (please see **Appendix B** for a summary of the working groups' efforts).

The Commission also conducted two public hearings, one in Sacramento in March 1994 and one in Los Angeles in May 1994, that were designed to explore issues spanning the entire spectrum of juvenile justice, from the roots of crime, early intervention concepts and crime prevention methods to the role of probation, the juvenile court system and the California Youth Authority (please see **Appendix C** for an agenda of witnesses). In addition, the Commission's study involved an extensive review of juvenile crime literature, interviews with acknowledged experts in the field of juvenile justice and the tracking of current legislative reform proposals.

The result is the Commission's report, which begins with a transmittal letter, an Executive Summary and this Introduction, followed by a Background section. Six issues and 18 recommendations are presented in three chapters: The State's Role, System Reforms and the California Youth Authority. The report ends with a Conclusion, Appendices and Endnotes.

Background

- *Teenage boys commit a disproportionately high share of all crime -- a trend that remains true over time and geography.*

- *Of California's 3.5 million youths, about 250,000 are arrested annually.*

- *Violent crime by juveniles increased dramatically during the 80s, stabilizing at a high rate during the early 90s. Almost twice as many youths were arrested for violent crimes in 1992 as in 1983.*

- *More that $1 billion annually is spent on the juvenile justice system, which involves both state and local agencies.*

Background

The juvenile justice system is a complex web of people and agencies that processes about a quarter of a million youths annually at a cost exceeding $1 billion. To understand the system requires a baseline knowledge of the statistical trends during the past decade that have shaped the system's ability to function and the roles played by the various components of the system.

Academic experts have long recognized that crime is a young man's game. The typical criminal is a male who begins his career at 14 or 15, continues through his mid-20s and then tapers off into retirement. Three statistics demonstrate the disproportionate impact of those under the age of 18 on criminal activity: While comprising roughly one-sixth of the nation's population, they make up a full one-quarter of all people arrested and account for nearly one-third of the arrests for the seven crimes in the Uniform Crime Index (homicide, forcible rape, robbery, aggravated assault, burglary, vehicle theft and larceny).[2]

This perspective is echoed by RAND's leading juvenile justice expert, Dr. Peter W. Greenwood:

Somewhere between 30 and 40 percent of all boys growing up in an urbanized area in the United States will be arrested before their 18th birthday....Although juveniles account for only a small proportion of the total population, older juveniles have the highest arrest rates of any age group. Furthermore, studies of criminal careers have demonstrated that one of the best

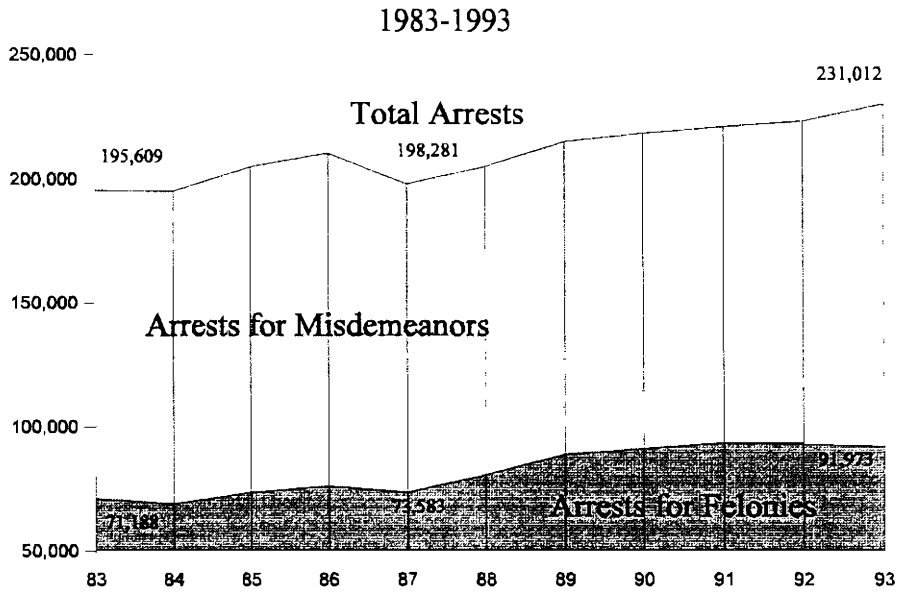
predictors of sustained and serious adult criminality is the age of initiation and seriousness of the delinquent career.[3]

Greenwood also notes that 16 and 17 are the peak years for crime in all countries and all states, regardless of culture and geography. He says the fact that a disproportionate share of crime is committed by 10- through 17-year-olds remains true as the population fluctuates: Nationally in 1981, that age group made up 16 percent of the total population and were involved in 34 percent of the arrests, while in 1991 the age group was 13 percent of the population and 28 percent of the arrests.

There is no reliable measurement of how many of California's 3.5 million 10- through 17-year-old youths are involved in criminal activities. Arrest statistics tend to rise as law enforcement ranks increase, decline when minor crime arrests are perceived as a low priority or a futile effort, and fluctuate according to shifts in population age groups. In addition, arrests fall far short of reported crimes (let alone crimes that victims choose not to report). For instance, in 1993 the California Department of Justice recorded a total of 564,307 arrests of adults and juveniles for felonies compared to the more than 2 million felony crimes that were reported as occurring.

Nonetheless, arrest statistics are usually cited to document trends in juvenile criminal activity. The graph on the next page reflects juvenile arrests for misdemeanors and felonies for the past 11 years (please see **Appendix D** for detailed raw data from the California Department of Justice).

CHART 1

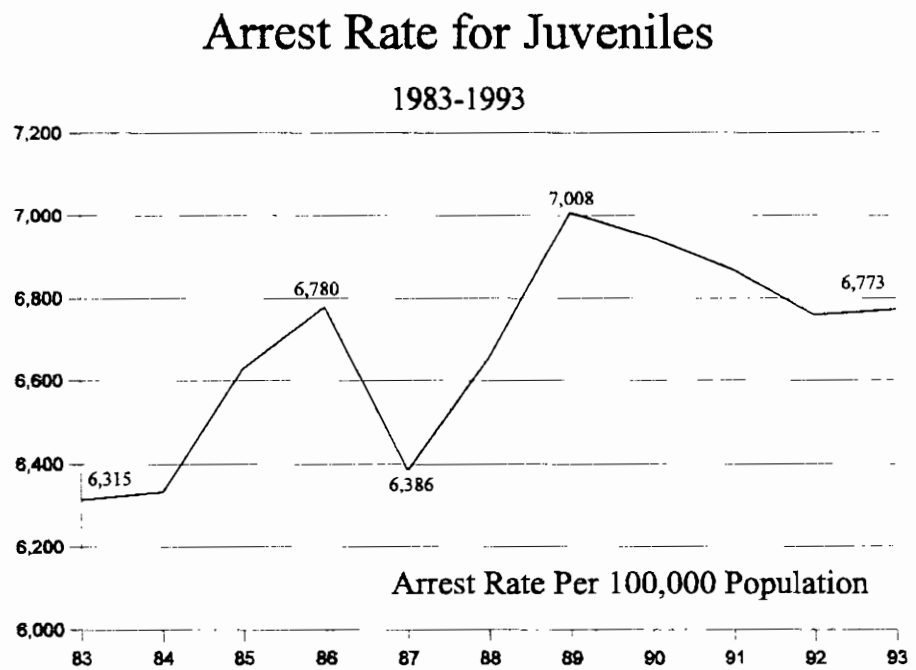


Source: California Department of Justice

As the graph indicates, about 230,000 juveniles were arrested in 1993 (not including 24,000 arrested for so-called status offenses, such as running away or truancy), a figure that continues a slow but steady climbing trend since 1987. Since misdemeanor arrests remained fairly flat (only rising steeply in 1993), the rise has been driven largely by increased felony arrests (except for a drop in 1993).

At least part of the increasing number of arrests is due to the population growth of 10- through 17-year-olds. The number of youths in this age range in California remained stable at around 3.1 million from 1983 through 1990. In 1991, the population began to climb, rising from 3.2 million to 3.5 million by 1993, with projected increases through the year 2000. The graph on the next page shows the results when these population figures are taken into account and arrests are calculated as a rate per 100,000 youths.

CHART 2



Source: California Department of Justice

As the graph indicates, arrest rates have fluctuated, dropping sharply in 1987 and then rising steeply until 1989 when the rate began dropping again. The rate leveled off in 1992 and 1993 at about 6,700 arrests per 100,000 population.

Both the arrest statistics and the arrest rate data are in sharp contrast to the public perception that juvenile crime is increasing uncontrollably. In fact, juvenile advocates often cite the declining arrest rate and fairly flat number of arrests as evidence that there is no need for get-tough hysteria about juvenile crime. They believe their argument is bolstered by general California crime statistics that show most crime incident categories have either held steady or dropped. The California Crime Index (which includes homicide, forcible rape, robbery, aggravated assault, burglary and motor vehicle theft) dropped 3.5 percent between 1992 and 1993, violent crimes decreased 4.1 percent and property crimes decreased 3.3 percent.[4]

But a closer examination of the components of the raw arrest figures and the arrest rates for violent crimes indicates why juvenile crime is a focus for the public. Arrests of juveniles for violent crimes -- particularly

homicide and assaults -- have climbed rapidly in the past decade, as the graphs below indicate.

CHART 3

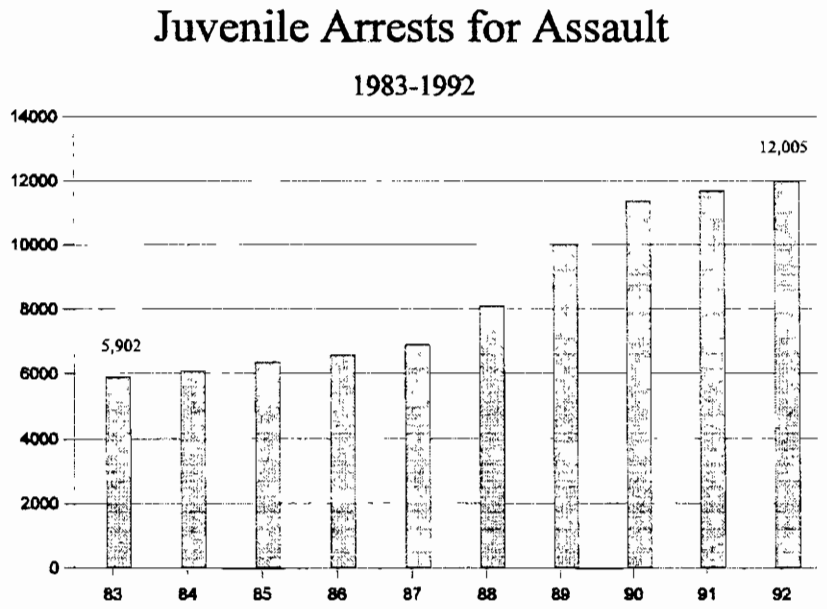
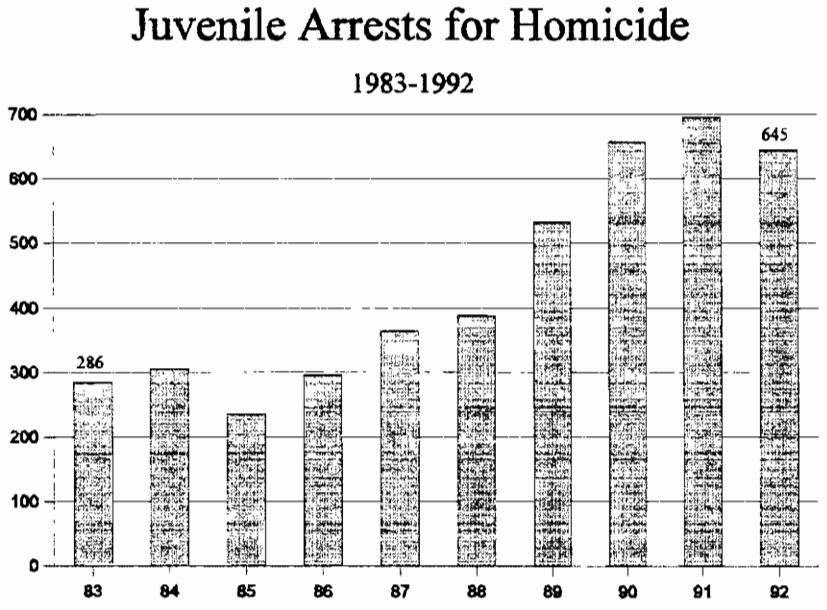


CHART 4



Source: California Department of Justice

As the charts indicate, the number of juvenile arrests for assault and homicide have climbed steeply over the past decade, although the 1990s have been fairly flat. In 10 years, arrests for both types of crime more than doubled -- assaults from 5,902 to 12,005 and homicides from 286 to 645. Linking the homicide figure to national statistics indicates that one out of four juveniles arrested for homicide was in California at a time when the State had only 11 percent of the nation's juvenile population.[5]

Driven by the climbing assault and homicide rates, the violent crime arrests have risen sharply in the past decade. The total juvenile arrests for all violent crimes (homicide, forcible rape, robbery, assault and kidnapping) and the arrest rate per 100,000 for violent crimes is shown in the table below:

TABLE 1
Juvenile Arrests for Violent Crimes
1983-1992

Year	*Number of Arrests*	*Rate per 100,000*
1983	12,321	397.7
1984	11,853	384.3
1985	12,421	401.4
1986	12,541	403.7
1987	12,336	397.3
1988	13,998	453.8
1989	17,469	568.5
1990	20,658	655.5
1991	21,158	655.4
1992	21,549	650.1

Source: California Department of Justice

The figures in the table demonstrate that the rate of violent crime by juveniles increased throughout the decade of the 80s, only flattening in the past few years -- but flattening at a rate that is far higher than Californians are used to. The experience in California is echoed by national figures: The U.S. Justice Department recently reported that the number of juvenile court cases involving serious offenses -- such as murder and

aggravated assault -- rose 68 percent between 1988 and 1992.[6]

In addition, the perception, fed by media stories and individual anecdotes, that juveniles are causing a disproportionate share of crime is borne out by statistics. At slightly more than 10 percent of the State's population, the 10- through 17-year-olds were arrested in 1992 for 14.3 percent of all violent crimes and 26.6 percent of all property crimes, including:

- 50.6 percent of all arson.
- 36.6 percent of all motor vehicle thefts.
- 31.2 percent of all burglaries.
- 26.2 percent of all robberies.
- 19.0 percent of all homicides.
- 16.9 percent of all thefts.
- 14.0 percent of all forcible rapes.[7]

Violence, rather than number of crimes, is key problem

What can be concluded from all of the statistics above is that California suffers not so much from an ever-increasing flood of juveniles committing crimes (as indicated by arrests) as from a growing number of violent juveniles. According to the Legislative Analyst's calculations, since 1987 the rate of juvenile arrests for violent offenses has increased 63.7 percent compared to a 20.2 percent increase for adults. The increasingly violent nature of juvenile crimes is also reflected in California Youth Authority statistics about new admissions to its facilities: While the proportion of violent juveniles held steady around 40 percent from 1983 through 1989, the proportion of violent new admissions rose steeply in 1990 to 47.6 percent, in 1991 to 51.3 percent, in 1992 to 57.2 percent and in 1993 to 59 percent.[8]

The changing type of juvenile crime is addressed by a system that structurally is largely the same as it was when it was created at the turn of the century, although its processes have gone through several overhauls. The system is distinctly different from the system that handles adult offenders. This is true even at the first point of contact: The police officer on the beat has discretion to counsel and release a youth, take him to his parents or school, informally refer him to a community program, issue him a citation or take him into custody and deliver him to a probation officer. The juvenile courts require that officers use the option that "least restricts" the juvenile's freedom while at the same time protecting community safety.

In a vacuum, the officer might make a decision among these many discretionary choices based on his belief of what would best meet the needs of the child and divert him from further illegal activity. But in the real world, the officer's decision is often driven by the knowledge that the system is overloaded and the potential result is little more than an admonishment in all but the most serious cases of crime.

If the officer cites or arrests the juvenile, then -- unlike an adult arrest -- the matter is not immediately referred to the district attorney for prosecution (although a juvenile cannot be detained in custody without a hearing). Instead, juvenile cases are sent to the county's probation department, which has wide discretion, after performing an investigation and assessment, to determine whether to refer the matter to the district attorney or take other measures, including referral to a community program, informal supervision and release to home supervision. Over the years, critics have argued that all citations and arrests should go directly to the district attorney, but analyses and pilot projects have demonstrated that typically probation departments do refer all serious matters to the district attorney, retaining and addressing only the cases that are highly unlikely to be selected for prosecution if they were referred.

Juvenile courts today operate much like adult criminal courts

The next component of the system is the juvenile court, where players include the judges, defense attorneys or public defenders, probation officers and the district attorney. Originally created to be a swift, confidential mechanism for getting youths treatment and services, the juvenile courts operate today much like adult criminal courts because of changes in law, court rulings and public attitudes (as will be examined in Issue 2). The juvenile court, however, remains a civil rather than criminal system. Juveniles are not charged with crimes and prosecuted; petitions are filed seeking court action. Juveniles are not found guilty; the petition is sustained or dismissed. Juveniles are not sentenced as a punishment; their case disposition reflects the court's view of the best treatment to meet their needs.

Juvenile court judges have much wider discretion than adult criminal court judges in ordering actions. As the Commission detailed in its adult criminal justice system study, adult court judges set sentences by selecting from various ranges prescribed in law, justifying their decisions based on the facts of the case and legislatively set priorities. Juvenile judges have no such rigid guidelines, although they are constrained by

constitutional considerations (not setting confinement for longer than maximum adult terms) and Judicial Council rules. They may decide to place a youth on probation, leaving him in his own home; make the youth a ward of the court and impose formal probation (including time in juvenile hall); or order placement in a private foster home, group home, county facility, private program or California Youth Authority facility.

While the judge has considerable discretion over options, he or she does not actually set a commitment time if the most serious step of sending a youth to CYA is taken. That is determined by the California Youthful Offender Parole Board, which works within the parameters of Board-adopted sentencing guidelines, the maximum adult sentence for similar crimes and the chronological age at which the juvenile system loses jurisdiction over the individual (21 or 25, depending on circumstances).

At the tail end of the system is the California Youth Authority, known as the juvenile placement of last resort. Like county-run or county-contracted programs, the CYA facilities focus on treatment, education and vocational training rather than pure punishment. The CYA operates 11 institutions and provides post-institution services through a parole program. The department has 5,187 employees and a 1994-95 budget of about $400 million.

Juvenile justice system spending pegged at more than $1 billion

The CYA funding is the most easily identifiable portion of the total cost of the juvenile justice system, along with about $46 million in juvenile crime prevention grants funneled to local governments and organizations by the state Office of Criminal Justice Planning. County funding (boosted by federal and state subsidies for court costs, juvenile placements, etc.) covers law enforcement, court, prosecution, public defense, probation and a variety of social service costs. In many cases, specific county departments -- such as sheriff's and probation -- deal with both juveniles and adults, making a cost breakout solely for juvenile responsibilities difficult. The Legislative Analyst's Office has pegged the total cost for adult and juvenile probation services at $770 million.[9]

In response to a Little Hoover Commission survey of the 15 largest counties, the 10 counties that supplied fiscal data showed combined juvenile probation spending of more than $344 million in 1993-94. This includes Los Angeles County, which spends almost $200 million, is home to 25 percent of the juvenile arrests statewide and

accounts for close to 40 percent of new commitments annually to the CYA.[10] Even the most conservative estimates of the cost for probation activities in the remaining counties and some proportionate share of law enforcement and court costs would push the total state and county juvenile justice system spending above $1 billion.

The $1 billion is an investment -- not just in public safety through the selective incapacitation of young criminals, but also in the concept of rehabilitation for juveniles to divert them from a future life of crime. How the investment is structured and whether the outcome justifies the structure is examined in the following chapters.

The State's Role

- *Crime is local in nature and impact; the State's most important role is to provide leadership.*

- *The goals of the separate juvenile justice system are not clear.*

- *Funding cutbacks have all but eliminated the preventive, early-intervention programs that hold the most promise for halting crime.*

Recommendations:

- *Consolidate state efforts in a single, accountable agency.*

- *Vigorously enforce existing alcohol and gun laws.*

- *Make early intervention and prevention a top priority.*

The State's Role

Fighting crime is not within the purview of any single program or any one level of government. As a recent report entitled "Confronting Violence in California" concluded:

The prevention of violence and crime can never be effectively built upon only one strategy because violence is the product of many factors. A comprehensive approach is needed that addresses prevention, intervention and detention.[11]

Such a comprehensive approach to crime will cross turf and jurisdictional lines, pay little attention to artificial budgetary barriers and shift the focus from "it's not our responsibility" and "who will pay for it?" to "what will work?" and "how can we get it done?" There are signs that many communities already are moving in that direction, creating coalitions, providing specialized services and targeting localized factors that contribute to crime. But results are erratic and success is sometimes difficult to replicate.

Any credible examination of the juvenile justice system must acknowledge the multi-level and multi-disciplinary nature of the system, of the causes of juvenile crime and of potential solutions. The mandate of the Little Hoover Commission, however, is to examine ***state*** programs, policies and procedures and make recommendations to improve their effectiveness and efficiency. The Commission's approach, therefore, was to scrutinize the juvenile justice system, discern its flaws

and then look for the appropriate state role in addressing those concerns.

The result is this chapter, which in three issue areas addresses the need for the State to provide coordinated leadership, the fraying consensus for a separate juvenile justice system and the consequences of budget priorities that have shifted spending away from prevention and towards detention.

Issue 1: While crime is local in nature and impact, the State must provide meaningful leadership in shaping juvenile anti-violence and crime prevention efforts.

While the many components that feed a rising violent juvenile crime rate are beyond the control of state government, there are functions the State can perform to empower local communities and governments to mount aggressive anti-crime campaigns. In addition, there are steps the State can take to encourage a societal shift in attitudes about violence and its pervasive use to settle conflicts. While in the past some state programs focused on prevention activities, today there is no effective centralized point of authority and accountability for anti-crime efforts -- despite the existence of several bodies purportedly dedicated to that purpose.

Juvenile crime is attributed to many family, societal failings

The natural question to ask in pursuit of reducing juvenile crime is "What is causing it?" Unfortunately, the answer is not simple. Common sense, stereotypical conclusions and gut instinct can produce a laundry list of causes that seem realistic: Families are breaking up and there are too many single parents struggling to cope with demanding jobs and raising children; inner cities are blighted and the lack of jobs and overt discrimination there create a sense of hopelessness; no one is teaching children solid societal values and self-discipline; instant gratification has become the driving force for children because of poor parenting, too much television and rife consumerism.

The list, however, ignores the fact that plenty of children in single-parent homes grow up crime free; many children emerge from the inner cities to lead productive lives; some juveniles become criminals regardless of their enriched upbringing, bright futures and high expectations; and despite the perceived shortcomings of modern parenting, more than 3 million Californian youths each year become adults without ever entering the juvenile justice system.

The generalizations, however, are on the right track, according to experts who have closely studied juvenile delinquents. Poor parenting practices and a lack

of parents taking responsibility for their offspring are at the root of juvenile delinquency. Schools, where problems with individual children first become apparent to others than family and friends, have no systematic, pro-active way of addressing troubled youths. The result of inaction by parents and schools is disorder: children without boundaries in an environment where rules are meaningless. Once parents and schools have failed, society reaps the bitter harvest of crime.

Academic experts focus on family setting, early school experience

These generalizations, however, are not specific enough to be useful in targeting at-risk children and fashioning meaningful solutions. A sampling of conclusions from experts follows:

Hill M. Walker, associate dean and professor at the Center on Human Development at the University of Oregon, has found that initial family conditions are the major factors that turn juveniles toward anti-social activities and, eventually, crime. In family settings that are full of abuse, poor behavior modeling and deviant parenting "the children learn how to be coercive and aversive to succeed in the family. They bring this pattern to school and it works, but it causes rejection. Their best friends are other anti-social kids," says Walker. The result is a peer group of social deviants who share similar anti-social values, activities and thought processes.

Walker, who has been conducting an on-going study of 40 troubled juveniles and 40 control group youths since 1984, says that it is possible to predict with 80 percent accuracy by the third grade those who will go on to commit crimes based on a five-minute teacher rating of social skills, two 20-minute observations of negative and aggressive behavior on the playground involving peers and the number of discipline contacts with the principal's office. But it is parenting practices that are the surest predictor of trouble in the future, he says. Five elements of parenting can be positive or negative influences:

- Discipline -- fair and consistent or harsh and punitive.
- Monitoring -- watchful awareness of the child's actions or blithe disregard.
- Reinforcement -- positive recognition for achievements or constant negative attention for acting out.

- Involvement -- participation in activities with the child or isolation of adult from child.

- Problem-solving -- productive mechanisms for resolving issues or negative modeling of violence and conflict.[12]

Harvard professors Stephen Buka and Felton Earls write that the single strongest individual predictor of violence is anti-social behavior -- such as lying, stealing, aggression and dishonesty -- during late childhood and early adolescence. Echoing Walker's assessment of parenting practices that make a difference, the Harvard experts found delinquency and violence linked to lack of parental supervision, parental rejection, lack of parental involvement and poor disciplinary practices. Other family factors that are linked to a child's delinquency are criminal behavior by family members, child abuse or neglect, poor marital relations, parental absence and large family size. Beyond anti-social behavior, the characteristics of the children themselves that are linked to delinquency include low IQs, attention deficit hyperactivity disorder, learning disabilities, poor motor-skill development, prenatal and perinatal complications, minor physical anomalies and head injury.[13]

Northeastern University professor George L. Kelling and cultural anthropoligist Catherine M. Coles cite disorder -- the elementary defiance of rules and conventions without incurring consequences -- as a key ingredient that leads to crime. Quoting Wesley Skogan's *Disorder and Decline*, Kelling and Coles find that there is a broad consensus on what constitutes disorderly behavior; that disorder is a precursor to serious crime; and that disorder further enables urban decay. They argue that when the New York subway system was allowed to enforce anti-panhandling laws -- thus eliminating "disorder" -- subway robberies were cut by 52 percent and all felonies on the system by 46 percent in four years. Applying their reasoning to the juvenile justice field highlights the need for children to be raised with structure in their lives and respect for authority.[14]

The American Psychological Association's Commission on Violence and Youth developed lists of developmental predictors of future violent lifestyles and societal factors that contribute to violence.

- **Developmental:**

  - Criminal history of parent.

- Abusive and inconsistent discipline.
- History of violence.
- Disruptive classroom behavior.
- Experiencing others' use of violence as a response to anger.
- Lack of positive interactions with parents or others.

- **Societal:**

  - Socio-economic inequality (being poor).
  - Acceptance of violence within the culture.
  - Easy access to guns.
  - Availability of drugs and alcohol.
  - The presence of gangs.
  - Prejudice and discrimination.[15]

RAND expert Greenwood calls the risk factors contributing to juvenile delinquency and violence "fairly well known." He described them eloquently in testimony to the Commission:

They include alcoholism, drug use or mental health problems among parents, poor prenatal health care, inadequate or inconsistent parenting, abuse and neglect, criminogenic neighborhoods, problems in school, inadequate bonding with pro-social community institutions, involvement with delinquent peers and poverty....An increasing involvement in street-level drug selling, the increased availability and firepower of firearms and the glorification of violence in movies, videos and rap music are all factors that are consistent with increasing violent crimes, but not property crimes, among the young. Add to these the increasing animosity and tensions caused by recent immigrant groups displacing or competing with impoverished African-American and other groups residing in urban areas; the decline of the public schools and diminishing blue-collar employment opportunities in inner cities and the recipe is clear. Recent increases in youth violence appear to be caused by demographic, economic and social trends over which individual families and youth have little influence.[16]

The California Task Force to Promote Self-Esteem and Personal and Social Responsibility addressed the causes of juvenile crime in its final report, noting that they are so varied that a single explanation or single response will not work:

Deviant behavior is too often the result of an unstable and unloving home life; alienation from social groups such as school, church and the community; economic inequities; and cultural and racial discrimination -- all crucial to building self-esteem....[Research over the past 20 years into the effects of child abuse indicates a causal relationship between abuse, neglect and emotional deprivation and juvenile delinquency. In such people, crime and violence may become ways to compensate for feeling shameful, powerless and worthless; these may be desperate attempts to gain power and esteem. In addition, children treated violently by their caregivers learn that violence is an acceptable reaction to conflict and frustration, and they adopt this behavior as adults.[17]

The Little Hoover Commission's advisory group identified five factors that cause, contribute to or enable violence by juveniles, including:

- The glamorization of violence by media and the acceptance of violence by society.
- Substance abuse, particularly alcohol.
- The availability of guns.
- Domestic violence, affecting both children who observe it in their homes and neighborhoods and children who are the target of it.
- Gangs and their attraction for those who can find acceptance and belonging nowhere else.

The Senate Office of Research says the cost of violence in California, including medical care and lost job productivity, totals $72 billion a year. Factors contributing to violence that were identified by the office include:

- Biological factors
- Early childhood experiences
- Dysfunctional families
- Cultural diversity
- Economic inequity
- Low self-esteem
- Substance abuse
- Incarceration
- Easy access to weapons
- Lack of opportunities
- Media influences[18]

The Commission on the Future of the California Courts, writing in its final report about juvenile justice said:

Today's family dysfunction is a harbinger of tomorrow's court dockets. Absent a concerted effort to mend the social fabric, the consequences of family disintegration will continue to be a burden to the courts, the public schools and society itself....[J]uvenile delinquency is closely associated with unsatisfactory family relationships, education, neighborhoods, peer groups, socioeconomic status, and lack of verbal and problem-solving skills.[19]

The U.S. Department of Justice identifies five categories of causes and correlates of juvenile crime:

- Individual characteristics, including alienation, rebellion and lack of bonding with society.

- Family influences, such as parental conflict, child abuse and a family history of problem behavior including drug use and crime.

- School experiences, including early failure and lack of commitment to attending.

- Peer group influences, such as gangs and friends who engage in anti-social behavior.

- Neighborhood and community factors, including economic deprivation, high rates of substance abuse and crime, and low neighborhood attachment.[20]

The Children's Advocacy Institute addressed juvenile delinquency in its California Children's Budget 1994-95, concluding that the problem is driven by a mix of factors including the breakdown of families, a degeneration of values and civility, cultural preoccupation with physical conflict, poverty, gangs and peer pressure, and drug abuse.

The Violence Research Foundation looks to diet and body chemistry as a major cause of violence. The Foundation believes that its research demonstrates that violent offenders display substandard levels of essential nutrients and high levels of substances such as zinc, cadmium, manganese and lead.

The California Youth Authority identifies poor family attachment and poor parenting behavior, a history of child abuse and maltreatment, and low commitment to school as the primary correlates of delinquent behavior. Biological factors that contribute to crime include acute psychotic states, brain injury, tumors, infections or degenerative diseases, chronic neurotoxic brain conditions (including substance abuse) and birth defects (including fetal alcohol syndrome). The CYA says recent studies indicate that delinquency occurs in an orderly fashion over time, with three major pathways:

- One begins with stubborn behavior, progressing to defiance and culminating in authority avoidance.

- Another begins with minor anti-social behavior such as lying or shoplifting, moving to property

damage before evolving into more serious forms of theft.

- The third begins with minor aggression, progresses to physical fighting and then moves to more violent acts.[21]

Root causes: cyclical family problems, lack of community effort

The lists by these expert sources share in common a litany of failure by families and other institutions that have historically established social values and set standards of behavior. The reasons are many. Parenting is a learned skill, traditionally passed on through modeling, observation and experience. In a mobile society where families are often isolated from older generations, poor parenting practices and abusive situations become cyclical problems, passing from one generation to the next. Schools, another traditional source of societal stability, have sidestepped teaching right from wrong and the Golden Rule, providing little in the way of a moral compass for their students. Churches and organized religion are not part of the daily lives of many people. And litigation and large jury verdicts have made it prohibitively expensive for many community organizations to offer the types of services and programs they did in the past.

In a paper prepared for a family policy seminar, officials observed:

What once were primarily family functions -- teaching children, growing food, making clothing, building housing, instilling moral values in the young, caring for elders -- have been gradually reallocated to schools, businesses, churches and other formal institutions. Ironically, many of these same formal institutions now lament that their workers, students and parishioners are deficient in motivation, discipline, cooperativeness and other traits because of the decline of families.[22]

In addition to the failure of the family structure and social institutions, the experts cited above and others tend to focus on three major factors that they believe drive crime and violence: the easy availability of guns, the strong link between alcohol abuse and violence, and the desensitizing influence of the glamorous portrayal of violence in a wide array of media.

Guns: The growing use of guns has increased the likelihood that crime will be violent and deadly. The U.S. Justice Department has reported that in 1992 the use of guns in crime soared dramatically over averages for the previous five years. Handgun homicides increased 24 percent over the five-year average and the use of guns in crimes increased almost 50 percent.[23]

Other research indicates that, despite laws against ownership by minors, guns are often in the hands of juveniles. A National Institute of Justice survey of 835 incarcerated juveniles and 758 male students in 10 inner-city high schools found that 83 percent of the inmates and 22 percent of the students possess guns. Fifty-five percent of the inmates said they carried guns all or most of the time before being incarcerated and 12 percent of the students did so. Two-thirds of the students said it would be easy to acquire a gun. The main reason cited for carrying guns was self-protection.[24]

The National Council on Crime and Delinquency has stated that its analysis of juvenile crime trends shows that the single most important factor is the increasing availability of guns.[25] The Pacific Center for Violence Prevention, noting that guns accelerate the severity of any incident they are used in, found that youths use guns in 59 percent of the homicides they commit and 32 percent of the suicides. In 1992, more Californians died from gun-shot wounds than from car crashes, about a third of them young people. The Center's 1990 estimate of the cost of firearm injuries and deaths put California's share at about $2.5 billion.[26]

State has aggressive anti-gun laws; rigorous enforcement is needed

California has been comparatively aggressive about limiting juvenile access to guns through statutes. State law forbids the sale of handguns to those under 21. While the law enforcement response to crimes that are committed with guns comes from local police and sheriff departments, oversight of laws that limit access to guns falls under the jurisdiction of the state Department of Justice.

The Department's responsibilities have increased greatly, according to a manager with the Department's Firearms Program, with the passage of laws on certifying firearms dealers, tear gas and pepper spray owners, assault rifle owners and those who have completed firearms safety courses. While the program's staff has grown, lack of resources has hindered the immediate implementation of all the audit and processing functions needed to rigorously enforce laws that restrict gun access, the manager says. For instance, while the Department has had the authority for some time to investigate firearms dealers, there have been insufficient resources to do so routinely and on a regular basis. The manager said by shifting priorities the Department now expects to institute an on-going inspection effort within the next six months that focuses on who firearms dealers

are selling guns to and how they are documenting required information.[27]

While improving enforcement of existing laws is touted by many as a major step toward decreasing access to guns, others believe it is just a beginning. An instructor at the Johns Hopkins School of Hygiene and Public Health summed up the gun factor:

The recent epidemic in youth homicide is almost entirely an epidemic of gun violence. Significant reductions in the most lethal forms of youth violence cannot be expected to occur if the availability of guns to youth is not curtailed. This requires greater restrictions on handgun sales, more controls on those licensed to sell guns, more intensive efforts to combat illegal gun trafficking by law enforcement with the cooperation of communities, and parents removing guns from the home.[28]

Alcohol: Just as guns accelerate the violence of crimes, alcohol is often directly linked to violent criminal behavior, studies have found. Although other drugs are often the focus of public policy and law enforcement efforts, their use tends to be linked to property crimes (such as burglaries to gain money to buy drugs), according to the Pacific Center for Violence Prevention, while alcohol use has a strong link to violent crime. A U.S. Department of Justice study showed that 54 percent of people in state prisons on convictions of violent crimes had used alcohol just before the offense. A variety of studies have linked alcohol use to 50 to 66 percent of all homicides, 20 to 36 percent of all suicides and 37 percent of trauma cases.[29]

Also similar to guns, alcohol is not merely an adult problem despite age restrictions on its use. A national survey of students showed that 14 percent of eighth graders, 23 percent of 10th graders and 28 percent of 12th graders had consumed five or more drinks in a row on at least one occasion in the past year. It is estimated that 10 percent of youths convicted of homicide used alcohol at the time of the offense, 31 percent convicted of robbery, 25 percent convicted of assault and 9 percent convicted of sexual assault.[30]

Lack of resources stymies tough oversight of alcohol sales to minors

While crimes involving alcohol are handled by local law enforcement agencies, the primary regulatory body that oversees the sale of liquor is the state Department of Alcoholic Beverage Control (ABC). The chief deputy director says that while the department pursues a balance of prevention and enforcement activities, it has always believed a more rigorous enforcement effort would provide a greater deterrence and keep alcohol out of the hands of minors.

Such an effort is difficult in an era when the ratio of inspectors to licensees has dropped to one to 500 outlets. Twenty years ago, the department had 209 investigators to cover 51,565 licensed outlets. By 1993-94, the number had dropped to 142 covering 72,064.[31]

The ABC chief deputy director says that repeated academic studies have reached the same conclusion that the department has: that lack of resources is the primary stumbling block to more aggressive enforcement. The State could also provide more effective leadership for local law enforcement efforts if there were more resources earmarked to battle illegal alcohol consumption, the ABC official says. He notes that a "use it, lose it" law that ties juvenile alcohol possession and consumption to the ability to have a driver's license has not been very effective because courts do not uniformly apply the sanction and the Department of Motor Vehicles often is not notified of the violation so they can block licensing. In addition, decoy programs that would detect unlawful sales of alcohol to minors are often not a priority for local law enforcement, a situation that could improve with better state support.[32]

Glamorization of violence: A contentious issue that draws less wholehearted agreement than gun and alcohol use by juveniles is the depiction in a wide variety of media of violence as glamorous and exciting. Dr. Carole Lieberman, a nationally active critic of the media, believes that studies document that media violence is the number one cause of crime and acting out by juveniles. Calling media violence a drug and an addiction, she said that the psychological and biological reactions to viewing violence show that a person's tolerance builds up and that the result is the creation of more and more violent generations.[33]

Media violence contributes to problem when propensity exists

Others, however, including Dr. Ed Donnerstein of the American Psychological Association's Commission on Violence and Youth, see the constant barrage of violence in the media as adding to a predisposition toward violence rather than causing it.[34] Study after study has shown that youths convicted of violent crimes often have had a steady diet of violent television, movies and video games -- but many children partaking of this same diet do not commit crimes. Experts believe a critical difference is the context within which children are exposed to media violence. Those with solid family lives and healthy perspectives on the future based on their experiences in the present seem to be little influenced by viewing violence.

Multiple causes makes prevention a 'kid-by-kid' undertaking

The factors driving juvenile crime are many, as indicated by all of the elements identified by experts above, and for any single child who becomes delinquent the specific combination of family breakdown, school experience or negative societal influences may be quite different. Paraphrasing one state official, prevention is a kid by kid thing. Fixing any single aspect of the factors driving crime -- even if possible -- holds little promise of success. But providing a life context where the resiliency of children will be strengthened rather than battered has become the goal of many who are involved with juveniles.[35]

The U.S. Department of Justice says that community mobilization can be an effective weapon in combatting gangs and lowering delinquency rates:

[I]nnovative and committed individuals, groups and community organizations [working] together can improve the quality of life in their communities and, if necessary, reclaim the communities from gangs and other criminal elements. Such groups include youth development organizations, churches, tenant organizations and civic groups.[36]

The Department quotes a Carnegie Council study that concluded that community-based youth programs can provide the critical community support necessary, in conjunction with family- and school-focused efforts, to prevent delinquency. "The Council found that many adolescents are adrift during non-school hours and can be actively involved in community-based programs that provide opportunities to develop a sense of importance, well-being, belonging and active community participation. Through such programs, risks can be transformed into opportunities."

In that mold, many communities and organizations in California have begun to find creative ways to reach troubled youth who are not learning solid values or achieving a sense of belonging and responsibility elsewhere. The City of Sacramento and others, for instance, are using school facilities late at night to attract teenagers with time on their hands for shared activities. The National Clearinghouse for Alcohol and Drug Information lists no fewer than two dozen community programs in California working with juveniles and substance abuse problems.[37] The California Park and Recreation Society's Youth-at-Risk Task Force publishes a resource manual of more than 125 community programs focusing on youth at risk and urges all park and recreation programs to aggressively collaborate with other agencies to provide services to and positive experiences for children.[38]

In addition, the League of California Cities is sponsoring an "Investing in Our Youth Task Force" to focus on crime prevention strategies for juveniles and to stockpile examples of city ordinances, programs, collaborations and other mechanisms that work as a inspiring reference source for all cities. Many local government and community programs target gangs, including Los Angeles' Gang Alternative and Prevention Program, Hayward's Community Access Team, San Diego's Triple Crown program and Los Angeles' Gang Resistance Education and Training. In many locations, schools, district attorneys and city police are focusing on truancy and cracking down on curfew violations as ways of reducing the opportunity for crime.

Solutions are being tackled by foundations and charitable organizations as well. The California Wellness Foundation has a five-year, $30 million program to raise the visibility of violence and treat it as a public health issue. Guns, alcohol and the lack of prevention programs are the Foundation's chief focus. The Legal Community Against Violence Fund is gathering resources to support legislation to curb the use of assault weapons. The Carnegie Corporation has spent $1.5 million on violence prevention since 1990, including $675,000 on a project to modify media portrayals of violence. As reported by The Chronicle of Philanthropy:

Says David M. Nee, executive director of the Graustein Memorial Fund in New Haven, Conn., "I think we are seeing the beginning of a national mobilization of grant makers against violence. Everybody is in a 'mad as hell, can't stand it anymore' state." Grant makers have been using a wide range of strategies....[F]oundations are beginning to award sizable amounts of money to control guns and gangs, to conduct public opinion polls and public education campaigns, to make schools safe and train student mediators, to support community policing and ease racial tensions, and to prevent violence against children, women, the elderly and homosexuals.[39]

Scattered efforts allow tailoring for local conditions but leave gaps

The advantage of the scattered efforts that are bubbling up in various communities is that they offer the multi-disciplinary, multiple strategy approach that is widely acknowledged as necessary to address the many roots of crime. The disadvantage, however, is that there are huge gaps in services, with programs reaching youths on only a hit-or-miss basis depending on where they happen to live and the energy expended by local organizations and volunteers.

A traditional role of state government has been to ensure statewide standardization of programming so that those at one end of the State can find the same services to meet needs as those at the other end. Even those who

are frustrated by the uneven nature of community programs, however, are not suggesting that the State should target juvenile crime by mandating a specific array of services and programs. Top-down enforcement of solutions that would meet the diversity of needs throughout the State strike many as a concept that is impossible, too authoritarian and destined to fail.

Writing about the delicacy required to use the clout of state government to empower families and communities, experts at Pennsylvania State University urged that states strive for policies that are family-centered, preventive and "decategorized," meaning that regulations, eligibility criteria and other rules should be more flexible to allow combined funding streams and services. Among the principles outlined at a Pennsylvania Family Policy Seminar was that the "first presumption of policies and programs should be to support and supplement family functioning, rather than substituting for family functioning."[40]

Testifying to the Little Hoover Commission about the proper state role, the California Youth Authority said that while history shows that the juvenile justice system has been a shared state-local responsibility, prevention activities have been primarily local activities:

The state role is limited to advising, evaluating, coordinating and providing technical assistance and information. Indeed, the juvenile justice system in its entirety is somewhat limited in its ability to fundamentally alter the causes and correlates of juvenile crime. Rather, the Youth Authority believes that the most effective approaches to prevention of youth crime and delinquency are those which address the fundamental transfers of societal values to our young. The values of personal self-worth, sense of community and responsibility are most frequently transmitted by families, by schools, by religious communities and by the society as a whole. When these instruments of society, these conduits of values communication, cease to function effectively, we find ourselves forced to develop corrective -- not preventive -- strategies to issues such as juvenile crime.[41]

Several state bodies share role of fighting juvenile crime

As the most visible state component of the juvenile justice system, the California Youth Authority has a statutory obligation to promote prevention activities. But the CYA is not alone in being entrusted with this mission at the state level. A brief description of mandates and programmatic efforts follows:

- The Delinquency Prevention Act of 1974 charged the ***California Youth Authority*** with the responsibility of "assisting the development, establishment and operation of comprehensive public and private community-based programs for crime and delinquency prevention...[including

exercising] leadership on behalf of the State....All state agencies shall cooperate with the Department of the Youth Authority to bring about a statewide program for the reduction and prevention of crime and delinquency."[42] While CYA provided delinquency prevention training and technical assistance to local governments both before and after the act was adopted, budget cuts and the realignment of state funds into block grants to counties for these and other purposes in the past three years sharply reduced the CYA's involvement in prevention activities. CYA continues low-budget-impact efforts, such as having wards speak to schoolchildren and teaching wards good parenting skills.

- The State's central planning mechanism for delinquency prevention, however, is not the CYA but the ***Office of Criminal Justice Planning*** (OCJP) acting with the advice and approval of the California Council on Criminal Justice. State law provides for a 37-member council to annually review and approve "the comprehensive state plan for the improvement of criminal justice and delinquency prevention activities throughout the State." As staff to the council, the Office of Criminal Justice Planning is directed to prepare the plan, to "define, develop and correlate programs and projects for the state criminal justice agencies," and to "cooperate with and render technical assistance to the Legislature, state agencies, units of general local government, combinations of such units, or other public or private agencies, organizations or institutions in matters relating to criminal justice and delinquency prevention." Currently, OCJP's primary activity in the juvenile crime arena is to funnel federal and state grants to programs that target or include youths, an amount totaling about $46 million a year. (The Commission notes that how this money is spent and the effectiveness of the underwritten programs, while beyond the scope of the Commission's current efforts, may be deserving of attention in a future study. OCJP oversees $120.2 million in funding for a broad range of programs, with $55.3 million coming from the federal government.)[43]

- The ***Department of Justice***, under the Attorney General, also claims a share of crime prevention activities. It recently created a task force on

violence. The Department's Crime Prevention Office offers community cadre training, among other programs, and in conjunction with the Department of Education has developed a program called School/Community Violence Prevention: Focus on Gangs. In addition, the attorney general has urged video game businesses to restrict violence and label their products for better consumer information.

- The ***Department of Education,*** in addition to the anti-gang program, is home to the $20 million Healthy Start plan, which provides early intervention services for at-risk children.

- The Governor's 25-member ***State Advisory Group on Juvenile Delinquency Prevention*** develops policy and priorities for funding, with OCJP providing staffing.

- The ***State Commission on Juvenile Justice, Crime and Delinquency Prevention,*** with 16 members, inspects CYA facilities, provides advice to CYA about delinquency prevention funding and acts as a liaison between the CYA and the public. According to its chairman, "Many other entities are responsible for providing mandated services to the Youth Authority, including those related to building safety and health codes. This Commission is the sole mandated body representing the public interest on statewide juvenile justice matters."[44]

- The Governor recently created the ***California Commission on Improving Life Through Service*** to "unite individuals in service to their communities, promote responsible citizenship and achieve demonstrable results in addressing California's persistent unmet human, educational, public safety and environmental needs." The Executive Order creating the commission set reducing juvenile crime as the number one priority for the commission's efforts.

'Comprehensive state plan' driven by funding streams rather than needs

The list above makes it impossible to accuse the State of ignoring juvenile crime and the need for prevention activities. But observers of the juvenile justice system have criticized the many state components as too scattered to be effective. For instance, OCJP's "comprehensive state plan" is not compiled in one document but instead is fragmented into several pieces

that can be found in applications for federal block grant funds: the Children's Justice Act grant, the Juvenile Justice and Delinquency Prevention grant and the Anti-Drug Abuse Statewide Strategy Drug Control and System improvement grant. Regardless of the value of each individual plan, they apparently are driven, not by a comprehensive review of California's crime problem and an assessment of the best strategies to address that problem, but by the existence of specific categories of federal funding.

In addressing the issue of effective state leadership, the Legislative Analyst's Office told the Little Hoover Commission that both the CYA and OCJP produce research and results from pilot projects that are never used because there is no mechanism to transmit the information to local communities and governments. What is needed, the analyst argued, is a central point of leadership, not as a directory body but as an advisory one that could facilitate an exchange of useful information.[45]

Expertise is neither pooled nor shared, hampering efforts

The Commission also heard from a community activist who wanted to focus on juvenile crime and who reported making between 40 and 50 phone calls trying to find information about programs that work. A county official said a successful program in his area grew out of a televised report from another state rather than from any sharing of successful efforts by other California communities. And a state official with OCJP acknowledged that it would be difficult for community groups or lay people not familiar with the juvenile justice system to access the State's expertise since there is no single point of accountability. The California Youth Authority also recognizes the problem, not just with state entities but also with the quality of information available to work with:

Most crime and delinquency prevention efforts are piecemeal with no clear definition or scope of understanding of the problem they target. Little information is available that allows people who want to tackle problems to see where the problems are and how best to deal with them. For example, the California Department of Justice stopped collecting juvenile probation referral and disposition data in 1989. Also, schools are no longer able to collect and forward the necessary type and quality of data that would contribute to delinquency prevention planning. In addition, information is lacking about current programs that show promise for replication in other areas. Adequate programming can't succeed without planning. Adequate planning rests on information that describes the scope of the problem.[46]

The general consensus, then, is that while the State is doing many things about juvenile crime prevention, the efforts are neither well coordinated, accessible or effective. Critics of the present structure

believe the State's role in crime prevention could be enhanced in three areas:

- The creation of a single, powerful state body that can provide the leadership and accountability needed to effectively combat crime. This would include the development of a multipurpose clearinghouse to gather information and disseminate examples of best practices. Whether local government officials are trying to discern how their experience compares with statewide statistical trends or citizens are interested in starting grass-roots anti-crime efforts, those looking for information and assistance should be able to look to a single state entity. In addition, such an institutionalized source of research should provide policy makers with solid information about cause and effect, impact and results.

- The adoption of strong anti-violence primary education strategies. While local communities will be most effective in creating suitable programs to meet specific needs, crime prevention can also be assisted by general education that strengthens common societal values. The State's role can include:

  - Promoting effective school-based curricula that give children guidance for living in today's world. Because schools already have multiple mandates for teaching specific programs, a more effective approach, experts believe, would be to provide schools with information about programs that encourage non-violent conflict resolution, responsible decision-making and awareness of consequences. While some analyses have reported that such programs are successful in giving youths good coping skills,[47] other rigorous examinations indicate that many of the programs are not well-designed for targeted age groups, do not begin early enough and may have little long-lasting effect.[48]

  - Public informational campaigns that heighten general awareness of societal problems and that urge specific individual responsibility and action. An example is the State's anti-smoking campaign that used increased cigarette taxes to fund

advertising to focus on the link between smoking and death. The campaign resulted in a 28 percent decline in smoking over five years, a rate three times greater than the national decline.[49] Similar advertising campaigns against drug use and domestic violence have also been used to heighten public awareness and shift societal attitudes from indifference and/or impotence to knowledgeable intolerance and disdain.

- A renewed emphasis on enforcing existing laws that have the potential of reducing violence, such as those relating to guns and alcohol. California had tough anti-assault gun laws and waiting periods for handgun purchases before federal legislation was created -- and it is beyond the scope of this report to assess whether further laws are needed. But existing laws that should keep guns and alcohol out of the hands of minors require vigorous enforcement if they are to be effective.

State's pivotal role: inspirational leader and program facilitator

While the State can correctly take the stance that juvenile crime prevention is a job most effectively tackled locally, the State has a pivotal role to play as a leader and facilitator of community inspiration and action. Despite this, no single state entity is taking the lead in promoting prevention strategies in a way that is accessible to communities hungry for such help. The result is that many communities remain locked in hopelessness or waste time and resources reinventing the wheel to form programs that will work.

Recommendation 1: ***The Governor and the Legislature should consolidate juvenile anti-crime efforts in a single agency to provide strong leadership and accountability for results.***

While the State has several bodies that are mandated to focus on a statewide approach to juvenile crime prevention, there is little coordination and many of the most important duties that could be performed by the State are not. While being careful to avoid placing another layer of bureaucracy on top of existing state programs, the Governor and the Legislature should create a consolidated body at the highest level of state government that can better focus existing juvenile anti-crime efforts and expand into productive areas, including providing information and identifying successful strategies that can and should be emulated by communities. The specific mandated duties should include:

- Leadership to highlight issues and concerns for the public, to set standards for local anti-crime activities, and to propose and promote legislation to further delinquency prevention.

- A clearinghouse function that would provide centralized assessment and evaluation of programs, promotion of models that work, and technical assistance for local governments and communities.

- A data gathering and assessment function that would provide reliable statistics on a statewide basis about trends in crime, results of programs and funds expended. The current lack of data on costs across jurisdictional levels, case outcomes and comprehensive recidivism tracking makes it difficult to make informed and rational policy decisions.

- Standardization of training for those connected with juvenile justice, including judges, district attorneys, probation officers, parole officials and public defenders.

- The identification of and dissemination of information about available sources of federal,

state and private funding. When appropriate, the point of control for funding flow to local agencies and communities and the central point for accountability for the successful use of funding.

- Targeted information campaigns to bring about behavioral changes, on the part of both individuals at risk and businesses that unwittingly glorify violence and crime.

Recommendation 2: ***The Governor and the Legislature should adopt legislation directing the Board of Education in conjunction with the Department of Education to evaluate and promote the use of effective and conflict resolution curricula in public schools.***

Many public and private schools already incorporate programs in their curricula that deal with conflict resolution, personal responsibility and decision-making processes because of the potential for reducing misbehavior, violence and crime at schools. But little credible information is available about programs that are effective and criteria that could be used to select appropriate programs based on a school's population and needs. As noted earlier, schools already face many mandates that restrict their flexibility in providing students with daily lessons. Providing an outcome-based assessment of various programs would give schools the option of including conflict resolution materials in their curricula that would be suited to their specific needs.

Recommendation 3: ***Law enforcement officials at all levels of government should increase their emphasis on enforcing existing laws regarding firearms and alcohol.***

Continuing fiscal crises at all levels of government make it impossible to fully fund all programs at desirable levels. But because of the huge long-range cost of juvenile crime and the clear links between guns, alcohol and juvenile violence, policy makers should place a priority on enforcing existing laws that keep guns

out of the hands of juveniles and existing laws that prohibit alcoholic consumption by juveniles.

Issue 2: As the nature of juvenile crime has changed, public support for a separate juvenile justice system has eroded and goals for the system have become unclear.

While the juvenile justice system was established with the underlying concept that most children can be salvaged and turned from a life of crime and thus should be handled differently than adult criminals, there is steady pressure to blur the distinction between juvenile and adult court. Some of the pressure has come from court decisions that have brought increasing due-process protection to juveniles. Other pressure comes from the public, where the reality of increasingly violent crime perpetrated by juveniles has created a groundswell for treating children as adults. Still other pressure comes from those who work within the juvenile justice system and see that it has lost its ability to clearly link consequences to actions. Since the system involves the discretionary action of many of the parties involved (police officers, probation officers, judges and district attorneys), an overarching policy statement that resolves conflicting pressures and philosophies is critical to achieving consistency and equity.

California, like the rest of the nation, has gone through a variety of phases in dealing with juveniles who have committed crimes. During much of the 1800s, juveniles were mixed in with adults, both in judicial proceedings and confinement facilities. The turn of the century brought the separation of juveniles into special facilities and special courts, but juvenile justice was largely a county-by-county system that lacked integration and consistency. In 1883, California adopted its first juvenile probation law and in 1903 the State's juvenile courts were established. In 1941, the California Youth Authority was created, representing a sharp move toward integrated programs, punishments and approaches driven from the state level of government and serving as a model for the nation as rehabilitation became the primary goal of dealing with juvenile delinquents.[50]

The juvenile justice system is rooted in the medieval English doctrine of *parens patriae*, the concept that the state should step into the role of parent whenever a child's welfare is threatened. RAND's Greenwood

describes the three premises underlying the juvenile court as follows:

1. Supervision is essential during childhood, which is a time of dependency and risk.

2. The family is of primary importance in the supervision and training of children, but the state should intervene whenever the family setting fails to meet the child's needs.

3. When a child is at risk, the state is the appropriate authority for determining the child's best interests.[51]

The separate juvenile justice system, then, has at its base the presumption that troubled youths can be salvaged if the State takes appropriate action. It is a system set apart from the adult criminal justice system with the specific expectation that a juvenile will be assessed to determine his problems, that services will be provided that address those needs and that, at some point, the juvenile will be rehabilitated to the point that he will not commit further crimes. The separate system had broad acceptance when the most frequent crimes committed by juveniles were joy-riding, shoplifting and truancy.

Protection of public safety and punishment are also stated goals of today's juvenile justice system -- but if they were the only goals, then there would be no need to differentiate between juveniles and adults or to have a separate legal system. While the maturity of teenagers and the sophistication of the crimes they commit may be vastly different now than they were 50 years ago, the system remains designed to treat juveniles as individuals who are still capable of changing their behavior, their thinking and their lives if the correct outside influence is provided.

Court rulings have pushed juvenile system closer to adult

While the design is largely unchanged, the system has not remained static over the years. A basic characteristic of the original juvenile court system was an informality in procedures and decorum.[52] The concept was that courts would have wide latitude and great discretion to assess the juvenile's behavior and determine the appropriate responsive action -- swiftly and behind closed doors to maximize the potential for a successful rehabilitation. The key players were the judge, the juvenile and the probation officer.

In the mid-70s, however, federal courts determined that juveniles were not being accorded their constitutional due-process rights and were being improperly confined for periods far in excess of adults who had committed similar crimes. Soon the juvenile court proceedings became more adversarial and time-consuming, with prosecuting and defense attorneys taking part and motions and counter-motions often replacing the previous focus on meeting the needs of the juvenile. Today, the main remaining elements of the criminal justice system that are missing from the juvenile court room are a jury, bail and openness to public scrutiny.

Juvenile advocates have lauded the changes as providing fairness and equity for juveniles who previously faced the potential of being railroaded through the system unassisted by legal expertise. But critics note that the focus of juvenile hearings has shifted to procedural matters that often have little to do with guilt or innocence. Timeliness also has gone by the wayside, with hearing delays frequent and frustrating for those involved. Others say that long delays and repeated hearings reinforce the predisposition of youths to believe that consequences are not worth worrying about because they are in some distant future that may never come.

Public consensus on rehabilitation goal of system has eroded

At the same time youths were gaining procedural protections in the courts, they were losing empathy in the court of public opinion. Rising crime rates and a backlash to perceived "coddling" of juvenile delinquents led to public pressure for tougher responses to juvenile crime. This coincided with studies during the mid-70s that cast doubt on the effectiveness of rehabilitation programs in reducing recidivism. As one history concludes:

The indictment of the rehabilitative model, along with growing public concern over crime, propelled a search for an alternative. Conservatives traditionally viewed the philosophy of rehabilitation with derision because it conflicted with their notion of deterrence and reciprocity through punishment. Liberals, lamenting the juvenile justice system's historic emphasis on custody and control, abandoned their traditional support for rehabilitation as impractical. As a result of this dissension, rehabilitation experienced a precipitous decline throughout most of the United States during the 1980s.[53]

Punishment was added to the juvenile court statute as a rationale for dispositions of cases -- but rehabilitation was not removed as the main goal despite sporadic efforts by some policy makers over the years. Through the 80s and early 90s, the system moved toward the so-called "just desserts" or accountability model without abandoning the original rehabilitative roots.

The result is clear although the proper interpretation of the affect is less so: More juveniles than ever before are incarcerated and juvenile crime rates are fairly steady. Critics of the lock-'em-up approach say the lack of a precipitous drop in crime means punishment-based incarceration is not working. Its supporters point to the leveling out of the crime rate as an indication that putting juveniles away has kept crime from growing worse.

Today the argument continues with varied voices:

- *The law under which we deal with youthful offenders was developed for a far less violent population. The philosophical base of juvenile law remains rehabilitative and fails to place accountability for a youth's action on the youth. It is time that the State of California revisit this issue and adopt a more balanced perspective. Juvenile offenders must be dealt with based on their demonstrated criminal behavior rather than focusing on their age at the time the offense was committed.*

  Sherman Block
  Los Angeles County Sheriff[54]

- *Much is said these days about preventing or deterring crime, but it is important to understand exactly what we are up against when we try. Prevention, if it can be made to work at all, must start very early in life, perhaps as early as the first two or three years, and given the odds it faces -- childhood impulsivity, low verbal facility, incompetent parenting, disorderly neighborhoods -- it must also be massive in scope. Deterrence, if it can be made to work better (for surely it already works to some degree), must be applied close to the moment of wrongful action or else the present-orientedness of the youthful would-be offender will discount the threat so much that the promise of even a small gain will outweigh its large but deferred costs. In this country, however, and in most Western nations, we have profound misgivings about doing anything that would give prevention or deterrence a chance to make a large difference. The family is sacrosanct; the family preservation movement is strong; the state is a clumsy alternative....Prompt deterrence has much to recommend it...But the greater the swiftness and certainty, the less attention paid to the procedural safeguards essential to establishing guilt.*

  James Q. Wilson
  Commentary, September 1994

- *[T]he Youth Authority charter...still recommends a civilized and progressive approach to delinquency which recognizes that society will best be served if an effort is made to bring young offenders back into the mainstream. The legislators who wrote the original Youth Authority statute believed that young people, brutalized by extended periods under punitive conditions, would most likely take out their frustration and sense of hurt on the society that incarcerated them. They further recognized that since 95 percent of all people institutionalized in correctional facilities are eventually released, it is in the selfish best interests of law-abiding citizens that environments be designed for criminals that do not have this effect....After all, juvenile offenders are our children. They are not aliens landed from some distant planet. They are the product of our society. By our policies and practices we have helped shape them. This does not exempt them from responsibility for their criminal actions. But it does leave us with the*

responsibility to help rehabilitate them. This we must do, in our own self-interest as well as theirs.

Steve Lerner
Commonweal Research Institute[55]

- *Many juvenile killings appear to take place without any rational cause or purpose. It is this latter characteristic that has caused some observers to question the whole concept of rehabilitation upon which the juvenile justice system is presumably based. Another concern expressed by many observers is that, in the name of rehabilitation or protecting the interests of the minor, hardened young criminals are let off much more leniently than would be the case if they were treated as adults....The most difficult aspect of any examination of the juvenile justice system is maintaining the perspective that the subjects being dealt with are both children and criminals at the same time, with all the limitations and vulnerabilities which the first label implies and all of the problems and risks implied by the second. Reconciling these competing demands is the most difficult task confronted by juvenile justice policy makers.*

Peter W. Greenwood
RAND[56]

- *Today opinion in the State is divided over the proper role of the juvenile courts. While most Californians would continue to emphasize juvenile justice's rehabilitative role, almost all believe that offenders who commit violent or property crimes should be punished. Half of all Californians surveyed for a 1992 report believe serious property offenders should be tried in adult court. Nearly as many favor incarceration in adult facilities for juveniles who commit violent crimes. ...Incarceration can play an important role in the juvenile justice system, but juvenile facilities especially should provide offenders with help and training. Given the high cost of crime and long-term incarceration, the State should provide every reasonable opportunity for a juvenile offender's rehabilitation.*

Commission on the Future
of the California Courts[57]

- *We've got to look at what we are doing with children in America. There is a tendency to think a child's violent, so put him in the detention center and throw the key away; he's committed two violent crimes, so send him to the adult system. ...Let's understand what we're doing in terms of confining kids. If we confine them and dump them back into the community with nothing more, it's not going to make any difference....Let's try to develop programs within our community that understand that in most cases if a child is properly supervised, he will not have to be detained. There will be rare exceptions. There is always going to be that terrible person who is the exception, but we can do so much if we understand that he is coming back to the community in pretty short order anyway and that we can make a difference by providing a coherent pattern.*

Janet Reno
U.S. Attorney General[58]

- *Since the late 1960s California's juvenile justice system has changed from an informal paternalistic process which paid more attention to the needs of children than to their*

constitutional rights to a formalized process that often protects the rights of children better than serving their needs....Attempting to graft public safety concepts onto a system designed purely for rehabilitation has resulted in a very crooked tree which bears bitter fruit....[The] very real need to protect the public conflicts with the core philosophy of a court that was created to protect and rehabilitate children.

Criminal Justice Legal Foundation[59]

- *Institutions do succeed in punishing but they don't deter. They protect the community temporarily, but the protection does not last. They relieve the community of responsibility by removing the young offender, but they make successful integration unlikely. They change the committed offender, but the change is more likely to be negative than positive.*

National Advisory Commission
on Criminal Justice Standards and Goals[60]

- *During the 1980s new evidence emerged suggesting that the demise of rehabilitation was premature. A growing number of studies indicates that rehabilitative intervention is effective in de-escalating criminal behavior. Various well-designed interventions reduce the severity and frequency of delinquency and alter the cycle that leads to adult crime....Although rehabilitation does not eliminate recidivism, it is more effective than correctional institutions in reducing the rate and seriousness of criminal behavior.*

Dan Macallair
Center on Juvenile and Criminal Justice[61]

The split in opinion on whether juveniles should be treated or punished when they commit crimes is reflected in Welfare and Institutions Code Section 202 (**Appendix E**), California's statute that guides the actions of those in the juvenile justice system. Enacted in 1976 and amended in 1977, 1983, 1984 and 1989, the section applies to both the dependency and the juvenile delinquency court. Although a careful reading of the statute reveals most of the key elements described as desirable by juvenile justice experts, the concepts are sometimes muddled, duplicative and contradictory in tone.

Juvenile statute loses clarity in effort to include many purposes

For instance, in wording that applies to both the dependency and the juvenile delinquency court, the statute names reunifying the minor with his or her family as the "primary" objective of the court, although the section begins with the statement that the purpose of the chapter is to provide for the protection and safety of the public in addition to the minor. At a later point, the reunification goal is moderated from primary to "appropriate" for juvenile delinquents when the goal is consistent with the juvenile's best interests and the best interests of the public.

Protection of the public and the public's best interests are highlighted repeatedly in the section: in the opening words, in tandem with the juvenile's best interests and in a separate section that directs juvenile courts and agencies to consider both the public's and the juvenile's interests in all deliberations. Punishment is included in the section as part of the "guidance" that is given to juveniles, with the definition of punishment including restitution, community service and limitations on freedom. Retribution is specifically precluded as the purpose of such punishment. Care, treatment and guidance that is ordered by the court is supposed to be consistent with the juvenile's best interests, hold them accountable for their behavior and "be appropriate for their circumstances."

The section also envisions holding parents responsible for the expenses incurred by the State in making their child a ward, subject to the financial ability of the parents. Missing from the section is any mention of the rights, needs or concerns of crime victims.

Muddled statute allows varied interpretations and practices

Critics of the juvenile justice system have noted that many of the system's decision makers appear to place emphasis on different parts of the section. As a result, courts in some areas may choose to risk public safety to a greater degree than others by leaving juveniles in their homes as a higher priority objective -- while in other areas of the state, incarceration is a frequently favored option regardless of the low risk to public safety.

Juvenile justice experts have distilled the key concepts that they believe should drive any juvenile justice system. The federal Office of Juvenile Justice and Delinquency Prevention, for instance, says a comprehensive approach to dealing with delinquency should be built on:

- Community protection and public safety as the first priority.
- Accountability, preferably through a system that combines sanctions, treatment and rehabilitative services in graduated steps that match the severity of the offense.
- Competency development, which requires that the youth entering the juvenile justice system exits equipped to be a productive and responsible citizen.

- Individualization, with assessment and treatment keyed to the specific circumstances of the juvenile and his crime.

- Balanced representation of the interests of the community, the victim and the juvenile.

Reworked goal statement could bring greater consistency

At a time when the juvenile justice system is the focus of conflicting philosophies and contentious disputes about how it should operate, the State can bring a greater consistency to juvenile justice processes by formulating a solid statement of guiding principles.

Recommendation 4: ***The Governor and the legislature should direct the new juvenile crime prevention agency to draft a clear statement of philosophy, purpose and function that focuses on deterrence as the cornerstone for the juvenile criminal justice system.***

A clear statement from policy makers about why a separate juvenile justice system is necessary and appropriate would set the tone and appropriate atmosphere for the independent discretion that is wielded by many players within the system. Setting aside the polarizing debate over whether rehabilitation or retribution should have the premier role in the juvenile justice system, the State's policy should be outcome-based. Society's primary goal in dealing with troubled juveniles is to deter repeat offenders and act to deter non-offenders from entering the system as first-time offenders. The State's policy, therefore, should focus on the most effective way to achieve deterrence and recognize that, in each case, a sophisticated analysis is required to determine the appropriate balance of treatment and punishment.

The concepts that should be stated in the policy include:

- The reiteration that the basic premise of the present separate system still holds true, especially for status offenders and minor criminals: that generally children are salvageable and extra efforts should be made, by the State in place of their

families when necessary, to influence their lives in positive, non-crime directions.

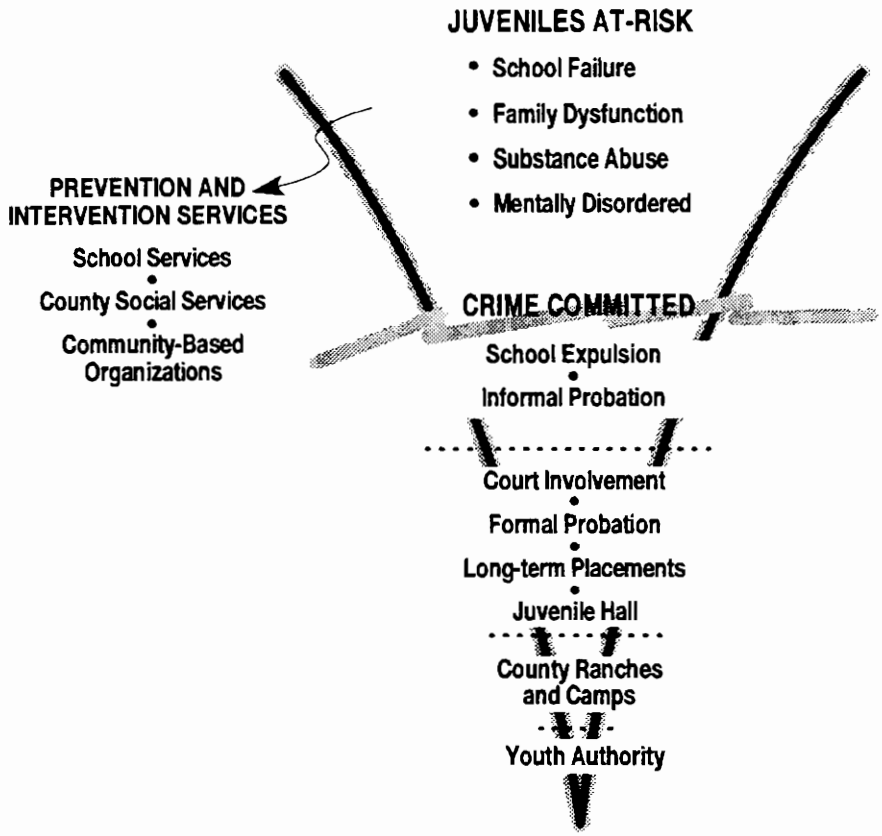
- The overriding need to ensure public safety and the right of the public to an open accountable system.
- A system that reinforces accountability for actions, personal responsibility for decisions made and consequences linked to deeds.
- The importance of individual assessment upon which to base appropriate treatment and/or punishment.
- In pursuit of deterrence, an appropriate balance between rehabilitation (treatment, training and education) and punishment, with competency development that can reasonably be expected to lead to productive citizenship as a key goal.
- Sensitivity to the needs, concerns and perspectives of victims.
- Family preservation when possible or beneficial.

Issue 3: Funding cutbacks have disproportionately impacted the programs with the highest potential for success in diverting juveniles from crime.

Despite the universal belief among experts that the only hope of halting or diminishing juvenile crime is in taking appropriate steps before a youth is entrenched in a delinquency pattern, early-intervention programs have all but disappeared as fiscally strapped county and state departments have made selective budget cuts in the past decade. Front-line workers decry their inability to cope with the minor juvenile delinquent because of the pressing demands on their time and resources by chronic, violent offenders. This situation is especially distressing since these worst-case juveniles not only soak up resources because of the high cost of their treatment but also are the least likely to be deterred from a life of crime regardless of the treatment options undertaken. Placing a high priority on "front-end" programs is difficult without new funding but is critical to any successful crime prevention effort.

Funding totals for processes and services at any point on the juvenile justice system continuum are difficult to determine. The Legislative Analyst's Office has developed a schematic representation of what can happen to juveniles at risk that shows the various levels at which action may occur. The diagram, on the next page, is useful, when annotated with populations and budgets, in understanding proportions and spending patterns:

CHART 5



As the schematic indicates, juveniles who are at risk of becoming delinquent may come to the attention of officials because of school failure, dysfunctional family actions, substance abuse or mental health problems. The juvenile may be diverted from criminal activity by intervention services provided by schools, county agencies or community programs. Those who commit crimes enter the juvenile justice system to face a range of treatments and/or punishments.

The bottom end of this funnel -- the California Youth Authority -- has close to 9,000 juveniles in its facilities and oversees another 6,000 on parole at a cost of almost $400 million. In the middle of the funnel, of the 250,000 youths arrested annually, an estimated 185,000 are referred to county probation departments, which spend in the neighborhood of $500 million. This figure includes some small amounts of funding that are used by some probation departments for pure prevention services rather than caseload activities. But it also excludes the

many other county departmental costs associated with bringing juveniles into the system, including law enforcement, court costs, prosecution and defense (if the juvenile has a public defender).

Pouring in at the top end of the funnel are some proportion of the 3.5 million youths aged 10 to 17 in California who have problems. Experts estimate that 6 to 7 percent display conduct disorders in school, usually an early tip-off to whatever risk factors are affecting a specific child. Funding sources for prevention services to these children are diverse. Casting the broadest possible definition of preventive programs, one could include city dollars devoted to after-school recreation programs, county money earmarked for libraries, school spending on tutoring programs, community organization funding for youth activities and state subsidies for a broad array of health services.

Prevention funding has shifted from counties to State to counties again

The diversity, in terms of both type of program and jurisdictional responsibility, makes it difficult to document funding totals, now and historically. But there have been shifting patterns of responsibility for the cost of preventive services. A history provided by the California Youth Authority indicates that the late 1940s were the first time the State used subsidies to local government as a way to reduce the number of wards sent to state facilities. Other efforts followed in 1961, 1965 and 1978, variously funding construction of county camps, subsidizing intensive probation and underwriting the cost of other programs, including delinquency prevention services.[62]

The flow of dollars from the State down to the county worked well, from the State's perspective, as long as strings were attached that required counties to reduce their commitments to CYA facilities. But the passage of Proposition 13 in the 1970s put a lid on counties' ability to raise funds for locally provided services, including delinquency prevention programs, and set the stage for a fiscal tug of war between the State and the counties. At first, the State -- flush with a surplus of funds -- bailed out counties, even removing the strings that had required reduced CYA commitments in return for the juvenile service funds.

The beginning of the 1990s, however, brought the State to the brink of fiscal disaster and in year after year of tight budgets, the State clamped down on money the counties had begun to think of as their own. In 1990, the County Justice System Subvention Program was cut in

half, with funding dropping from $67.3 million to $34.3 million. The following year, the one-time cut became permanent and the funds were "realigned" to county coffers along with other monies in a move that gave counties discretion to spend the funds based on their own priorities -- not necessarily juvenile delinquency prevention.

As one historical perspective concluded:

Many probation departments received major budget reductions and often the first programs to be cut were the front-end diversion and prevention efforts. Some police agencies could no longer fund their special juvenile bureaus and diversion programs. The situation was worsened by the demise of the federal Law Enforcement Assistance Administration, which had funded many California juvenile justice programs. At the local level, county agencies and community-based organizations competed for increasingly scarce public funds.[63]

The shifts in funding and responsibility may not have settled into any permanent pattern even yet. The Legislative Analyst's Office has proposed a further realignment that would include placing responsibility for all juvenile justice services at the county government level. Counties would select and pay for any treatment/punishment for juveniles, including reimbursing the State for the full cost of incarceration if the county chose that option for a juvenile. Counties would be given a larger share of the state sales tax to underwrite the added costs. One of the arguments advanced by the Legislative Analyst's Office is that the new arrangement would eliminate the fiscal incentive that counties now have to send juveniles to the California Youth Authority, which costs them $25 per month, rather than developing options -- at higher costs to counties but lower costs to the State -- to treat them locally.[64] Legislators have introduced bills to implement the Legislative Analyst's realignment but none have been successful.

Juvenile advocates favor shift to counties but critics worry about results

Advocates of such a change view it as a prime opportunity to eliminate incarceration of juveniles in large institutions in favor of treating them in community-based programs (a concept that will be examined in Issue 6). They also believe that counties will quickly turn to preventive programs as a way of holding down costs in the long run by reducing future crime.

But critics, including many of the county officials who would be the recipients of the new responsibility, believe the plan is flawed because the funding source is unlikely to keep up with the need to deal with juvenile crime. They also deny that fiscal incentives now drive the decision about where to place juveniles, adversely

affecting both the juvenile and state coffers as the Legislative Analyst's Office maintains. County officials point out that state law requires a judge to certify that all other options have been exhausted and that only the California Youth Authority can meet the needs of the juvenile. In addition, the State has a mechanism for charging counties for CYA commitments if they are due to a reduction in county service options, such as the closing of county camp programs.

Efforts to shift other programs to counties have fared poorly

Finally, critics can point to several analogies that bolster their contention that realignment holds the potential for disaster. During the late 1960s and early 1970s, the State embraced the concept of reducing reliance on state mental hospitals by releasing patients to their communities and sending subsidies to counties to develop services. The State saved money, but sufficient local treatment options were never developed and today many of the mentally ill show up among the homeless population and go without needed services. Even closer to home, in 1977 status offenders (runaways, truants and incorrigible children) were taken out of the juvenile incarceration system with the goal of keeping them separate from hardened criminals. Once again, local services did not develop to take up the slack and today status offenders receive little of the attention they need until they topple over the brink into delinquency.

While some believe prevention programs would blossom under realignment, others believe that if counties are left to make their own choices about spending, prevention will have a tough time competing with other more popular services. In fact, even without realignment, there is little dispute that prevention programs have been among the first "frills" sacrificed as governmental spending has diminished.

One expert told a conference on youth violence that the State was actually "prevention heavy 20 and 30 years ago but those programs were the first to go when the budget cuts came."[65] Summing up the situation for the Commission, the executive director of the California Wellness Foundation said:

There is no inherent conflict between incarceration and prevention. The two are points along a continuum of programs to address societal ills. However, in California we have lost our balance and are overweight in incarceration while anemic in prevention.[66]

The preventive, front-end services are not alone in feeling the budget pinch, of course. While spending by the California Youth Authority increased this year, it has endured significant cuts (1990-91 $359.4 million, 1991-92 $338.5 million, 1992-93 $338.1 million and 1993-94 $394.5 million), resulting in appropriations that have kept pace with neither population nor inflationary increases. CYA calculates that its reductions for the past three years after adjustments for population increases total $60 million.[67]

The most significant portion of the reductions has not come, however, in the so-called back-end services, the institutionalization costs, but instead in the state allocation that subsidized early intervention and prevention services. In 1991-92, $37.2 million that had previously been reflected in CYA's budget as earmarked payments to counties for programs to keep juveniles out of state facilities was shifted to county control.[68] While counties had the option of continuing to spend the funds on prevention and early intervention programs, probation departments were left to compete against the many other demands for county service -- and the results have not been good.

County probation budgets have not kept pace with growing need

The juvenile sections of county probation departments have seen flat budgets, decreases or in some cases only small increases that fail to bridge the service gap caused by growing caseloads, according to the Commission's survey of 15 large counties. In Los Angeles County, for instance, this year's $193.9 million budget is a decrease from 1992-93's $199.5 million. Contra Costa County, which provided the Commission a breakdown of its field service versus juvenile institution budgets, spent $4.9 million on field services and $3.1 million on institutionalization in 1991-92. By 1993-94, the balance had shifted, with $4.7 million being spent on field services and $7.8 million on juvenile institutions.

While statewide juvenile probation figures are no longer compiled by the state Department of Justice -- yet another loss to squeezed budgets -- the Legislative Analyst's Office has documented the increasing strain on county probation department resources for services to both adults and juveniles. Between 1983 and 1992, adult and juvenile probation caseloads increased 73 percent while the number of probation officers increased only 24 percent. Between the 1984-85 budget year and 1990-91, probation departments' share of county funds declined 9

percent while sheriff's shares rose 1 percent and district attorneys gained 3 percent.[69]

The diminishing ability of probation departments to handle day-to-day casework has forced the disappearance of the many efforts the departments made in the past to coordinate, create and/or inspire preventive and early intervention services. Outstationing of probation officers, which placed them close to communities, schools and other services to increase their effectiveness, was eliminated to consolidate overhead costs as one of the first economy moves by many counties, according to probation officers. In one county, regular meetings by the many different county departments that meet the needs of juveniles were very helpful in coordination of services to specific cases, according to probation workers, but they fell by the wayside as county budgets reduced spending in all departments.

Writing about the value of the cross-fertilization that used to occur when county service agencies had more discretionary funding, one former CYA parole officer described an Alameda County plan that divided caseloads along high school district lines:

Each social agency assigned their field workers by high school district, i.e. probation, welfare, recreation, health, police, CYA parole and schools. The agency field workers met monthly within their district and shared case records, information, plans, goals and objectives for their common cases. They made case decisions and agreed on strategies. For example, I, as the CYA parole agent, had 60 parolees....I met with the other representatives for the district and found that probation had the younger siblings in my families, health had the mother, etc. It worked beautifully until the funding was lost.[70]

Privacy laws hinder collaboration on providing juvenile services

Funding constraints are not the only factor that led to the demise of collaborative, cross-department efforts, however. As courts and laws placed greater emphasis on protecting privacy, it became difficult for departments to share information about specific cases. The State has four pages of laws (Welfare and Institutions Code, Article 22, Sections 825 through 830) designed to keep juvenile records confidential, even among agencies that are trying to provide service. Child protective agencies are allowed to look at records, but only after filing a declaration under penalty of perjury that they are to be used in connection with a criminal investigation or a proceeding to declare the juvenile a ward of the court.

In recognition of the problems this creates, the Legislature enacted an exclusion in 1991 for "integrated children's services programs" (Welfare and Institutions Code, Chapter 12.9, Sections 18986.40 to 18986.46).

Information sharing was still restricted, however, to cases where the child's parent, guardian or legal representative had signed a release form. A pilot project allowed San Diego County to share records, other than mental health, physical health and drug records, without release forms. As this report is being written, a measure to enact the San Diego County pilot statewide in place of the more restrictive program (AB 2488) is under consideration by the Legislature.

Federal laws also impede information sharing in the name of privacy. The Family Educational Rights and Privacy Act restricts the type of information that schools may release about students. The law is complex and multi-faceted but schools often simplify the result by claiming it means they can't give out or share any information, according to an expert with the National School Safety Center. The Center's expert said the law does not stop a school from sharing information or listening to other's information in a reactive mode but proactive outreach to other agencies when schools see a behavior problem is much more difficult.[71]

School role hampered but many say their intervention is key

The irony of the practical barrier to school participation in collaborative service efforts is that many experts believe schools are perfectly positioned to play a key role in at-risk juvenile identification, intervention and treatment. University of Oregon expert Walker, who says that anti-social behavior early in a child's school career is the single best predictor of delinquency in adolescence, finds that trouble children can be identified very accurately in the earliest grades of school. His studies on the components of successful early intervention programs have led him to conclude that schools should take the lead in identifying youths and coordinating services.[72]

Many of those involved in the juvenile justice system, however, find that some schools are reluctant partners at best in crime prevention efforts, believing that their main function should remain education -- even though education is difficult to accomplish when crime is flourishing and students are fearful. Some schools actively form partnerships with law enforcement in anti-drug programs such as DARE, but others are anxious simply to embrace zero-tolerance policies that expel students who cause trouble but that provide no answer to dealing with juvenile delinquents outside of the regular school.

Without cooperation among various agencies, the result is that many juveniles fall through the cracks. The Los Angeles County probation official who heads the Gang Alternative and Prevention Program testified to the Commission that the program's assessment of youths often find that little or no service has been provided even though the family may be receiving welfare or be involved with the dependency court. She said her program, which makes families aware of community resources and hooks them up with needed services, has worked to reduce recidivism, truancy and dropout rates. A multi-disciplinary, multi-agency approach that is family focused has the most potential for success, she concluded.[73]

Intra-agency cooperation can also pay off financially. San Bernardino County, for instance, takes advantage of a federal program that pays for up to 50 percent of a probation officer's salary if having the position keeps juveniles from being placed in foster care. Officials there say they saved the county social services budget $3 million and retained $1 million for probation department programs under new flexibility that counties have with AFDC/foster care funding.[74]

Multi-disciplinary panels can piece together puzzle of child's life

Such multi-disciplinary, intra-agency efforts are the key to successful early identification of troubled youths so that services can be provided, according to experts and front-line workers. A school official may know that a child is acting out and truant; the beat cop may observe the child breaking curfew or hanging out in questionable places; and social services may be aware of family factors that place the child at risk for abuse or neglect. Separately the indicators may be too small to justify any action; pieced together, the indicators add up to a picture of a youth that is headed for trouble unless intervention occurs.

In addition to allowing a more thorough assessment of a youth's actions, multi-disciplinary bodies provide a forum that can make services more accessible, according to their supporters. The county or school worker who suspects something is amiss with a juvenile may feel there is no convenient place to share their concern short of calling the police or the probation department. What they have observed may not be strong enough either in their own minds or legally to justify such intervention. The ability to share concerns with experts who may have access to other pieces of information without invoking legal sanctions encourages early identification of youths who need help.

The inherent danger in the multi-disciplinary team concept is that children will become labeled negatively, their privacy will be trampled on and they may be permanently side-tracked into a system that treats them as social deviants. Proponents of the concept, however, believe that the emphasis on providing services, rather than on punishing behavior, avoids much of the negative connotations. In addition, a requirement for parental involvement would ensure that the child has an advocate for his interests, besides providing a better potential for successful intervention through coordinated reinforcement at home.

The use of a multi-disciplinary approach to juveniles is not a new concept. In some counties, such as Ventura, children's services are integrated across county department lines with great improvements in efficiency and effectiveness, the Commission has noted in earlier studies on other children's issues. Other counties have made partial movements toward coordination. Youth Service Bureaus used to coordinate services for juveniles and School Attendance Review Boards are a multi-disciplinary approach that has worked for truancy problems. In 1989, the Criminal Justice Legal Foundation's recommendations for reforming the juvenile justice system included the creation of two groups within each county: An Interagency Juvenile Justice Council made up of agency leaders to develop and adopt policies and a Juvenile Justice Multidisciplinary Team that would address individual case problems and cooperative procedures.[75]

Turf, budget battles often stymy team approach

Grants available through the Office of Criminal Justice Planning acknowledge the powerful potential of collaborative approaches to prevention, in some instances requiring recipients to set up cross-jurisdictional committees. Front-line forces in the juvenile justice system, however, report that a too-frequent occurrence is the grant-receiving agency spending the funding on infrastructure (such as computers and other equipment) internally and then wondering why other agencies do not put more effort into the team approach. When the grant runs out, the recipient agency has gained new equipment but the area is still left without a model program to provide services. True cooperation is often stymied by turf concerns and proprietary interests in budget matters, these observers say.

Policy makers at the state level have shown support for encouraging local jurisdictions to create multi-disciplinary team approaches to juvenile crime. SB 1909,

now under consideration by the Governor, creates pilot projects in three counties called Family Assessment Intervention and Resource programs. The FAIR centers are described as judicially supervised, nonadversarial programs to provide prevention and early intervention services.

Enabling local jurisdictions to create these and other innovative approaches to meeting the needs of at-risk juveniles should be a high priority for the State. At a time when prevention programs have been squeezed out of state and county budgets, there is widespread acknowledgement that early intervention is critical to reducing crime -- and such intervention is most successful when it is the result of multi-disciplinary efforts.

Recommendation 5: ***The Governor and the Legislature should direct all state agencies involved in anti-crime efforts to make early intervention and prevention programs a top priority.***

Early identification, assessment and intervention is essential if at-risk children are going to be helped and diverted from criminal activity. Funding constraints and traditional divisions of turf should not be allowed to preclude local intra-agency, multi-disciplinary efforts among the key juvenile justice system players: law enforcement, probation, social services, schools, juvenile courts, public defenders, district attorneys and community leaders.

It is not the State's appropriate role to mandate what will work in each community, although the State has a clear interest in setting enforceable standards for local efforts. Most importantly, the State can provide leadership by stressing the concept that funds need to be re-prioritized to focus on 1) programs that have proven they work and 2) prevention measures. The State also can facilitate early-intervention efforts through the high-level state agency envisioned in Recommendation 1. The agency can share effective models and provide guidelines to local communities, concentrating on the increased efficiency and effectiveness that can be achieved through collaboration and cross-pollination of information and expertise. The agency, as a high priority, should identify categories of at-risk children, assess methods of intervening and create an effective model that

can be used by others. In addition, the agency should keep the State's primary policy makers informed by issuing annual reports to the Legislature that detail the status of children at risk and trends in juvenile crime.

Key elements of any model would be:

- A structure that is multi-disciplinary and intra-agency.
- A focus that is neighborhood or community-based.
- Multiple points of entry (i.e., children can be referred by schools, parents, organizations, etc.)
- An emphasis on attacking truancy, often a first sign of movement toward delinquency.
- A mechanism for providing access to parenting skills resources since delinquency often arises in homes with poor parenting practices.
- A system that is sensitive to cultural diversity without altering the expectations of society about the standard of required behavior. This includes the availability of appropriate services with culturally targeted accessibility.

Recommendation 6: ***The Governor and the Legislature should adopt legislation that eliminates barriers to inter- and intra-agency sharing of information that is necessary for early identification of and intervention with at-risk children.***

Current state statutes that are designed to protect the privacy of families and children are too restrictive to allow early identification and assessment of people in need of services. Society's long-term interest in preventing crime through early intervention should outweigh individual rights to privacy as long as information sharing has a positive, productive goal rather than a negative, labeling purpose.

In addition to revising state statutes, the Governor and the Legislature should urge Congress to modify federal laws that hinder participation by schools in pro-active efforts to help at-risk children.

System Reforms

- *Consequences that are swift and certain are most effective as deterrents. Neither are elements of the juvenile justice system.*

- *Too often concern for the juvenile offender takes precedence over the rights of victims and the public.*

Recommendations:

- *Ensure that misconduct at all levels of severity prompts appropriate consequences.*

- *Revise current laws to address age appropriately.*

- *Expand the role of victims in court proceedings.*

- *Revise laws regarding confidentiality and sealed records.*

System Reforms

The basic thrust of the separate juvenile justice system is that children, because they are still growing, developing and learning, can change and are worth society's investment in trying to make that change occur. Public support for that concept is unraveling under an onslaught of stories about amoral, murderous youths whose deeds are far removed from the concept of childish pranks and youthful mistakes. But those severely damaged and dangerous youths are only a fragment of the children who come into contact with the juvenile justice system.

Children still enter the system for shoplifting, breaking windows and brawling. They come into contact with authorities in the early stages of drug addiction, when deviant acts at school signals problems or when abuse at home has triggered their abusive practices on others. They come, having taken small steps away from acceptable behavior, when a simple push in the right direction can still make a major difference in the rest of their lives.

The challenge is to have a system that functions well for both ends of the spectrum: one that takes strong intervention measures when they are most likely to be productive while at the same time protecting society when the chances of rehabilitation are dim.

The present juvenile justice system falls short at both ends of the spectrum. The system's failures not only are damaging to the children it is supposed to protect but also undermine its standing with the public, endangering the consensus that allows a separate juvenile system to exist. The following two issues build the case for reforms that will improve performance and return credibility to the system.

Issue 4: Personal accountability and timely, appropriate consequences for actions are elements that should be reinforced by the juvenile justice system.

The message that individuals are responsible for the decisions they make and that illegal actions are accompanied by consequences is often lost in today's juvenile justice system. A child may face little more than a lecture for the first half-dozen offenses, tactics that are the hallmark of the adult system are employed to get the youth "off the hook," and long delays separate deed from outcome. The stark reality of the impact of the juveniles' actions on their victims and other members of society is also lost in a system that has little room for victim input.

In addition, appropriate consequences are not always achieved because of the way the juvenile justice system approaches chronological age. The disturbing trend for younger and younger juveniles to commit violent and heinous crimes without receiving the perceived harsher treatment accorded adults with similar records has brought the juvenile system's age specifications under scrutiny by policy makers. At the same time, age restrictions on juvenile jurisdiction force the release of wards from state facilities even when they are evaluated as still being a threat to society -- with no parole oversight and no ability of a court to order further treatment or confinement. In both cases, simple solutions that merely address changing age limits will not necessarily ensure the results that juvenile justice experts believe are warranted and that the public wants.

In the past, even petty crimes brought system reaction

At one time when there was less stress on the juvenile system in terms of fiscal constraints and burgeoning caseloads, juveniles faced dire consequences for their misbehavior. A boy who got into trouble for stealing from the corner store might spend an uncomfortable, frightening or even humiliating weekend in juvenile hall. Youths who repeated their defiant illegal activities might be sent to reform school, while those found to be hardened criminals were shipped off to state facilities.

Today, however, juvenile courts handle hundreds of cases rather than dozens and juvenile halls are packed with the most serious and violent offenders, leaving no room for small-time juvenile criminals. There is little time, attention or remedy for the novice juvenile delinquent.

The consequences of the increasing numbers ripple throughout the system. The police officer on the beat is unlikely to take tough action when he believes an arrested juvenile offender will merely be chastised and released -- a poor return from the officer's perspective when hours of paperwork may be required. The district attorney's office may prioritize limited resources to address only the worst cases, either deferring the filing of charges for months or completely passing up the opportunity in the belief that the system will provide little response anyway.

Probation officers speak of overwhelming caseloads where juveniles are "banked" rather than supervised, with little more than optimistic hope that they will not get into trouble again. In many cases, the optimism is not misplaced. Numerous studies have shown that a small proportion of juveniles are responsible for a disproportionate number of crimes while many youths only have a single brush with the law. The 1972 Wolfgang study in Philadelphia, cited throughout juvenile justice literature, found that chronic offenders who had five or more police contacts constituted 6 percent of a specific age group, 18 percent of all juvenile delinquents and were responsible for 62 percent of all offenses.

8 percent of juvenile offenders cycle through system repeatedly

The most current and frequently cited study, which is ongoing, is one being conducted by Orange County that has become known as "the 8 percent solution." The county, which is trying to construct a way to identify future chronic delinquents and intervene with preventive services, discovered that about 70 percent of first-time offenders do not commit further crimes and do not return to the system. Another 15 percent have a second run-in with the system but no further involvement. Somewhere between 8 and 10 percent, however, re-enter the system frequently, arrested four to 14 times in a three-year period.[76]

While other counties may find a lower or higher percentage of juvenile repeat offenders, the resulting impact is similar throughout the system: The worst cases are addressed while the minor offenders attract little attention and face few consequences. One police chief, while admitting that officers on the beat who ignore juvenile crime are at the beginning of the trail that leads to

a system with few consequences, said officers will only begin to be more aggressive enforcers when they know their actions will be meaningful. One long-time probation officer told the Commission that the frustrating part is knowing that her time is taken up by a few serious and chronic offenders who cycle through the system repeatedly, keeping her from providing help to the first- and second-time youths who she feels are the most likely to be rehabilitated and permanently deterred from a life of crime.

The back-end of the system soaks up most funding

For instance, a youth caught extorting lunch money from other students to support a developing drug habit may slip through the system until he becomes a hardened juvenile drug addict who is burglarizing homes to support his habit. Resources are much more likely to be expended sending the entrenched drug addict to the California Youth Authority for appropriate but possibly futile treatment than in providing early drug treatment for the young extortionist at the time when a cure is most likely to be fast and relatively inexpensive.

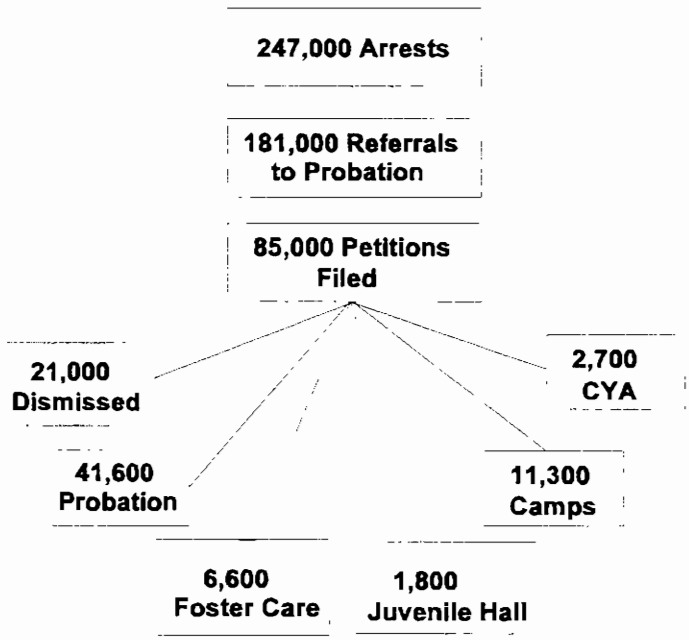
A juvenile court judge echoed the probation officer's concerns in testifying to the Commission:

The juvenile court should bring younger, less criminally oriented children into the formal court processes in some way. The system seems to focus on only the most serious offenders and allows the children with whom rehabilitation is most feasible to be essentially ignored.[77]

Statewide documentation on what happens to youths in the juvenile justice system is difficult to compile. The state Department of Justice stopped collecting juvenile disposition data after 1989 in response to tighter budgets and the Commission could find no organization that has filled the data void since. The California Youth Authority provided the estimated figures for 1992 displayed in the chart on the next page:

CHART 6

Outcome of Juvenile Arrests 1992 (est.)



Source: California Youth Authority

As the chart indicates, of the quarter million juveniles arrested, only about 181,000 were referred to probation departments. While some of the 66,000 may have been arrested improperly or for insufficient reason, many more undoubtedly were released with a simple admonishment or to the care of their parents.

Of the 181,000 cases received by probation departments, only 85,000 became the subject of petitions filed in juvenile court requesting action. The National Center for State Courts indicates California's rate of filings is low compared to other states -- at 1,200 per 100,000 population lower than all but four reporting states.[78] Once again, some cases not sent to court were probably closed with no action because of insufficient evidence and some may have been placed on informal probation or diverted into a community program. But many were simply released with a warning.

The juvenile courts dismissed 21,000 of the 85,000 requested petitions for action. That left 64,000

cases in which there were documented consequences in the form of time ordered for probation, foster care, county camps or CYA facilities. Those cases represent 26 percent of the 247,000 juveniles arrested.

It would be misleading to conclude that the above statistics mean three-quarters of arrested juveniles pay no price for their crimes. First, an arrest is not a guarantee of guilt and some proportion are freed because they are innocent or evidence is lacking. Second, diversion programs, some of which are described below, may not be documented as an action taken but may feel very much like a consequence to the juvenile involved. And third, for some juveniles an official admonishment, the reaction of their parents or their limited experience with whatever segments of the juvenile justice system they encounter may actually be the only catalyst needed to encourage better behavior.

Multiple run-ins with law often occur before action is taken

Hidden among those statistics, however, are many juveniles who thumb their noses at the system and know it will do little to them in return, according to many who work in the field. One probation officer told the Commission of research she had done on youths sent to county camp that revealed the majority had six and seven contacts with the system with no action taken before they were sent to camp. The California Youth Authority summarized:

Currently, large numbers of probationers on county caseloads go essentially unsupervised because available resources are no match for the multitude of cases. Minimum supervision/service and "paper" caseloads predominate; and in general even "supervised" probationers are rarely seen by a probation officer.[79]

If consequences are missing in the lowest level matters, they are often derailed or much delayed in more serious cases. Court rulings that have brought due-process rights to the juvenile courtroom have added the same kind of adversarial positioning and arguments that often tie up adult criminal courts. Where court proceedings used to be a matter of the judge weighing the probation department's report against input from the juvenile, today the hearings largely resemble those in criminal courts: prosecuting attorneys and defense attorneys with plenty of motions and counter-motions. Guilt or innocence may play a secondary role to whether rights were explained, search warrants obtained, arrests properly made, etc. One public defender told the Commission he worries about the mixed message of accountability that is sent to juveniles when procedural

wrong-doing by the system, rather than guilt or innocence, determines if a youth will go free.

The adversarial proceedings, as well as the number of cases jamming into the system, have caused long delays in a system that originally was designed to impose swift dispositions. Probation officers say many problems arise from repeated court hearing delays, not the least of which are the feelings of youths that "pay day" is far away, if ever.

Effect of system overload ripples out to police on the street

The perception of the system's participants that little can be done about low-level offenders has consequences beyond the handling of an individual juvenile's case. Police and sheriff's deputies say they have become more and more reluctant to arrest juveniles for minor crimes that they know will result in no action, particularly since juvenile halls are too full to even guarantee the detained youth an uncomfortable night away from home. Truancy and curfew violations in particular are low on the law enforcement priority list (except in some communities that are beginning to target these issues), even though experts say that these are the very first signs of a budding juvenile crime career. District attorneys are reluctant to file charges in cases that will go nowhere or they place such a low priority on non-serious juvenile crimes that the charges may not be filed until months after the arrest.

In addition to concerns expressed by those who work in the system, its vagaries affect victims and their families, as well. The victim has no role in the courtroom and the confidentiality (which will be examined in Issue 5) that cloaks the juvenile in large part keeps the victim in the dark about the case as it proceeds. The result, according to victim rights organizations, is that citizens who are injured or who suffer damages from the juvenile are "re-injured" by the system and are denied a feeling of resolution. An opportunity is also lost to confront the juvenile with the real-life impact of his actions.

Under the provisions of the Victims' Bill of Rights, adopted by the voters in 1982, victims do have the right to request notification of juvenile and adult parole hearings and to speak at the hearings. In addition, in adult criminal cases they may provide input during sentencing hearings -- not an option that is open to victims of juvenile crime.

State officials in the Youth and Adult Correctional Agency have taken aggressive steps to meet the concerns of victims, conducting a statewide summit in 1993,

standardizing parole notification processes and incorporating victim impact courses in institution curricula. But many victims told the Commission that the juvenile justice system for the most part remains a closed and secretive process that fails to be responsive to victim's needs. One mother of a child murdered by a juvenile, who works as a probation officer, told the Commission that even with her inside knowledge of the system it was very difficult for her to track the case and stay on top of what was happening. Hearings that were repeatedly postponed, canceled and rescheduled left her with a feeling that her life was on hold and her grief unresolved, she said.

Even without the same level of involvement as victims or juvenile justice system participants, the public has the perception that juveniles get off lightly, merely slapped on the wrist all too often. And there is a strong undercurrent of belief by the public that juveniles, who are all too familiar with the powerlessness of the system, are encouraged to continue their lawless lives. While juvenile advocates dismiss the commonly held belief that harsher punishment would deter crime, they do concede that studies show consequences that are swift and sure do have a deterrent effect.

Swift, meaningful consequences can be employed with 'volunteer' courts

In some areas of the State, agencies are finding ways to make consequences swift and meaningful without adding costs. In San Bernardino County, for instance, a volunteer teen court reviews low-level offense cases and can impose sanctions such as restitution and community service. Offenders sent to the court must have admitted their guilt and have agreed to submit to the authority of the court of their peers in exchange for avoiding formal action. The county also uses citizen-staffed "Youth Accountability Boards" that have much the same structure and requirements. Writing about the needs these options meet, the chief probation officer said:

We have general agreement in criminal justice that there needs to be swift and proportionate consequences for the first-time offender; and yet this is the group left out in any case triage due to limited resources to intervene in the minor offenses of first-time offenders. However, the existence of a Youth Accountability Board allows us to refer these cases to a board of community volunteers for a case conference and individual and community-designed disposition. Beyond being a consequence for the youth and a support for families, it offers us and law enforcement a way to make the problems and needs of our youthful offenders "real" to the public. It creates a body of citizens intimately involved in and acutely aware of the multiple problems we deal with in every case.[80]

A Long Beach community activist has put together a similar neighborhood-based concept where non-serious offenders can be referred to a forum of volunteers for oversight and sanctions. She designed her program in response to the high rate of juvenile arrests in her area:

On average, about 2,300 juvenile arrests go through the Probation Department in Long Beach every month. This staggering volume has resulted in cases being heard far too long after the crime has been committed. Witnesses and victims forget what happened, move or die. Courts are swamped with a backlog of cases. Youth gain the impression that their misbehavior will not be punished and thus lose all respect for law and order.[81]

In some places, special programs also target the mid-level offender who is in danger of becoming a chronic juvenile delinquent. Redding, for instance, is one of several cities that has used an OCJP grant to create a Serious Habitual Offender program. The program identifies delinquents who have committed two offenses, warns them of the severe consequences of a third offense and then provides intensive supervision and special schooling for those who ignore the warning. Close coordination by police, probation, schools, the court and other agencies enable the program to have a dramatic impact on targeted juveniles. A key element is that information sharing allows all agencies that may have contact with the youth to have a complete picture of his activities. Writes the Redding police department, which coordinates the program:

Each of our partner agencies have agreed to a zero-tolerance policy in dealing with identified Serious Habitual Offenders (SHOs). Those who re-offend will no longer be cited and released for their wrongdoing. The Probation Department has agreed to hold all arrested SHOs in custody until they go to court. The District Attorney's Office has agreed to ... seeking maximum penalties on any offense committed by a SHO. With this program bringing together information from so many parts of the juvenile justice system, the juvenile court will have a much more complete picture of the SHOs activities upon which to base their disposition decisions should a SHO re-offend....Too often we have seen these same juveniles go through the revolving- door juvenile justice system. Our goal with the SHO program is to work together to shut the door on those juveniles who choose to re-offend.[82]

Consequences for a juvenile's actions are not only determined by the level of seriousness and the options available to probation officers and juvenile courts, but also are directly linked to age, both when the crime is committed and when institutionalization may end. In both cases, policy makers have begun to examine the system's procedures with the goal of improving the ability of courts to select appropriate consequences.

Existing law provides two ways to handle minors as adults

In California, anyone under the age of 18 who commits a crime falls within the jurisdiction of the juvenile court (in some states the age is 16 or 17, while others use 19 as the age of majority). The exceptions are limited to 16- and 17-year-olds who are judged to be unfit for treatment as juveniles by one of two processes described in Welfare and Institutions Code Sections 707a and 707b-c. The processes involve what is called a fitness hearing and the outcome may be to remand, or send, the juvenile into the adult court system. Once a juvenile has been remanded to adult court for one crime, any subsequent crimes are automatically addressed in that court.

Under Section 707a, a district attorney may ask a juvenile court judge to declare a 16- or 17-year-old minor unfit for juvenile jurisdiction for any crime. It is the district attorney's job to convince the court that the juvenile has done something so heinous, or is so incapable of remorse and rehabilitation, that the juvenile should be considered an adult and tried in criminal court. The juvenile court judge then bases his decision on one or a combination of any of five criteria:

- The degree of criminal sophistication exhibited by the minor.
- Whether the minor can be rehabilitated prior to the expiration of the juvenile court's jurisdiction.
- The minor's previous delinquent history.
- Success of previous attempts by the juvenile court to rehabilitate the minor.
- The circumstances and gravity of the offense alleged to have been committed by the minor.

The process is slightly different for a list of more than two dozen deadly, serious and violent crimes enumerated in Section 707b. For those crimes, the district attorney may file a remand petition and, in what is known as a rebuttable presumption, the juvenile is deemed unfit unless the juvenile convinces the judge that he should not be sent to adult criminal court. The same criteria are used by the judge -- but the juvenile must prove that he is fit for juvenile jurisdiction under each and every one of the criteria.

In essence, the remand system is designed so that the district attorney has the burden to prove under at least

one criteria that a 16- or 17-year-old should be sent to adult court for garden-variety crimes. For the worst crimes, the juvenile has the burden of proving on each of the five points -- a much tougher standard -- that he should be kept in the juvenile court.

The intent of the remand system is to weed out those juveniles who are so entrenched in crime and so unlikely to be rehabilitated that there is little use in sending them through the treatment/training/education programs of the juvenile justice system. More often, however, the remand system is viewed as a mechanism for punishing juveniles who have been blatantly violent, vicious and unrepentant.

Number of juveniles sent to adult court is not clear

Nationally, about 3 percent of all juveniles are remanded to adult court and the federal Comptroller General is expected to produce a report on the typical outcomes by the end of this year. Without statewide data on juvenile dispositions, the number of juveniles who are involved in fitness hearings and who are remanded to adult court in California can only be estimated from other indicators. For instance, the California Youth Authority reports that, of the 3,640 new admissions to its facilities in 1993, 1,168 came from criminal courts. However, this is not an entirely accurate reflection of the number of remands since some juveniles who are remanded are acquitted or placed on probation; also criminal courts do have the discretion to order young adult criminals to be housed in CYA facilities for humanitarian reasons.

To try to determine patterns and results, the Little Hoover Commission surveyed the State's 15 largest counties, but some did not have statistics on remand cases. The table below shows data from six counties that account for roughly one-half of the State's population (Los Angeles, San Bernardino, Orange, San Francisco, Fresno and Kern Counties) and that provided full information for the past three years:

TABLE 2
Juvenile Fitness Hearings in Six Counties 1991-93

	1991	*1992*	*1993*
Fitness Hearings	988	1104	1134
Number of Remands	543	585	586

Source: Little Hoover Commission survey

With such fragmentary data it is unwise to draw sweeping conclusions, but one thing is evident: The simple filing of a remand request by the district attorney is not a guarantee that the juvenile will be swept out of the juvenile system. As the table shows, the number of juveniles remanded in the six counties has stayed fairly steady despite the rising number of remands sought. Courts granted remands in 55 percent of the cases in 1991, 53 percent in 1992 and 52 percent in 1993. Although juvenile advocates complain that decisions about juvenile fitness often are not made based on proper interpretations of the criteria, clearly judges are weighing their decisions.

Latest law allows some 14-year-olds to face adult court

Criticisms of the present system come from all sides. Much of the discussion about reforming the system centers on lowering the age to 14 or even 12 so that younger murderers may be sent to adult court. Attempts by several legislators in the 1993-94 session to adjust age provisions resulted in some changes, although not the sweeping across-the-board reforms many had argued for. Taking effect on January 1 is a law that lowers the applicable age of 707a provisions to 14 (from the present 16) and allows the use of the 707b-c process for 14- and 15-year-olds who are accused of committing murder (although not for the other serious crimes listed in 707b).

Other states use a variety of remand ages, as indicated by the table on the next page:

TABLE 3

Sample of State Remand Restrictions

State	*Age of Majority*	*Possible Transfer to Criminal Court*	*Restrictions*
Colorado	18	14 and older	Felony crime
Florida	18	14 and older	None
		No specific age	If previously adjudicated for a violent crime against a person and currently charged with a subsequent violent crime; if offense is punishable by death or life imprisonment; if demanded by child or guardian
Georgia	17	No specific age	Concurrent jurisdiction if child alleged to have committed offense punishable by death or life imprisonment
		13 and older	Offense punishable by death or life imprisonment
		15 and older	None; mandatory waiver if child charged with burglary on three or more occasions in the past
Illinois	17	13 and older	None
Massachusetts	17	14 and older	Previous commitment to state juvenile facility and child accused of crime punishable by state prison if adult committed; if crime involves threat or infliction of serious bodily harm
Pennsylvania	18	14 and older	Permitted if felony, mandatory if murder; child may request
Texas	17	15 and older	Felony
Utah	18	14 and older	Felony
Washington	18	15 and older	Class A felony or attempted Class A felony

Source: California Youth Authority's "Juvenile Corrections in Ten States: An Overview and Update;" data current as of 1991.

As the table indicates, several of the nation's large states have less restrictive policies than California's remand law in terms of age, although many of the waiver laws contain specific direction about when juveniles may be remanded.

A common presumption underlying the push to lower the remand age in California is that it would be more equitable or more punitive to place young violent and hardened offenders in the criminal system where their adult counterparts are dealt with. In addition, some support the concept as a way of shifting the more serious young criminals to the state prison system where the annual cost is less than in juvenile facilities.

Outcome in adult court not as harsh as some perceive

While hard data is difficult to find, many experts and system participants say that the presumption that sending juveniles to adult court is a tougher response to crime is not necessarily borne out. The reality of the current system, they say, is that youths sent to adult court 1) sometimes are not convicted at all because a jury cannot bring themselves to find someone so young guilty; 2) sometimes are put on felony probation when the juvenile court would have incarcerated them; 3) may benefit from a plea bargain designed to avoid the cost or uncertainty of a trial; or 4) may be sentenced to a determinate period and earn half-off credit for good behavior in the adult system when they would have spent a greater time incarcerated in the California Youth Authority.

RAND expert Greenwood agrees with this assessment. In testimony to the Commission, he said that several studies have found that "youth who were waived were not, on the average, treated any more severely than those who were not." And he noted that some juvenile advocates actually believe that, with the swing to more punitive measures in juvenile courts and institutions, the rights of juveniles are actually better protected in criminal court where they will have a jury trial.[83]

Thus advocates of "harsher" treatment of younger violent juveniles may actually not achieve their goals by working to send more of the youths to adult court. But complaints about the remand system go beyond where the age line should be drawn. Critics argue that:

- The hearings almost invariably focus on the crime rather than on the juvenile and his amenability to rehabilitation efforts.

- In the case of 707b-c procedures, the juvenile faces a Catch 22. The process is only used for serious crimes -- yet one of the criteria under which the juvenile must prove he is not unfit depends on the seriousness of the crime.

- A juvenile who is remanded to adult court may eventually agree to a plea bargain or be convicted of a lesser crime that would not have made him subject to the remand process.

- Under an appellate court ruling, evidence that the juvenile did not commit the crime -- such as an alibi -- may not be considered during a fitness hearing, even though the first and fifth criteria both center on an assessment of the juvenile in light of the committed crime.[84]

- The criteria do not take into consideration whether it is likely that the juvenile will be rehabilitated, but only whether it is possible.

- The criteria do not include an evaluation of whether the care, treatment and guidance available to the juvenile court is the appropriate method of holding the minor accountable for his actions.

- The sections lack definitions for fitness, criminal sophistication and amenability, leading to differing interpretations in different jurisdictions.

CYA usually loses jurisdiction over juvenile at age 21 or 25

Some juvenile justice system critics have argued that all juveniles should be retained in juvenile court since they are usually housed in CYA facilities anyway whether their commitment comes from juvenile court or the adult court. But this ignores the issue that the juvenile system loses jurisdiction and control over everyone at the age of 21, 23 or 25 (if the person's sentence maximum has not expired before then), regardless of the crime or perceived need for a longer period of treatment. There are three categories of wards incarcerated in CYA facilities: 1) Those who are sent to CYA from juvenile court must be released by age 21 or 25, depending on the crime; 2) those who are committed to CYA from adult court must be released at age 25 (or age 23 in the case of a misdemeanor), although one-year enhancements are allowed for up to four parole violations; and 3) those who are sentenced by adult court to state prison terms but who are ordered housed in CYA facilities may be kept up until they turn 25, at which time they are transferred to state prison. Law taking effective January 1, 1995 will restrict the housing of some 16 and 17 year olds at CYA, but for the most part the categories remain unchanged. The practical effect of the age restrictions is that CYA often must release wards based on their age, rather than on how long they have served or their behavior.

The table below shows the number of releases from CYA facilities each year for the past five years due to age limits (not including transfers to state prison):

TABLE 4
Releases from CYA Facilities Due To Age 1989-93

Year	*Number*	*Percent of Total CYA Releases*
1989	421	9.9
1990	378	9.5
1991	473	11.9
1992	338	8.7
1993	298	7.7

Source: California Youth Authority

'Maxing out' problem may put dangerous people on street

As the table indicates, releases due to age jurisdiction expiring account for between 8 and 12 percent of CYA releases annually. To see the significance of these numbers it is important to understand that those committed to CYA are serving indeterminate sentences, with the maximum length governed by the crime, comparable adult sentence and chronological age of the offender. Wards entering the system are given an expected parole date, which can be revised according to an annual assessment of their treatment progress, behavior and prospects for leading a crime-free life when released. Those who "max out" at age 25 almost invariably have been skipped over because of the belief by authorities that they are still a danger to the public.

Those who are released at age 25 for the most part cannot be placed on parole. Since parole in theory provides a mechanism for returning someone to custody if set conditions are violated, the juvenile justice system would have to have jurisdiction past 25 to place these released wards on parole. While policy makers have considered extending the age to 30 or beyond, some observers say that the system at some point has to give up on monitoring the offender's behavior and that increasing the jurisdiction age only moves the problem to some later age. Others, however, point out that there is something faulty in the reasoning behind a system that provides parole oversight for those released from CYA facilities before they turn 25 but does not provide any

oversight for those whose offense, institution behavior or parole prospects are so bad that officials have refused to release them sooner.

The possibility of returning the "maxed-out" wards to court for a new assessment and adjudication process raises due-process and constitutional questions but a limited model does exist in current law. Under present statutes, CYA can seek further confinement of those 25-year-old wards who they can prove are a danger to society because of a treatable mental or physical deficiency, disorder or abnormality -- a category that has been narrowly restricted by court interpretations. This rarely used law allows CYA to return the ward to court for a trial if the ward does not voluntarily agree to remain in treatment.

Rigid age limits, number of cases hinder performance of juvenile system

A system that relies on rigid approaches to chronological age and is too overburdened to deal adequately with all juveniles is hard put to maintain the concepts of personal accountability for decisions and consequences linked to actions -- yet these concepts are critical to the credibility and continued acceptance of a separate juvenile court system.

Recommendation 7: ***Working together, the State and the counties should ensure that a continuum of options exist so that a range of consequences addresses misconduct by juveniles at all levels of severity.***

From the point of first contact with the juvenile justice system, a youth should be made aware that he is accountable for his actions and that illegal activity brings consequences. Counties should construct a continuum of options, including the use of volunteer and community resources, to ensure that juvenile delinquency is addressed at all levels. The State's new juvenile agency should assist counties by providing an assessment of their options, outlining ways to increase the range of sanctions and, when possible and necessary, identifying funding to accomplish a workable continuum of programs.

For each juvenile who comes in contact with the juvenile justice system, the first step should be a thorough assessment of his needs for treatment and services. Options after the assessment will fall into one of three

categories: 1) diversion; 2) local treatment and 3) state incarceration. Diversion out of the system for youths with low-level needs and non-serious crimes can provide consequences through enforced participation in community or teen court programs. At the other end of the spectrum, juveniles who have committed multiple and serious crimes and who have intensive-treatment needs should be sent to the California Youth Authority. Community-based treatment programs, including day treatment, intensive supervision and residential care when needed, should provide appropriate consequences for the mid-range of offenders.

Recommendation 8: ***The Governor and the Legislature should adopt legislation that allows victims or affected family members to present testimony during the juvenile adjudication process.***

In criminal court, victims or their relatives may offer testimony about the impact of the crime on their lives during penalty phases of trials. No such input is provided for in the juvenile system. In addition to acknowledging the needs of victims for a voice in the system, providing a role for victims in the juvenile court process would confront juveniles with the reality of their actions and the consequences to others.

Recommendation 9: ***The Governor and the Legislature should adopt legislation that restructures the remand process to maximize judicial flexibility to make appropriate dispositions of juvenile cases.***

The current remand process should be restructured in two ways: 1) The criteria on which judges base their decision to send juveniles to adult court should be revised and better defined; and 2) a narrow and procedurally difficult process should be established for addressing the rare, very young offender who is beyond hope of rehabilitation or whose crime is so severe that the balance of consequences, even while focused on deterrence, favors a severe penalty.

1. The criteria on which judges now base their decisions about fitness are poorly defined and open to inconsistent interpretation. Redrafted criteria should focus clearly on the likelihood -- rather than merely the possibility -- of rehabilitation occurring if the juvenile were exposed to appropriate treatment, training and education. Possible wording suggested to the Commission:

   In determining the amenability of a minor, the juvenile court shall consider the emotional, intellectual and moral qualities of the youth as evidenced by his behavior prior to the alleged criminal act. The juvenile court shall thoroughly evaluate the minor's family background, psychological profile, school attendance and achievement, community involvement and any previous contact with the juvenile court. The juvenile court shall also evaluate the degree to which the minor has involved himself in a criminal lifestyle, as evidenced by the number and nature of any prior contact with the juvenile court, and the nature and the effectiveness of previous attempts by the juvenile court to rehabilitate the minor. The juvenile court may also consider the manner in which the alleged criminal act was committed and the extent of the youth's participation in the planning and conduct of the criminal act.

   In addition, the concepts of criminal sophistication, amenability and fitness should be defined if they remain in the criteria.

2. The Commission is not convinced that lowering the age of possible remand from the present 16-year-old cutoff accomplishes improved public safety. However, it is possible to envision a rare -- though deeply troubling -- case where a 12-, 13-, 14- or 15-year-old may be so psychologically damaged, so entrenched in a life of crime and so immune from feelings of remorse or desire to change that rehabilitation is futile. A new law that takes effective in 1995 partially addresses this by lowering the age of remand in some cases to 14. The Commission believes, however, that further revision is desirable. To construct a narrow window to address a youth of any age under appropriate conditions, the present 707a process should be revamped, eliminating any reference to age but also increasing the threshold of proof. Under such a revision, the district attorney would

have to prove that the young offender was unfit for treatment as a juvenile under each and every criteria (either as they now exist or under the redrafted version).

Recommendation 10: ***The Governor and the Legislature should adopt legislation that returns a juvenile to juvenile court jurisdiction if an adult criminal court trial results in a conviction of a crime that is not listed in the Welfare and Institutions Code Section 707b.***

Under existing law, a juvenile may be remanded to adult court for any of the many serious and violent crimes listed in Section 707b. Once in adult court, however, his case may be plea-bargained down to a lesser offense or he may be found guilty by a jury of a lesser offense. Although the outcome in these cases indicates he should not be handled as an adult, there is no mechanism currently for returning him to the jurisdiction of the juvenile court for sentencing or disposition. Creating such a mechanism would provide for more appropriate treatment and/or incarceration.

Recommendation 11: ***The Governor and the Legislature should adopt legislation that creates a system that allows judicial scrutiny and new disposition of cases where juveniles reach the maximum age in state custody and are still considered to be a threat to society based on their commitment offense, their conduct while incarcerated and the nature and circumstances of their crime.***

Under existing law, a juvenile who "maxes out" in a CYA facility at age 21 or 25 (depending on the crime and situation under which the juvenile was sent to CYA) may not be retained or placed on probation but must simply be released. The sole, narrow exception allows the State to seek further confinement based on the

argument that treatable physical or mental damage exists. A trial can then be held if the juvenile does not voluntarily agree to the extension of incarceration and treatment.

A similar mechanism should be created for those wards who are sentenced to CYA but refuse to take advantage of the opportunity for reform and rehabilitation because they know they will be set free at a certain age regardless of their actions. While the Commission is concerned about constitutional issues, including double jeopardy, the need to protect the public from dangerous criminals is strong; therefore, the creation of a system to address these small numbers of offenders should be considered.

Recommendation 14: ***The Governor and the Legislature should resist efforts to create a determinate sentencing structure for juveniles or to remove ward assessment and release authorization from an independent body.***

Were it not for the particular policies of recent Youthful Offender Parole Boards that have lengthened commitment times, it is difficult to believe that juvenile advocates -- who push individualized assessment and understand the need to deal with juvenile rehabilitation on a case-by-case basis -- would prefer a system that simply sets a date and releases a ward regardless of his progress. The irony is particularly noticeable when the much-touted Massachusetts program uses a panel and review mechanism much like the Youthful Offender Parole Board to determine the need for security, length of stay and specific program placement.[98]

While the Little Hoover Commission rarely takes a stance against specific proposals, its perspective of determinate sentencing structures and their negative affect as seen in the adult criminal sentencing system is one of firm disapproval. While specific policies may come and go as the membership of the Youthful Offender Parole Board changes, the structure that it represents is a rational one in light of the rehabilitative goals of the juvenile justice system.

Much more supportable from a theoretical perspective would be proposals to balance Board membership and to upgrade expertise by setting professional requirements for membership.

Recommendation 15: ***The Governor and the Legislature should link increased funding for CYA juvenile treatment programs to the adoption of legislation precluding the Youthful Offender Parole Board from adding time to a ward's commitment stay solely because programming has been unavailable.***

- Reduction in state operations 1991-92: $13.1 million. Among the cuts were $6.2 million in administrative and support expenses by combining branches and reorganizing functions; $1.5 million by "standardizing" intensive-treatment program staffing levels; $.8 million by reducing the number of camp crew counselors; and $2.2 million by increasing parole agent caseloads and reorganizing parole field offices.

- Reduction in state operations 1992-93: $7.4 million. Among the cuts were $1 million by eliminating inspections of juvenile halls; $.6 million by closing two parole field offices and increasing some supervision ratios; $2.7 million by eliminating branch offices and reducing the number of treatment team supervisors, institution parole agents and parole violator investigators; and $2.2 million by deferring maintenance and eliminating equipment and Training Academy funding.

- Reduction in state operations 1993-94: $1.5 million. Among the cuts were $.4 million in further parole office reductions and $.8 million in reduced numbers of program administrators, parole agents and maintenance positions in institutions.

By the beginning of the 1994-95 budget year, CYA had a total of 5,187 staff with 4,851 assigned to institutions and 336 (6.5 percent) providing administrative oversight, services and support in the central office. This compares to a total of 5,071 in 1990-91 before the cuts began. This 2 percent growth in staff over four years can be compared to the 11 percent increase in wards during the same time to explain program waiting lists and the system's declining ability to provide quality rehabilitation programs.

Resources are key to CYA's declining ability to treat wards

Those who work in the institutions and those who are critical observers believe the CYA's ability to provide appropriate treatment, education and training to juveniles has decreased markedly. Budget cuts, rather than errant philosophy, appear to be largely responsible. Although the State has few resources available to change the situation, the prospects for juveniles to be rehabilitated, deterred from crime and equipped for productive lives depend on the ability of policy makers to find creative reforms that can change priorities and commitment patterns.

As the tables indicate, in 1993 there were 277 assault and batteries on staff (93 with a weapon); 1,090 assault and batteries by wards on other wards (140 with a weapon); 97 staff injuries; and 410 ward injuries. Chemical restraints used to break up fights affected 2,762 wards (the rate for the use of these climbed in the 1990s after CYA told staff to use chemicals rather than physical intervention as a first resort in order to reduce injuries). Rates in almost all categories on all of the charts showed declines in 1993.

While historically fairly steady, the rates still paint a depressing picture of institutions where the safety of wards cannot be assured: In 1993, 410 wards were injured and 2,762 were sprayed with chemicals to halt incidents. It is not unexpected that the setting for handling the most chronic and violent juveniles in the State would be other than placid. But CYA studies have shown that crowding institutions and placing larger numbers of wards in dormitory settings increases the number of incidents and assaults.[97] This not only makes the institutions less safe for staff and wards, but also results in longer confinement times (through penalty time adds and the inability of wards to complete programming due to disruptions), which are costly to the State.

There is general agreement among institution experts that dormitory settings -- which account for 2,642 beds in the 6,692-bed design capacity of the California system -- enable violence. But they also are cheaper to construct and staff. Critics have credited CYA with lobbying for an end to dormitory construction but budget realities and legislative priorities have often displaced concern for building effective and safe programs.

Budget cuts have squeezed programs, raised case ratios

The physical layout of CYA facilities is not the only portion of the system that is affected by fiscal constraints. In each of the three budget years beginning with 1991-92, CYA -- like most other state agencies -- has been forced to trim expenditures as part of the unallocated budget cuts approved by the Legislature and Governor each year. The department has lost nearly $60 million in funding despite annual increases in the number of wards committed to its care and oversight. While the cuts included $38 million that simply shifted county subsidy funds from the CYA budget into county block grants, $22 million represented cuts that had to be made in state operations. Steps taken to cope with the cuts each year included:

TABLE 8
CYA Ward Assaults and Batteries on Other Wards, 1989-93

Type of Incident	*1989*		*1990*		*1991*		*1992*		*1993*	
	No.	*Rate*	*No.*	*Rate*	*No.*	*Rate*	*No.*	*Rate*	*No.*	*Rate*
Assault w/ weapon	55	.007	45	.006	30	.004	40	.005	32	.004
Assault, no weapon	143	.017	123	.015	111	.014	82	.010	92	.011
Battery w/ weapon	78	.009	88	.011	92	.012	111	.014	108	.013
Battery, no weapon	990	.119	916	.115	1006	.126	1034	.127	858	.103
TOTAL	**1266**	**.153**	**1172**	**.147**	**1239**	**.155**	**1267**	**.156**	**1090**	**.131**

Source: California Youth Authority

TABLE 9
CYA Staff and Ward Injuries, 1989-93

Year	*Staff Injuries*		*Ward Injuries*	
	No.	*Rate*	*No.*	*Rate*
1989	102	.012	272	.032
1990	111	.013	382	.046
1991	150	.018	309	.037
1992	113	.013	476	.056
1993	97	.011	410	.047

TABLE 10
Wards Exposed to Chemical Restraints, 1989-1993

Year	*Number*	*Rate*
1989 (est.)	2,210	.259
1990	2,195	.266
1991	2,888	.349
1992	2,740	.323
1993	2,762	.318

CYA facilities raise questions of ward, staff safety

In addition to believing that the wrong juveniles often end up in CYA facilities, critics also believe CYA's physical layout does not provide adequate protection for those who are committed to confinement there. Gang activity and individual aggression are able to flourish in crowded dormitory settings, in contrast to the greater safety and control that would be provided in small group settings and single or double cells, observers say.

Statistics indicate that for most indicators, the level of violence and incidents in CYA facilities has remained fairly steady over the past five years ending with improved rates in 1993. In that time, no staff deaths have occurred because of ward activity; nine wards have died, seven from suicide, one from drowning and one from a seizure following a ward-on-ward fight. Tables below and on the next page show the number and type of assaults on staff, ward-on-ward assaults, staff injuries and ward injuries for the past five years. Rates per average daily population allow the statistics to be compared absent the influence of the system's growing population.

TABLE 7

CYA Ward Assaults and Batteries on Staff, 1989-93

Type of Incident	*1989*		*1990*		*1991*		*1992*		*1993*	
	No.	*Rate*	*No.*	*Rate*	*No.*	*Rate*	*No.*	*Rate*	*No.*	*Rate*
Assault w/ weapon	31	.004	35	.004	32	.004	39	.005	22	.003
Assault, no weapon	104	.013	73	.009	98	.012	132	.016	97	.012
Battery w/ weapon	39	.005	53	.007	58	.007	52	.006	71	.009
Battery, no weapon	113	.014	97	.012	86	.011	96	.012	87	.010
TOTAL	**287**	**.035**	**258**	**.032**	**274**	**.034**	**319**	**.039**	**277**	**.033**

Source: California Youth Authority

As the highlighted portions of the table on the previous page indicate, there are 16 counties whose proportion of serious commitments is 50 percent or fewer of the 378 wards they send to CYA. While many of these wards may well need CYA placement, many more would undoubtedly be placed in other alternative programs if they lived in different counties.

A key factor that prompts the geographical disparity is differing levels of resources and differing local priorities. As discussed in Issue 3, the juvenile justice system competes with other priorities for discretionary funds at the county level. State efforts to encourage the development of local options in the past with dedicated subsidies, while successful, have been scrapped as budget pressures have increased.

Carefully crafted state subsidies to divert juveniles have worked

Studies of both the Probation Subsidy Program of the 1960s and '70s and the County Justice System Subvention Program of the late 1970s and '80s found that they worked well to increase local options, divert commitments and lower state costs.[96] For instance, the Probation Subsidy Program reduced adult and juvenile commitments by 35,000 while transferring to counties $145 million in subsidies between 1966 and 1975. Because the original subsidy of $4,000 per diverted prisoner/ward was never increased, the subsidy eventually lost its buying power -- and much of its allure for counties -- in terms of alternative programming.

The Probation Subsidy Program was replaced by the County Justice System Subvention Program in 1978 and after four years of operation was found to have served 35,200 adults and juveniles who were at risk of being committed to state facilities. This program became a block grant with no strings attached -- and thereafter had very little impact on state commitments -- and was eventually given to counties permanently through a sales-tax shift.

Critics who want to see the present system replaced with more county options and more judicious use of state facilities urge reforms that fall into one of two categories: carrots (renewed subsidies tightly constructed to ensure that new alternatives are developed rather than existing county expenditures being supplanted) or sticks (requiring all counties to pay the full cost of sending youths to state facilities). The inherent problem with both is that they require funds, whether state or county, that are not easily squeezed out of present revenues.

TABLE 6
County-By-County Breakdown of CYA Population

County	# to CYA	% Serious	County	# to CYA	%Serious
Alameda	302	83.4%	Orange	296	66.2%
Alpine			Placer	6	16.7%
Amador			Plumas	3	66.7%
Butte	16	68.8%	Riverside	174	66.1%
Calaveras	2	0.0%	Sacramento	257	59.5%
Colusa	5	20.0%	San Benito	13	46.2%
Contra Costa	153	75.8%	San Bernardino	197	75.0%
Del Norte	4	50.0%	San Diego	287	67.2%
El Dorado	10	80.0%	San Francisco	72	79.2%
Fresno	328	64.9%	San Joaquin	206	57.3%
Glenn	11	45.5%	San Luis Obispo	16	56.3%
Humboldt	13	61.5%	San Mateo	103	75.7%
Imperial	8	62.5%	Santa Barbara	41	43.9%
Inyo	3	66.7%	Santa Clara	245	73.5%
Kern	290	51.0%	Santa Cruz	20	80.0%
Kings	63	47.6%	Shasta	34	35.3%
Lake	12	75.0%	Sierra		
Lassen	6	66.7%	Siskyou	6	16.7%
Los Angeles	2,956	73.2%	Solano	68	73.5%
Madera	49	49.0%	Sonoma	31	51.6%
Marin	8	62.5%	Stanislaus	83	51.8%
Mariposa	1	0.0%	Sutter	12	50.0%
Mendocino	12	41.7%	Tehama	9	44.4%
Merced	83	47.0%	Trinity	6	33.3%
Modoc	1	0.0%	Tulare	109	53.2%
Mono			Tuolumne	1	0.0%
Monterey	59	67.8%	Ventura	112	58.9%
Napa	9	44.4%	Yolo	39	51.3%
Nevada	5	60.0%	Yuba	27	33.3%
			Total	6,882	67.9%

Source: Youthful Offender Parole Board

effort is wasted, resulting in overcrowding and warehousing.[95]

Commonweal argued in "Reforming the CYA" that almost 50 percent of the juveniles in state facilities could be safely handled elsewhere, including those who were committed for:

- non-violent offenses with minimal prior juvenile justice involvement.
- non-violent offenses with prior contacts only for minor offenses.
- non-violent offenses with prior contacts for serious offenses, who would have to be vigorously screened.
- moderate offenses but with minimal or no prior contact with the juvenile justice system.

CYA officials, however, say that 87 percent of their commitments come from counties with a full range of services and that 25 percent of the intake population are sent to CYA from the adult criminal court system -- both indicators that the juveniles have exhausted lesser options.

Statistics show that for some CYA is first -- not last -- option

Some CYA statistics do point to the possibility that selective screening could divert some juveniles from the costly state program. In 1992's 3,000-plus first admissions, CYA found that the records of 2,926 first admissions showed that 613 had no prior convictions or sustained petitions and another 452 had only one. Of 2,947 first admissions, 1,367 had no prior commitments to an institution.

The patterns of different counties also suggest that geography, rather than individual crime or need, plays a large role in who is sent to the CYA facilities. The table on the following page takes the system's population on a single day in 1993 and shows county of origin and percentage who were committed based on serious crimes.

reasons for time adds. State officials did not, however, deny that the problem of longer sentences because of inability to program does occur. Regardless of frequency, critics point out, the inherent inequity of penalizing a ward for something beyond his control and the added cost and non-productiveness of time while the ward awaits required programming are factors that should be addressed in a system that holds out rehabilitation as its main goal.

Key question: Do all wards really need CYA program?

A far more contentious area of criticism regarding the California Youth Authority is the issue of whether the high-cost, intensive-treatment focus of the facilities is necessary for all of the wards that are committed there. CYA officials contend that all of the wards have records that reflect a need for secure confinement, pointing out that a judge must make a finding that no other suitable alternative exists before sending a youth to the state facilities. While the State has the ability to reject committed youth, it rarely does so -- perhaps a maximum of four or five cases a year, officials said. Writing in response to Commonweal criticisms in this area, CYA emphasized that its decision to accept a youth turns on whether the youth can benefit from the services:

Under the law, before the juvenile court may commit a ward to the Youth Authority the judge must make a finding that there are no other alternatives that will meet the ward's needs and that it is "probable" that he or she will be benefitted by the commitment. Those issues are fully litigated in court, with counsel for both the minor and the people able to present evidence and argument. Further, the Probation Department, which is most familiar with local alternative and the minor's prior history and behavior, submits a report and recommendation which may be challenged by the attorney representing the minor. The decision itself is subject to review by the appellate courts. In contrast, the department's intake unit sees only the probation report and the judge's order. Under the statute, if the department concludes that the ward "may be materially benefitted," it must accept the commitment. Under such a standard, and based only on a paper review of the case, it should be apparent that the department is in a poor position to routinely second guess the court...[94]

The CYA's argument, while persuasive, ignores the vagaries of local alternatives, as critics have pointed out. The Legislative Analyst's Office told the Commission that only three-quarters of those in CYA are there for serious offenses and that some 20 counties routinely send less-than-serious offenders to CYA. This occurs because these counties spend very little money on local options. Less than half the counties in the State have local ranches or camps and 18 do not have a juvenile hall. In these cases, the analyst's office said, juveniles are sent to CYA on whom the intensive rehabilitation

TABLE 5
Net Time Added By Category of Offense
1993

Category	*Time Added in Months*
1. Murder, kidnap with death, injury	10.6
2. Voluntary manslaughter, rape	4.8
3. Robbery, burglary with injury	6.7
4. Involuntary manslaughter, narcotics	5.4
5. Assault, battery, burglary	4.9
6. Firearms, bombs, arson	3.8
7. Auto theft, stolen property, drugs	2.9

Source: California Youth Authority

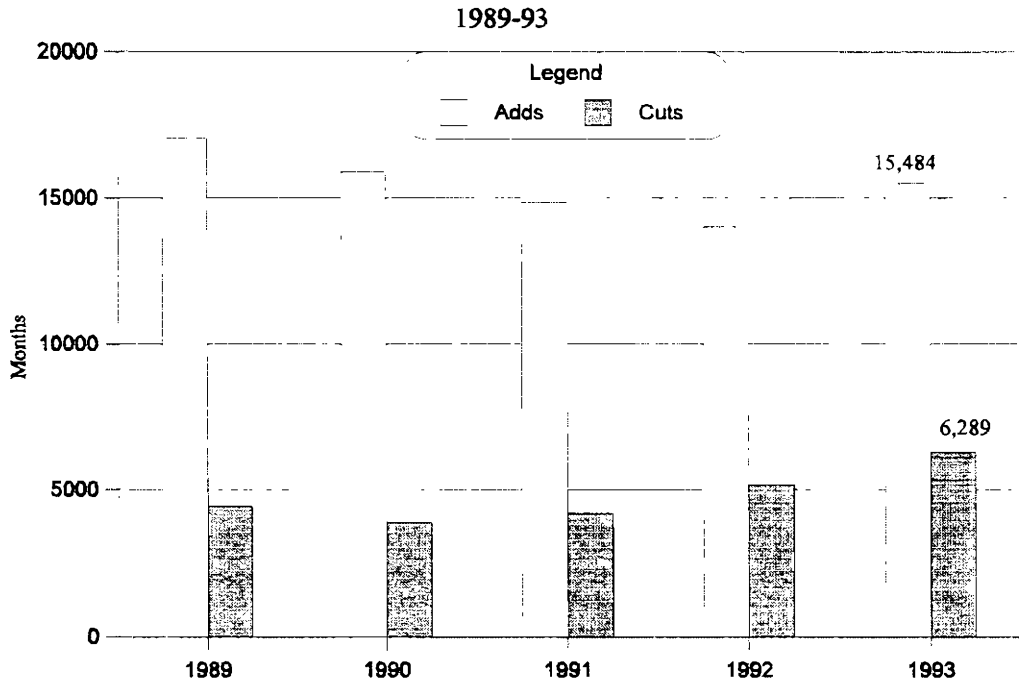
As the table indicates, more serious commitment offenses usually earned greater amounts of time adds. Many time adds are the result of ward behavior. Wards who assault other wards or act out in other ways may be given additional time when the Board reviews their case annually. Wards also are confined longer when they refuse to cooperate with treatment plans and fail to progress through programs that the Board has ordered them to complete before release.

Overcrowding, lack of resources produce long waiting lists

Another situation under which time is added, however, is not under the control of the ward. When the Board sets the original parole consideration date, it also orders a program of treatment based on recommendations from CYA staff. This may involve a combination of services offered by CYA institutions, including specialized sex offender counseling, substance abuse treatment, victim awareness education, parenting skills courses and others. The snag occurs when the ward is ordered to complete a program that he cannot gain entrance to because of overcrowding. The special sex offender program has a waiting list of several hundred (although as this is being written the program is being greatly expanded). Even the victim awareness program, which calls for less specialized services than the sex offender counseling, has lengthy waiting lists at some institutions.

The Youthful Offender Parole Board told the Commission it does not keep cumulative records based on

CHART 7



As the chart indicates, the juvenile system -- which does not credit wards with 50 percent off time for good behavior as the adult system does -- uses far more time adds than time cuts. In 1993, the Board ordered wards to serve an additional 15,484 months. Net time adds and cuts averaged 3.5 months per ward, according to the California Youth Authority, although the times varied greatly as related to commitment offense. The following table shows the net time added in 1993:

house the wards does not allow for adequate separation of conflicting goals.

In recognizing in the Youthful Offender Parole Board model the very elements it has recommended for incorporation in the adult sentencing system, the Commission notes that:

- Longer sentences appear to be in line with the mix of rehabilitation functions and punishment called for in state statutes and sought by the public.
- The Board bases its decision not on case-by-case whimsy but on publicly adopted guidelines and documented input from CYA experts who work with and assess the wards.
- Solving overcrowding through a policy of releasing wards sooner, irrespective of their rehabilitative status, would have a negative impact on public safety and further erode public support for the separate juvenile justice system.

Wards may be retained solely because treatment not available

The operation of the Youthful Offender Parole Board is not problem-free, however. Of particular concern to critics are confinement times that are lengthened, not because a ward has misbehaved or refused to cooperate with treatment programs, but because space is not available in programs the Board has ordered completed before the ward will be released. The following chart displays the cumulative time adds and cuts the Board has ordered for the past five years.

In making its decisions about custody time, the Board follows a grid that classifies wards in seven categories based on their commitment crime. For instance, Category 1, which involves murder or kidnapping resulting in substantial injury or death, calls for seven years of custody time. Category 2, which involves manslaughter and rape, earns four years of custody time, and so on down to Category 7 for minor crimes and parole technical violations, which calls for a year or less in confinement. The Board considers mitigating and aggravating circumstances involving the specific commitment crime and the ward's past history to determine deviations from the grid standards. The grid is adopted by the Board using the state regulatory process.

Criticism of the Board centers on several aspects:

- The Board has repeatedly lengthened the guidelines for time served, extending costly incarceration for wards beyond the time needed for treatment and rehabilitation, according to critics.

- The Board mandates the treatment program for each individual ward and assesses the ward's progress even though members are political appointees who are not required to have any particular expertise.

- The Board is the single most important factor behind institution overcrowding. Longer terms have kept wards from being released out the back door at the same time that increasing number of commitments are crowding in the front door.

In calling for reform of the system, some advocates have pushed for determinate sentences that would erase disparities between similar cases, while others have argued that CYA, which monitors the wards on a day-to-day basis, is in the best position to know when a ward should be released.

Ward release structure similar to recommendation for adult system

The call for determinate sentencing is unimpressive to the Little Hoover Commission, which has just completed a review of the impact of determinate sentencing on the adult corrections system. Turning to such a fixed-date system particularly flies in the face of the rehabilitation model of the juvenile system, which requires flexibility and individualized assessment and treatment. In addition, placing the decision of when wards are ready to be released in the hands of the same agency that faces budgetary pressures from having to

sending larger numbers of juveniles to state prison. Writing in the Notre Dame Journal of Law, Ethics & Public Policy, two Florida experts noted:

The closing of juvenile training schools and other residential facilities -- originally given impetus by the liberal de-institutionalization movement, later sustained by fiscal conservatism -- has meant that there are few opportunities for rehabilitation remaining in the juvenile system. Few beds are available in residential programs and lengths of stay have been cut sharply in an effort on the part of juvenile justice officials to accommodate the demand. In the face of these constraints -- which are not unique to Florida -- the trend toward transfer of greater numbers of youths to criminal court is likely to continue unabated.[93]

Florida counts its juveniles as 17 and under, with the jurisdiction of juvenile court ending at 18. Remand to criminal court can occur as young as 14.

While juvenile advocates would like to see the treatment concepts embraced in Massachusetts and Utah put into action in California, second thoughts may be in order in light of the Florida example -- especially considering California's track record of deinstitutionalizing the mentally ill for their own good, only to leave them worse off by refusing to fund the promised local treatment. Closing California's large institutions will not advance rehabilitation if local program options are not greatly expanded to take on responsibility for the juveniles.

Scrapping CYA model may fuel unintended consequences

The end result of following the Massachusetts model also might be less than advocates desire if California policy makers adopt other aspects of the Massachusetts system as well, such as determining that 17-year-olds are adults, 18-year-olds and above cannot be housed in state juvenile facilities and remanding juveniles as young as 14 to criminal court. Ending juvenile court jurisdiction at age 18 alone would push almost 6,000 people out of state juvenile facilities, most likely into adult prisons, where experience has shown that very little occurs in the way of productive rehabilitation as reflected by recidivism rates.

Apart from their dislike of CYA institutions as a vehicle for rehabilitating juveniles, Commonweal and other juvenile advocates also are critical of the mechanism that determines how long juveniles will remain in custody. The Youthful Offender Parole Board, seven members appointed by the Governor, sets parole consideration dates for wards, assesses the readiness of wards to leave CYA facilities, authorizes parole and revokes parole when conditions are violated.

on commitment mode and offense. Remand to criminal court can only occur for 16- and 17-year-olds. What these comparisons mean is that California's juvenile justice system is required to handle both older and more serious offenders than the Massachusetts system, both factors which will affect recidivism rates.

Utah: Facing a class-action lawsuit filed in 1975 over the conditions in its juvenile facilities and the possibility of court-ordered control of its juvenile justice system, Utah abandoned its large institutions by 1983. Created in their place was a community-based system much like Massachusetts', augmented by a total of 70 beds in three small high-security facilities for the most violent and chronic offenders. In 1988, the system handled about 700 juveniles.

Utah results showed high recidivism but fewer crimes

As in Massachusetts, recidivism results in Utah can be read a variety of ways. A study cited by Commonweal showed that between 53 and 81 percent of those released continued to be arrested for crimes but at lesser rates in the year following their community-based treatments. The study showed that the 247 youths followed accounted for 1,765 arrests in the 12 months prior to their commitment to the state. Once released to the community after treatment, the same youths accounted for 593 arrests. The conclusion that can be drawn is that recidivism from community-based programs was high but the number of crimes attached to the high recidivism rate were fewer. Another study that tracked Utah juveniles released from the small secure units showed that 75 percent committed crimes in the following year.

Like California, Utah defines its juveniles as 17 and under. But the age at which the juvenile court jurisdiction ends is 20. Remand to criminal court can occur as young as 14.

Florida: A 1983 class-action lawsuit caused Florida to close two of its four large institutions, which together housed 847 delinquents. Eventually in 1987 a court settlement was reached that required the state to drastically reduce the population in the remaining two schools. While juvenile advocates pushed for community-based treatment in Florida, Commonweal and other sources report that political sensitivities and tight budgets have delayed the development of an adequate continuum of options. While there are some model private programs that juveniles are sent to, by and large Florida has taken up the slack from its closed juvenile institutions by

institutions. In 1988, the state had 1,800 youths under commitment with 312 (18 percent) in a secure setting and the remainder in community programs. While juvenile advocates tout the system as reducing recidivism and costs, its success has not been universally acclaimed. One endorsement of the system change noted:

Where a full continuum of care was implemented, there was a significant reduction in recidivism....Perhaps most important, prior to the reforms 40 percent of the adults in Massachusetts' prisons were graduates of the juvenile justice system. Since the reform, that has fallen to 19 percent. Massachusetts has the second lowest rate of juvenile crime in the nation.[90]

RAND expert Greenwood reviewed studies of the Massachusetts reform that were made at various times and summarized:

An evaluation of the Massachusetts reforms, which compared outcomes for samples of youth committed before and after the reforms occurred, found higher average recidivism rates for the post-reform youth, which were partially explained by a decrease in less-serious offenders being committed to [the state system]. However, in those parts of the state where the new models were most successfully implemented, post-reform recidivism rates appeared to be lower.[91]

State-to-state comparisons difficult because of differences

While Massachusetts' recidivism rate -- at whatever level is used from various studies -- is considered the lowest of many large states, Greenwood cautions that such comparisons are muddied by differences in how state systems treat age and characteristics of youth (for instance, he says, Michigan has a lower recidivism rate than California but the lack of county-based programs means that the state has many low-level offenders in its system who are less likely to recidivate). The California Youth Authority echoes this cautionary note, saying that in general California has more serious juvenile crime than most states, has an established system of both state and local institutions for dealing with the spectrum of delinquency (in contrast with some states that place virtually all of their delinquents in state custody), and has a juvenile system that is responsible for treatment and services to young adults up to the age of 25.

The differences are significant, for instance, between the states of Massachusetts and California. In Massachusetts, 17-year-olds are defined as adults and the juvenile system only has jurisdiction over a youth who has been sentenced as a juvenile until he turns 18. Juveniles who are 14 through 16 can be remanded to the criminal court system.[92] In contrast, California youths are juveniles until they turn 18 and the system has jurisdiction over convicted juveniles until they are 21 or 25 depending

examined the California Youth Authority's structure and the policies that drive its operation in a series of four in-depth academic critiques in 1982, 1986, 1988 and 1990.[88] Overall, Commonweal labeled the State's approach a failure and recommended the substitution of small, community-based treatment programs in place of large State-run facilities. The reports, while generally positive about CYA staff in terms of high ideals and hard work, were scathing in their denunciation of the results: high recidivism, institutional gang terrorism and high costs.

A key contention of the Commonweal reports is that effective rehabilitation is undermined by large-scale state-run institutions where individualized attention is difficult to achieve and group dynamics are skewed. The argument over the value of large juvenile institutions versus retaining youthful offenders in the community to be treated in small programs is not unique to California. As RAND expert Greenwood summarizes:

The primary criticisms leveled against traditional training schools have been that they offered sterile and unimaginative programs, were inappropriate places to run rehabilitative programs, and that they fostered abuse and mistreatment of their charges. At this point, the debate still goes on. A number of comparisons that set out to demonstrate that small community-based programs were more effective than traditional training schools failed to do so. Yet several recent meta-analyses purport to demonstrate that particular types of treatment programs, primarily those employing cognitive/behavioral techniques are more effective when run in community rather than institutional settings.[89]

Juvenile advocates push for small, community-based juvenile programs

Many juvenile justice experts are convinced that small community-based programs are more effective and less costly (though Greenwood warns that when they are well done they can be every bit as costly as institutionalization). In recommending a revamped approach to institutionalization in California, the Commonweal reports and writings by other juvenile advocacy groups -- including the Center for the Study of Youth Policy, the Center on Juvenile and Criminal Justice, the Youth Law Center and the National Council on Crime and Delinquency -- point to states such as Massachusetts and Utah, both of which have eliminated their large state-run institutions. A third example is less inspiring although perhaps as instructive: Florida has severely curbed the use of its large institutions but with different results. A brief overview of these states' reforms follows:

Massachusetts: In the 1970s, the state closed all of its large institutions and gradually built up a system of unlocked residential and non-residential, community-based programs, augmented by some small, state-run, locked

Issue 6: The California Youth Authority can be most effective and productive as the last-resort, intensive-treatment option for serious and chronic juvenile criminals.

While the structure of the California Youth Authority -- both in physical dimension and in internal workings -- is criticized by juvenile advocates, the CYA system has many of the attributes that have been recommended by the Little Hoover Commission as important reforms for the state prison system, including rehabilitative programs and case-by-case scrutiny before release. Problems do plague the CYA, however, and almost all of them are related to budgetary issues. Among the areas of concern are:

- The CYA has long waiting lists for programs that wards must complete before the Youthful Offender Parole Board will consider them for parole. When wards cannot enter and complete a required program within their original commitment timeframe, their sentence is increased. As a result, some juveniles serve -- at a high state cost -- time that is non-productive (while waiting for a program) or unnecessarily long.

- The CYA accepts youths from counties that have few treatment resources even though the juveniles may not be in need of the costly and intensive treatment option provided by CYA. The result is a higher-than-necessary cost to the State and the undesirable exposure of unsophisticated youths to more criminally mature individuals.

- The physical design of and overcrowding at CYA institutions contribute to violence and threaten ward and staff safety. In addition to hampering the State's ability to meet its obligation to provide a violence-free environment, the costly result is longer periods of incarceration due to penalties for incidents and non-productive lockdown periods when rehabilitation efforts are minimal.

The Commonweal Research Institute, a branch of a Marin County-based non-profit agency that specializes in health, environmental and youth issues, painstakingly

population was 45 percent Hispanic, 32 percent African American and 15 percent white. The fastest growing ethnicity was Asian.

- The average length of stay was 23.7 months. The length of stay for CYA commitments (excluding state prisoners housed at CYA) ranged from about six years for murder and four-plus years for rape to almost two years for burglary and one year for misdemeanor offenses.

- First admissions to CYA in 1993 (excluding parole violators) totaled 3,640 wards, whose average age was 17.5 years. Fifty-nine percent of all first admissions were for violent crime. The most common primary commitment offenses were robbery (26 percent) and assault (22 percent). Homicide accounted for 8 percent.

- Trends in first admissions over the past 10 years include a significant drop for property offenses (from a steady 45 percent to an all-time low of 27.4 percent in 1992) and drug offenses (dropping to 7.9 percent in the 90s from a peak of 19 percent in 1989). Violent crimes have surged dramatically, climbing from roughly 40 percent in the 1980s to close to 60 percent in 1993, an all-time high.

The California Youth Authority is the target of critics who object to large-scale institutionalization and budgetary cutbacks that have hindered its mission to train, educate and treat wards and have all but eliminated its involvement in prevention activities. But many others laud CYA for its commitment to rehabilitate juveniles in spite of budgetary barriers and decisions over which it has no control. The following issue deals with these and other concerns.

Youth Authority

Responsible for some 15,000 juvenile offenders in a system that involves almost 250,000 youths annually, the California Youth Authority is the tail-end of the juvenile justice system, known for dealing with the "worst of the worst" young criminals. A statistical profile, using data provided by CYA, shows:

- CYA has 11 institutions, four conservation camps and 18 parole offices, which it operates with almost 5,200 employees and a budget of close to $400 million. The average cost of treating a ward is $32,000 per year (compared to an estimated $20,000 a year for housing adult inmates in state prison).

- At the end of 1993, CYA institutions and camps housed 8,610 wards, with another 6,010 wards on parole. There were 7,214 CYA wards and 1,396 state prison inmates housed in CYA facilities. Sixty-five percent of the population were committed for violent offenses. Among the population were 1,254 convicted of homicide, 1,992 robbery, 2,108 assault, 969 burglary, 636 drugs and 260 rape.

- In 1993, the average age of CYA wards was about 19, with 1,164 who were 21 or older. Only 2,751 (32 percent) were 17 and under, the statutory definition of a juvenile in California. The

Youth Authority

- *The CYA incarcerates almost 9,000 wards and tracks another 6,000 on parole.*

- *The average age at admission is 17.5 years, the average stay is almost 2 years and 65% are incarcerated for violent crimes.*

Recommendations:

- *Retain the structure of indeterminate sentences and review by a non-CYA body.*

- *Enhance CYA's ability to accept only suitable wards.*

- *Release wards who are kept solely because treatment capacity is lacking.*

- *Fund county options that divert youths from CYA commitment.*

predatory sexual abuse is involved and when an insufficient amount of time has passed to establish a crime-free pattern of life.

more in the form of bureaucratic barriers rather than legal barriers.

While the interest in protecting minors from their mistakes was an appealing argument when most of these errors ran to shop-lifting and vandalism, many believe the shifting pattern of juvenile crime to more violence has altered the balance between the public's right to know and the individual's need for privacy. California's laws as yet do not reflect that shifting balance.

Recommendation 12: ***The Governor and the Legislature should adopt legislation to eliminate confidentiality for all juvenile adjudication and disposition processes involving serious crimes for those 14 and older.***

The desire to shield youths from the public spotlight when they have committed petty crimes or are extremely young can be met by continuing to hold arrest, adjudication and disposition records confidential for those under 14 whose offenses are minor. But both the adjudication and disposition processes for serious crimes -- which represents stages that are reached only after the evidence has been weighed and formal charges have been filed -- would benefit from public scrutiny and the sunshine of openness.

Recommendation 13: ***The Governor and the Legislature should adopt legislation to reform and restrict the present sealed record laws when those who are 14 and older have committed serious crimes.***

While there may be a compelling public interest in allowing a productive young adult to put his juvenile record behind him, the present laws are too broad and allow protective cover for too many youths who later continue a life of crime. In particular, laws should be modified to make the record sealing a justifiable decision rather than the default mode and to forbid sealing in cases where death was the result of the crime,

In serious and violent crime cases, the "charging petition, the minutes of the proceeding and the orders of adjudication and disposition" are open to public inspection, under Welfare and Institutions Code Section 676d. But this is another area where bureaucratic procedures often block access, according to system observers.

The desire to shield juveniles from their mistakes once they have repented and been rehabilitated takes the form of provisions to seal and destroy records. The complicated provisions that allow records to be sealed are found in Welfare and Institutions Code Section 826. Probation officers are allowed to destroy "all records and papers in the proceedings concerning the minor" five years after the jurisdiction of the court over the juvenile has ended. In the case of juveniles found to be delinquent, the juvenile court record, "which includes all records and papers, any minute book entries, dockets and judgment dockets," shall be destroyed when the person reaches the age of 38 "unless for good cause the court determines that the juvenile record shall be retained..."

Recent policy makers who have tried to eliminate the sealed-record provisions have cited the case of a man who murdered three people while out on bail during a trial. His juvenile record, which was sealed in Alaska, showed he had committed a triple homicide as a teenager, information that officials said would have caused them to refuse to release him on bail. Defenders of California's laws have said judges have the discretion in such cases to not seal records.

Record sealing often occurs by default rather than decision

Critics, however, point to the statutory language, which by default makes sealing of records the norm. To refuse to seal the record, the judge must make a decision that there is cause to deny this privacy protection to a specific individual. Probation officers with long experience in the field say that many juveniles seek to have their records sealed at the first opportunity. They are particularly disturbed by a pattern they see by those who have been guilty of predatory sex crimes aggressively requesting record sealing. State law specifically addresses procedures for ensuring that juveniles are informed of their right to seal their records.

Finally, critics argue that sealed records often hinder law enforcement who are trying to take action in other cases and block intelligent decisions by service agencies, although others say the stumbling blocks come

While there have been attempts by some policy makers to eliminate this provision, juvenile advocates have fought vigorously to retain it, arguing that juveniles are particularly prone to being rounded up in error when they have no connection with a crime. Wrote one advocate in an argument against a 1993 measure that would have denied privacy protection to 16- and 17-year-olds who have been arrested:

The simple arrest of a 16- or 17-year-old as the suspected perpetrator of a violent felony is an insufficient basis for stripping that minor of the confidentiality protections of the juvenile court system. The stigma of being publicly labelled a "violent criminal" is a substantial penalty which will have a negative impact on a young person for years to come. Extreme caution is needed to assure that such a label is only applied when absolutely warranted.[87]

The Little Hoover Commission's advisory group was close to unanimous in its belief that protection of juvenile privacy at the arrest level is a reasonable measure that does little harm, with very little benefit stemming from its removal.

Adjudication: Welfare and Institutions Code Section 676 bars the public from the courtroom except when a list of serious and violent crimes, similar to the 707b list, have been committed. Even when the public is admitted, however, confidentiality still reigns. Many of the records connected with the juvenile's hearing are not open for public review as they are in adult criminal court cases.

While juvenile advocates argue that protection at this point in the process is also critical since the juvenile may still be found innocent, others say it is important to expose the workings of the court to the public. They also maintain that it is to the juvenile's advantage to be found innocent in a public forum rather than in secrecy.

Participants in the system also said the exclusion that allows the public to attend juvenile trials for serious crimes often is of little benefit because it is difficult for interested public members to get information about when and where hearings will occur.

Disposition: The outcome of juvenile cases can be disclosed to the victim if the victim notifies authorities that he or she wants to know what has occurred. But even then, the victim cannot be informed of the identity of the juvenile -- only the disposition of the case. Critics have argued that this makes it difficult for the victim to take civil action or guard against retaliation.

who they believe makes dispositions that are too lenient. Neither the judge's defenders nor detractors were able to argue their cases credibly based on facts because of confidentiality. In the same city, a grant program intended to encourage creative prevention and rehabilitation strategies for juveniles became the object of derision when unhappy system participants leaked word that a judge was mandating golfing lessons as part of his dispositions. The overall pattern of that judge's dispositions and the totality of his actions to take appropriate measures with juveniles were not open for public assessment.

In this same vein, many of the juvenile justice system consultants to the Little Hoover Commission expressed their perspective that too many deals are cut behind closed doors in juvenile courtrooms. They believed the system would benefit from public exposure in the form of better protection for juveniles.

Criticisms of confidentiality flow from varied rationales

Much of the discussion about confidentiality, however, sidesteps high-minded rationales like the public's right to know and the need to monitor court activities and goes directly to public visceral feelings that juveniles are not being adequately punished for their behavior. Some people believe that because juveniles know they will not be identified publicly, they need not worry about what their friends and parents will think. These supporters of openness also believe parents will take a more active role in controlling their offspring if their is danger of negative publicity. Others, however, find this approach simplistic, saying that the actions of minors are not influenced by such considerations -- and that, indeed, some glory in personal identification with their crimes.

State law prescribes different levels of confidentiality at three points in the juvenile justice process: the arrest, adjudication and disposition.

Arrest: Under state law, police are not allowed to release information about the arrest of a juvenile. However, newspapers and other media who are able to determine from other sources the identity of a juvenile who has been arrested may use the information as they see fit under the First Amendment freedom-of-the-press protection. By and large, however, the media follow a self-imposed policy of not using minors' names, except on a case-by-case basis depending on a variety of factors, such as use by other media.

Issue 5: The desire to shield juveniles from publicity to enhance the chances of rehabilitation in many cases should not outweigh the public's right to know about juvenile crime.

Specific policies that were adopted to shield juveniles from public exposure for youthful mistakes and to enhance prospects for rehabilitation have weakened the credibility of the entire system in the eyes of the public and ignore the need of the public to be aware of community occurrences. In addition, the normal checks and balances provided by having openness in a judicial system are non-existent in the juvenile system.

The conflict confidentiality raises between public and individual rights is recognized even by those who defend the need of juveniles for this specialized cloak of secrecy. One juvenile advocate summarized:

Confidentiality of juvenile proceedings has been a cornerstone of the juvenile justice system since its creation at the beginning of this century....These restrictions on the release of information are designed to assure that the rehabilitative efforts of the juvenile court are not undermined by carelessly stigmatizing a young person with a criminal label....At the same time, the public also has clear interests in being informed regarding the operation of the juvenile court system and law enforcement efforts to address the problem of juvenile crime.[85]

The Criminal Justice Legal Foundation went further in its analysis, arguing that public support for the goals and operations of the separate juvenile justice system would be enhanced by more openness:

The public currently knows very little about what occurs in juvenile court because the majority of these cases are closed hearings. Juvenile crime, however, is of real concern to the public, as well as making sure that the courts operate fairly and efficiently for the public's benefit and protection. It also follows that when citizens know more about the problems and issues there, they will be very likely to support needed increased funding and programming to remedy these problems. In the states that have opened their juvenile courts on the same basis as their adult courts, none have experienced increased expenses due to spectators or had other negative side effects. The individual juvenile's desire for privacy is far outweighed by the public's desire for information about the operation of its juvenile courts, accountability of juvenile offenders and enhancement of public safety.[86]

Signals that sunshine in the juvenile courts would provide needed public scrutiny were raised recently in Sacramento, where the district attorney's office began routinely disqualifying a judge from juvenile cases

If a ward's misbehavior or refusal to cooperate keeps him from completing Board-ordered programming, then it is a rational consequence to extend the time the ward must stay in CYA facilities. The present system is not only irrational but also inherently unfair when a ward, through no fault of his own, is required to remain in state custody simply because he has not been able to move to the head of the long waiting lists for some required programs. Clearly the programs should be expanded, or alternative treatment that satisfies Board requirements should be developed and offered to the ward. After these steps are taken, if the problem of wards not being able to get into requied programs persists, then the State should simply concede it must release the ward unrehabilitated because it does not have the resources to meet the needs rather than continuing the expensive and inequitable practice of retaining the wards in CYA facilities.

Since data documenting the extent of this problem is not available, it is difficult to assess the impact of such a law. However, if state officials are correct and the problem is minor, the impact should be minor. If juvenile advocates are correct and time adds for lack of programming is a frequent occurrence, then the new law should make that evident and enable the State to correct the situation.

Recommendation 16: ***The Governor and the Legislature should adopt legislation that provides the California Youth Authority with mechanisms for more aggressively screening -- and rejecting when appropriate -- admissions to state facilities.***

When the sole reason a ward ends up in the California Youth Authority is that he lives in a county with few treatment options, no one benefits. The ward is placed in a higher-security, more intensive-treatment setting than he needs and he is exposed to criminals who may be more mature and hardened. The State incurs the cost of the excessive security and treatment and faces overcrowding that makes it difficult to treat wards who do need the highest level of confinement. And the ward's county may suffer the consequences if he returns to them a more sophisticated criminal than when he left.

State law should be modified so that CYA examines and assesses a youth not only to determine if the youth can benefit from the placement but also to determine if other options available in more juvenile-service-oriented counties might be more appropriate. (A newly enacted law, Chapter 452, Statutes of 1994, takes a first step in this direction, ordering CYA to create a classification system and develop standardized criteria for commitment suitability.) Funds saved by diverting commitments should be used in two ways: to increase services to existing wards and to stimulate the development of local options, as outlined in Recommendation 17 below.

Recommendation 17: ***The Governor and the Legislature should create a new mechanism to reward and underwrite the efforts of counties that develop alternative options that reduce commitments to the California Youth Authority.***

The State's efforts to divert commitments through financial incentives have worked in the past, improving local options and providing more suitable treatment for less serious offenders. Such a system should be created again, particularly targeting counties that now have few options and encouraging the formation of regional alternatives where rural counties are unable to support programs unilaterally.

Recommendation 18: ***The California Youth Authority should continue to focus its efforts on reducing violence and injuries in its facilities.***

CYA's ability to run violence-free institutions is constrained by several factors, including type of youths dealt with, chronic overcrowded conditions and the physical design of aging buildings. But the State has a special obligation to provide a safe environment when it legitimately deprives an individual of freedom.

Conclusion

- *The State can provide leadership and structure, but anti-crime efforts must begin at home and in communities.*

- *Beyond the scope of this report remain many areas of the juvenile justice system that are deserving of pragmatic review.*

- *The Commission's studies of both the adult and juvenile justice systems have common themes: Prevention should be a priority; punishment should not edge out rehabilitation as goals; and policies should flow from proven desirable outcomes.*

Conclusion

Reducing the level of crime and restoring a sense of safety to the public will never be a simple matter of building more institutions and locking away larger and larger numbers of criminals -- although those steps have a role in an overall, multi-strategy solution to crime. Crime takes root in homes where there is little caring, in neighborhoods with bleak opportunities and in communities that lack the tools to rise above hopelessness. It spreads in a society that has grown careless about values and is far too accepting of violence as a way of life -- in sports, games, entertainment, schools and streets. The result is costly, both in dollars and in daily fear.

Juveniles not only are a significant factor in illegal activity but they are also widely acknowledged as the critical linchpin in any effort to divert criminals from lifelong predatory careers. The earlier a person is reached with rehabilitation opportunities, the more likely change is to occur and the greater the rewards in crime cost avoidance. Despite this universally accepted credo, California has placed far more emphasis on dealing with the end product of crime than on prevention and early intervention measures.

Reforms can provide structure to encourage local action

After examining the juvenile justice system with the goal of increasing the system's effectiveness in reducing crime, the Little Hoover Commission has concluded that this is one arena where a standardized, cookie-cutter solution would maximize costs and minimize

results. What works with a particular individual or in a specific community varies too greatly. The key is to inspire an aggressive approach by local agencies and organizations to work together on locally driven priorities and to invigorate communities with the concept that they have the responsibility and the authority to shape and implement crime-reduction strategies. The State's role should be one of leadership, program assessment, model promotion, statistical analysis and funding facilitator.

In addition, the Commission found that some aspects of the current juvenile justice system hamper the desirable philosophical elements of accountability, appropriate consequences, victims' rights and public protection. The Commission has recommended creating a more responsive system that clearly links actions with repercussions, acknowledges the needs of victims, focuses on maturity and criminal sophistication rather than chronological age and broadens public access to information.

Finally, the Commission's examination of the California Youth Authority found a state bureaucracy that, like so many others, has had to make budget cuts that undoubtedly will prove costly in the long run. Nonetheless, there are steps the State can and should take to improve CYA's operations and to redirect its limited resources in productive ways.

Newly created commission has many areas it can address

While the Commission approached its study with a comprehensive, holistic perspective, the Commission found that the juvenile justice system is too complex to be covered exhaustively in a single report. By necessity, this document covers a limited number of topics that the Commission felt were particularly pressing or were areas where reform would be most productive. But there are other issues that also are deserving of review. The Commission notes that the governor recently signed legislation creating a multi-disciplinary body to study the juvenile justice system over an 18-month period to recommend reforms. Such a body may wish to review this Commission's efforts with an eye to areas that are not touched upon. These include:

- ***Parole:*** Approximately 6,000 juveniles are on parole from state institutions at any one time. Some have suggested that there would be benefits from combining parole, a State-run function, with probation operations, a county-run function, although others see drawbacks in such a consolidation. Also there are differing philosophies

about the most constructive response to parole violations and the effectiveness of varying levels of parole programming. Even the definition of success for a parole agent can be disputed: Has he or she failed when a ward violates parole and is returned to an institution or has he or she succeeded by protecting the public from further crime? What became evident to the Commission as this study progressed is the importance of "after-care" to the success of efforts to halt recidivism. While the scope of this report did not include after-care, the Commission believes it is a topic that should be closely examined in some future study.

- ***Status offenders:*** In 1977, status offenders -- juveniles who have not committed crimes but who have run away, repeatedly been truant or who are beyond parental control -- were removed from juvenile criminal facilities with the laudable goal of avoiding "contamination" of wayward children by more hardened juvenile delinquents. Unfortunately, the supportive social programs that were supposed to handle the status offenders in place of the juvenile facilities have never been fully developed. The result is a cadre of youths who often graduate to delinquency because of the lack of efforts to get them back on track to productive lives. The Commission, which in the past has explored this issue area in its major children's services report and a follow-up report on homeless/ runaway youths, made a decision in February 1994 to consciously exclude status offenders from the current study because of the anticipated imminent release of a major state task force report. As this report was being written, however, the task force results had yet to be issued.

- ***Local detention:*** The inadequacy of many juvenile halls to handle the type of delinquents counties are now faced with and the severe overcrowding that drives policy decisions about what crimes juveniles will be detained for are major local government issues. Restrictions on how 16- and 17-year-olds who are being tried as adults may be handled in adult jails limits the options that counties have, although a new law that takes effect January 1, 1995 gives counties more latitude when dealing with them under some conditions.

- ***Ethnicity and cultural diversity:*** Numerous studies have shown the disproportionate presence of minorities throughout the juvenile justice system. Some experts have suggested that even when socio-economic factors are taken into consideration the disparity is so great that discrimination, both overt and subtle, at the many discretionary levels of the juvenile justice system is the only valid explanation. Critics of the system also contend that it lacks the sensitivity to cultural differences that is necessary in a state as diverse in population as California.

- ***Disparity of treatment:*** Because the juvenile justice system was designed to treat youths as individuals and to respond to their specific behavior and needs, discretionary action and flexibility are maximized throughout the system, from the point of the apprehending law enforcement official all the way to the Youthful Offender Parole Board. An unfortunate byproduct of this flexibility is inconsistency in how similar youths who have committed similar offenses are handled, depending on local resources and philosophies. Statewide standards would remove the disparity -- but it is difficult to envision a matrix of guidelines that would be rigid enough to ensure equitable treatment yet broad enough to allow for appropriate individualized responses to juvenile criminal behavior. In its previous report on the adult system, the Commission concluded that the determinate sentences of the adult criminal system, which are calculated according to a regimented hierarchy of rules, have failed to yield equity, justice or reductions in recidivism despite statewide standardization.

It should also be noted that in conjunction with its study of the juvenile justice system, the Commission has conducted a review of boot camps and other intensive-work programs that are now proliferating in all levels of correctional systems across the country. That separate report, anticipated for release in late 1994, also has a bearing on juvenile justice issues.

Prevention and outcome-based policies are key to reducing crime

The Commission's cumulative work in the adult and juvenile criminal justice arena in 1994 has several common themes: Focusing on early intervention and prevention as the key to reducing crime; coupling appropriate punishment with the rehabilitative services needed to encourage former criminals to lead productive

lives; and basing policy decisions on desirable outcomes and proven methods for achieving them. The challenge is turning these concepts into functioning programs that will cross jurisdictional and bureaucratic lines and rise above fiscal constraints while proving -- through outcome-based results -- that crime can be reduced.

Appendices

APPENDIX A

Little Hoover Commission
Juvenile Justice Advisory Committee

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APPENDIX B

Juvenile Justice Advisory Committee
Issue Areas

More than two dozen members of the 74-member Juvenile Justice Advisory Committee came to Sacramento for three separate 12-hour sessions during March, April and May. A cross-section of perspectives was represented, including probation, parole, CYA, law enforcement, victims, public defenders, district attorneys, judges and citizens.

There was a broad consensus that the Advisory Committee wanted to give the Commission subcommittee input in the following 10 issue areas:

1. The underlying philosophy of the juvenile justice system has always been that youths, regardless of the crime or crimes they have committed, are salvageable. The advisory committee feels very strongly that this remains true today for all but a very small fraction of juvenile criminals and that, therefore, continuing a separate juvenile justice system is a necessity. The underlying purpose and function of the juvenile justice system needs to be stated in terms that reflect today's reality and expectations (Welfare and Institutions Code 202, addresses both the juvenile dependency system and the juvenile justice system). Concepts that should be included:

   - Accountability, responsibility, consequences
   - Balance between rehabilitation (treatment, education, training) and punishment
   - Need to protect public safety
   - Family preservation when possible
   - Origins of crime (sociological and societal)
   - Assessment (individual)
   - Victim awareness and services

   As one member put it, the mission statement of juvenile justice should embrace the fact that "kids count, the public counts, victims count."

2. The increasing amount of violence in our society needs to be addressed proactively by the State. Concepts that cause, add to or enable violence by juveniles include:

   - Glamorization and acceptance of violence
   - Substance abuse, particularly alcohol
   - Availability of guns
   - Domestic violence (children observing and/or being target of)
   - Gangs

   Because the violence has multiple causes, multiple strategies will need to be used. Because the problems are pervasive, societal and local, the State's role will be in providing leadership, sharing information, setting standards and monitoring effectiveness. Specific state solutions may include:

- Tax on video games and violent videos to fund ad campaign (similar to no-smoking campaign)
- Participation in on-going research, such as link between violent behavior and diet
- School curriculum for conflict resolution skills, anti-violence
- Modeling, funding neighborhood dispute resolution centers
- Conducting campaign to get businesses to police themselves

3. The current juvenile justice system is not equipped (resource-wise) to reinforce for juveniles that they are both responsible and accountable for their actions.

- Sealed records -- The group felt strongly about keeping current law, which allows a reformed juvenile to put his past behind him. They did support a modification that would require the court to attempt to notify the victim and receive input from the victim before the record can be sealed. There was also some level of feeling that sexual predators should not easily have their records sealed, if at all.

- Confidentiality -- There are three places that confidentiality does or could occur. The list below shows current law and how group felt about modifying it:
  - Arrest: Report is not released to anyone. Group wants this to continue.
  - Adjudication: Now open for serious crimes (but still difficult for public to access). The group was split in half over whether this process should be open always.
  - Disposition: Only the victim can find out the disposition -- but even the victim cannot be told the name of the juvenile. Group overwhelmingly thought this should change.

  As a sub-topic, group felt there should be a mechanism for notifying the victim if juvenile escapes from a facility.

4. While the root causes of crime are not conveniently packaged as distinct problems with solutions that fall in specific jurisdictions, the State can play an aggressive role in laying the groundwork for addressing the root causes.

- Leadership to highlight issues
- A clearinghouse (assess programs, promote models, track performance based on empirical studies with statistical validity, provide statistics to identify trends)
- Set standards for inter-agency and intra-agency cooperation
- Remove barriers to information sharing and collaborative action
- Apply disincentives so that local agencies make a good-faith effort
- Training
- Identify and alert locals about federal and other funding

5. Early identification, assessment and intervention is essential if at-risk children are going to be helped and diverted from criminal activity.

- Multidisciplinary, intra-agency approach (emphasis on including education system)
- Neighborhood-based
- Multiple points of entry
- Truancy
- Parenting skills
- Cultural diversity (appropriate services, culturally sensitive access)

6. Funding has played a key role in the changing nature of the juvenile justice system. In many instances, cutbacks have eliminated previously successful "early-warning" programs with a resulting explosion of juvenile cases requiring significant resources -- which in turn forces more cutbacks.

- Lack of funding
- Increase efficiency/effectiveness through collaboration, cross-pollination of efforts
- Flexibility in programming is needed
- Need to re-prioritize funds from back-end to front-end of system (defining a continuum), concentrating on 1) what works and 2) prevention.
- LAO/Isenberg proposals -- The group was not enthusiastic about these concepts because they believe the funding is neither adequate nor concrete enough.

7. The juvenile justice system must be capable of imposing consequences for misconduct at all levels of severity and the community must provide probation officials and judges with an adequate range of options for treatment and accountability.

- Thorough assessment to determine juvenile's needs
- Diversion for non-serious crimes, low level of need (neighborhood, teen courts)
- Appropriate treatment for mid-level crimes, juveniles
- Serious crimes, serious needs -- intensive treatment, CYA, adult court

8. Age: The State's current approach to defining juvenile crime by chronological age needs to be refined to more adequately reflect the changing nature of juvenile crime.

- Redefine procedure to remand juveniles to adult court
- Create a system that would allow judicial review of juveniles who "max out" at CYA because of chronological age (21, 23, 25) and appropriate judicial disposition at that point
- Send juveniles back to juvenile court if remanded to adult court and then found guilty of some lesser crime that is not eligible for adult court treatment
- Trying juveniles as adults does not necessarily give result its proponents believe: juvenile cases often dismissed or jury refuses to find guilty; sentences tend to be shorter than in juvenile system. Need flexibility to deal with sophistication of crime, maturity of individual.

9. CYA: This issue area is still being defined and data is still being gathered. Overall, there seems to be consensus that:

   - One valuable role for CYA is to provide leadership, program development, research, technical assistance, training and networking for locals
   - CYA is an appropriate alternative for those who need a locked facility with a solid rehabilitation component because they cannot live safely within the community

10. The State lacks a research arm that is specifically charged with evaluating programs and performing outcome-based measurements of results. The guidance that could be gained from such an endeavor would be invaluable for knowledgeably shaping policy to achieve better outcomes.

    - Independent, objectivity, credibility
    - Recidivism -- there are many ways to define this
    - Other indicators of success

94. "CYA Response to Reforming the Youth Authority," August 1988.

95. Clifton Curry, op cit.

96. "Probation Subsidy," University of California Davis, 1977, and "Evaluation of the County Justice System Subvention Program," Arthur D. Little Inc., 1982.

97. A series of studies and reviews including "Impact of Environmental Factors on Correctional Institutions," 1985; "The Fricot Ranch Study," 1965; "Institutional Violence Reduction Project: The Impact of Changes in Living Unit Size and Staffing," 1980; "DeWitt Nelson Reduced Ward/Staff Ratio Program," 1981; and "Summary of Recent YA Research on Reduced Living Unit Size," 1980.

98. "Restructuring Youth Corrections Systems: A Guide for Policymakers," Center for the Study of Youth Policy, 1991, Page 10.

76. "The 8 Percent Problem: Chronic Juvenile Offender Recidivism," Orange County Probation Department, March 1994.

77. Judge Arnold D. Rosenfeld, Sonoma County Superior Court, in testimony to the Little Hoover Commission, March 17, 1994.

78. Commission on the Future of the California Courts, op cit.

79. "State/Local Juvenile Corrections in California -- A Systems Perspective," California Youth Authority, January 11, 1994.

80. Barbara J. Frank, Chief Probation Officer, San Bernardino County, "Youth Accountability Board," October 15, 1993.

81. Mary Marks, "General Outline for a Pilot Project To Establish Citizens Committees in Long Beach," March 1994.

82. Redding Police Chief Robert Blankenship and Captain Charles Byard, "Serious Habitual Offender Program."

83. Peter W. Greenwood, op cit.

84. People v. Superior Court (Rodrigo O.), supra, 93 Cal.App.4th at p. 2320.

85. Loren Warboys, Legal Services Section of the State Bar, in analysis of AB 143.

86. Criminal Justice Legal Foundation, op cit.

87. Loren Warboys, op cit.

88. The Commonweal Research Institute material, all by Steve Lerner, is drawn from the following four reports: "The CYA Report: Conditions of Life in the California Youth Authority," 1982; "Bodily Harm: The Pattern of Fear and Violence at the California Youth Authority," 1986; "Reforming the CYA: How to End Crowding, Diversify Treatment and Protect the Public Without Spending More Money," 1988; and "The Good News About Juvenile Justice: The Movement Away from Large Institutions and Toward Community-Based Services," 1990.

89. Peter W. Greenwood, op cit.

90. Vincent Schiraldi and Dan Macallair, "Juvenile Justice Reforms Begin with Staff," San Francisco Examiner, March 15, 1994.

91. Peter W. Greenwood, op cit.

92. Information on age characteristics of the Massachusetts, Utah and Florida system are taken from: "Juvenile Corrections in Ten States: An Overview and Update," California Youth Authority, July 1993.

93. Donna M. Bishop and Charles E. Frazier, "Transfer of Juveniles to Criminal Court: A Case Study and Analysis of Prosecutorial Waiver," Notre Dame Journal of Law, Ethics & Public Policy, Volume 5, Issue No. 2, 1991.

56. Peter W. Greenwood, testimony to the Little Hoover Commission, op cit.

57. Commission on the Future of the California Courts, op cit.

58. Janet Reno, U.S. Attorney General, "The Whole Child Approach to Crime," Spectrum, Summer 1993.

59. "California Juvenile Justice: Analysis and Legislative Action," Criminal Justice Legal Foundation, January 1989.

60. National Advisory Commission on Criminal Justice Standards and Goals, "Correctional Institutions" in Crime and the Criminal Justice Process, 1978.

61. Dan Macallair, op cit.

62. "History of California's Juvenile Justice System," California Youth Authority.

63. Barry A. Krisberg, "Juvenile Justice in Turmoil."

64. "Making Government Make Sense: Applying the Concept in 1993-94," Legislative Analyst's Office, May 4, 1993.

65. David Steinhart, "What Can State Legislators Do to Curb Youth Violence," Youth Violence Meeting, Western Legislative Conference, May 21, 1994.

66. Gary Yates, California Wellness Foundation, in testimony to the Little Hoover Commission, May 26, 1994.

67. Francisco J. Alarcon, Chief Deputy Director, California Youth Authority in May 4, 1994 letter to the Little Hoover Commission.

68. Ibid.

69. "The State of California's Probation System," Analysis of the 1994-95 Budget Bill, Legislative Analyst's Office, March 1994.

70. Jim Embree, chairman of the Administration of Justice Department, Sacramento City College, in written input provided to the Little Hoover Commission.

71. Bernard James, National School Safety Center, Youth Violence Meeting, Western Legislative Conference, May 21, 1994.

72. Hill Walker and Robert Sylwester, "Where is School Along the Path to Prison," Educational Leadership, September 1991.

73. Sandra Moss Manson, Los Angeles County Probation Department, in testimony to the Little Hoover Commission, May 26, 1994.

74. Ray Wingerd, San Bernardino County Probation Department, in input provided to the Little Hoover Commission.

75. Criminal Justice Legal Foundation, op cit.

36. Office of Juvenile Justice and Delinquency Prevention, op cit.

37. "Violence Prevention Program Excerpts from the Center for Substance Abuse Prevention," National Clearinghouse for Alcohol and Drug Information.

38. "At-Risk Youth and Gangs: A Resource Manual for the Parks and Recreation Professional," California Park and Recreation Society, January 1994.

39. "A New Assault on Violence," The Chronicle of Philanthropy, September 7, 1993.

40. Pennsylvania State University, op cit.

41. California Youth Authority, May 26, 1994, op cit.

42. Welfare and Institutions Code, Sections 1790 and 1791.

43. Penal Code Sections 13810 et seq and 13820 et seq.

44. Carlos O. Armour, Chairman of the State Commission on Juvenile Justice, Crime and Delinquency Prevention, in April 6, 1994 letter to the Little Hoover Commission.

45. Cliff Curry, Legislative Analyst's Office, in testimony to the Little Hoover Commission, May 26, 1994.

46. California Youth Authority, May 26, 1994, op cit.

47. Renee Wilson-Brewer, Stu Cohen, Lydia O'Donnell and Irene F. Goodman, "Violence Prevention for Young Adolescents: A Survey of the State of the Art," Carnegie Corporation, September 1991.

48. Daniel W. Webster, op cit.

49. "State's Anti-Smoking Drive Called A Triumph," Sacramento Bee, March 21, 1994.

50. "State/Local Juvenile Corrections in California -- A Systems Perspective," California Youth Authority, January 1994.

51. Peter W. Greenwood, "Juvenile Offenders: Evolution of the Juvenile Court," National Institute of Justice Crime File Study Guide.

52. Ibid.

53. Dan Macallair, "Reaffirming Rehabilitation in Juvenile Justice," Youth & Society, September 1993.

54. Sherman Block, Los Angeles County Sheriff, in a letter to Los Angeles County Supervisor Michael Antonovich, December 6, 1993.

55. Steve Lerner, "The CYA Report: Conditions of Life at the California Youth Authority," Commonweal Research Institute, 1982, and "The Good News About Juvenile Justice," 1990.

18. Hurdle, op cit, Page 1.

19. "Justice in the Balance," Report of the Commission on the Future of the California Courts, December 1, 1993, Page 120.

20. "A Comprehensive Strategy for Serious, Violent and Chronic Juvenile Offenders," Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, October 1993.

21. California Youth Authority in written testimony to the Little Hoover Commission, May 26, 1994.

22. "The Family Support Movement: Is it Time to Adopt an Intergenerational Approach?", Graduate School of Public Policy and Administration, Pennsylvania State University, November 18, 1993.

23. "Big Jump in Crimes Involving Handguns," Sacramento Bee, May 16, 1994.

24. "Gun Acquisition and Possession in Selected Juvenile Samples," National Institute of Justice, December 1993.

25. Robert DeComo, "Reinventing Juvenile Corrections," Youth Violence Meeting, Western Legislative Conference, May 21, 1994.

26. Pacific Center for Violence Prevention, "Firearm-Related Violence: Facts in Brief" and "Firearm-Related Violence: Cost."

27. Michelle Dille, Manager of Firearms Information, Department of Justice, in interview with Commission staff.

28. Daniel W. Webster, "The Unconvincing Case for School-Based Conflict Resolution Programs for Adolescents," Health Affairs, Winter 1993.

29. Pacific Center for Violence Prevention, "Alcohol-Related Violence."

30. Ibid.

31. Alcoholic Beverage Control Board staffing and budget information, 1965-1994.

32. Manny Espinoza, Chief Deputy Director, Department of Alcoholic Beverage Control, in interview with Commission staff.

33. Dr. Carole Lieberman, "TV and Violence," Youth Violence Meeting, Western Legislative Conference, May 21, 1994.

34. Dr. Ed Donnerstein, "An Overview of the American Psychological Association's Report on Violence and Youth," Youth Violence Meeting, Western Legislative Conference, May 21, 1994.

35. Francisco J. Alarcon, Chief Deputy Director, California Youth Authority in testimony to the Little Hoover Commission, May 26, 1994.

ENDNOTES

1. Dr. Peter W. Greenwood of RAND in testimony to the Little Hoover Commission, February 28, 1994, with other experts concurring in an informal survey by Commission staff.

2. Joan Petersilia, "California's Prison Policy: Causes, Costs and Consequences," The Prison Journal, 1993.

3. Greenwood, op cit.

4. "Crime and Delinquency in California, 1993 -- Advance Release," California Department of Justice, 1994.

5. "California's Juvenile Justice System Overview," California Youth Authority, February 1994.

6. "Study: Serious Juvenile Crime On Rise," Sacramento Bee, July 25, 1994.

7. Legislative Analyst's Office, written testimony for the Little Hoover Commission, May 1994.

8. "Characteristics of First Admissions to the California Youth Authority," California Youth Authority, 1994.

9. "The State of California's Probation System," Legislative Analyst's Office, March 1994 (reprint from the Analysis of the 1994-95 Budget).

10. Los Angeles County Probation Department in data supplied to the Commission, and "Characteristics of First Admissions to the California Youth Authority," California Youth Authority, 1994.

11. Ken Hurdle, "Confronting Violence in California," Senate Office of Research, February 1994, Page 33.

12. Dr. Hill M. Walker, "Path to Prison: Where Does It Begin?", Youth Violence Meeting, Western Legislative Conference, May 21, 1994.

13. Stephen Buka and Felton Earls, "Early Determinants of Delinquency and Violence," Health Affairs, Winter 1993.

14. George L. Kelling and Catherine M. Coles, "Disorder and the Court," *The Public Interest*, Summer 1994.

15. "Violence & Youth: Psychology's Response," American Psychological Association, 1993.

16. Greenwood, op cit.

17. "Toward a State of Esteem," The California Task Force to Promote Self-Esteem and Personal and Social Responsibility, January 1990, Pages 100, 103-104.

Endnotes

APPENDIX E

Welfare and Institutions Code
Section 202

§ 202. Purpose; protective services; reunification with family; guidance for delinquents; accountability for objectives and results; punishment defined

(a) The purpose of this chapter is to provide for the protection and safety of the public and each minor under the jurisdiction of the juvenile court and to preserve and strengthen the minor's family ties whenever possible, removing the minor from the custody of his or her parents only when necessary for his or her welfare or for the safety and protection of the public. When removal of a minor is determined by the juvenile court to be necessary, reunification of the minor with his or her family shall be a primary objective. When the minor is removed from his or her own family, it is the purpose of this chapter to secure for the minor custody, care, and discipline as nearly as possible equivalent to that which should have been given by his or her parents. This chapter shall be liberally construed to carry out these purposes.

(b) Minors under the jurisdiction of the juvenile court who are in need of protective services shall receive care, treatment and guidance consistent with their best interest and the best interest of the public. Minors under the jurisdiction of the juvenile court as a consequence of delinquent conduct shall, in conformity with the interests of public safety and protection, receive care, treatment and guidance which is consistent with their best interest, which holds them accountable for their behavior, and which is appropriate for their circumstances. This guidance may include punishment that is consistent with the rehabilitative objectives of this chapter. * * * If a minor has been removed from the custody of his or her parents, family preservation and family reunification are appropriate goals for the juvenile court to consider when determining the disposition of a minor under the jurisdiction of the juvenile court as a consequence of delinquent conduct when those goals are consistent with his or her best interests and the best interests of the public.

(c) It is also the purpose of this chapter to reaffirm that the duty of a parent to support and maintain a minor child continues, subject to the financial ability of the parent to pay, during any period in which the minor may be declared a ward of the court and removed from the custody of the parent.

(d) Juvenile courts and other public agencies charged with enforcing, interpreting, and administering the juvenile court law shall consider the safety and protection of the public and the best interests of the minor in all deliberations pursuant to this chapter. Participants in the juvenile justice system shall hold themselves accountable for its results. They shall act in conformity with a comprehensive set of objectives established to improve system performance in a vigorous and ongoing manner.

(e) As used in this chapter, "punishment" means the imposition of sanctions which include the following:

(1) Payment of a fine by the minor.

(2) Rendering of compulsory service without compensation performed for the benefit of the community by the minor.

(3) Limitations on the minor's liberty imposed as a condition of probation or parole.

(4) Commitment of the minor to a local detention or treatment facility, such as a juvenile hall, camp, or ranch.

(5) Commitment of the minor to the Department of the Youth Authority.

"Punishment," for the purposes of this chapter, does not include retribution.

(Added by Stats.1984, c. 756, § 2. Amended by Stats.1989, c. 569, § 1, eff. Sept. 20, 1989.)

Additions or changes indicated by underline; deletions by asterisks * * *

ARRESTS

TOTAL ARRESTS, 1980, 1988-1993
Number, Rate per 100,000 Population, and Percent Change

Year(s)	Total			Law violations									Status offenses[2]
				Total			Felony[1]			Misdemeanor			
	Total	Adult	Juvenile	Total	Adult	Juvenile	Total	Adult	Juvenile	Total	Adult	Juvenile	Juvenile
Number													
1993	1,667,522	1,412,431	255,091	1,643,443	1,412,431	231,012	564,307	472,334	91,973	1,079,136	940,097	139,039	24,079
1992	1,718,254	1,471,058	247,196	1,695,153	1,471,058	224,095	564,416	470,932	93,484	1,130,737	1,000,126	130,611	23,101
1991	1,791,312	1,546,002	245,310	1,767,750	1,546,002	221,748	541,346	447,681	93,665	1,226,404	1,098,321	128,083	23,562
1990	1,979,355	1,736,828	242,527	1,955,744	1,736,828	218,916	577,268	485,895	91,373	1,378,476	1,250,933	127,543	23,611
1989	1,969,168	1,730,927	238,241	1,946,265	1,730,927	215,338	590,285	501,259	89,026	1,355,980	1,229,668	126,312	22,903
1988	1,903,067	1,673,864	229,203	1,879,183	1,673,864	205,319	550,446	469,688	80,758	1,328,737	1,204,176	124,561	23,884
1980	*1,542,850*	*1,260,324*	*282,526*	*1,512,454*	*1,260,324*	*252,130*	*372,190*	*274,814*	*97,376*	*1,140,264*	*985,510*	*154,754*	*30,396*
Percent change in number													
1992 to 1993	-3.0	-4.0	3.2	-3.1	-4.0	3.1	.0	.3	-1.6	-4.6	-6.0	6.5	4.2
1991 to 1992	-4.1	-4.8	.8	-4.1	-4.8	1.1	4.3	5.2	-.2	-7.8	-8.9	2.0	-2.0
1990 to 1991	-9.5	-11.0	1.1	-9.6	-11.0	1.3	-6.2	-7.9	2.5	-11.0	-12.2	.4	-.2
1989 to 1990	.5	.3	1.8	.5	.3	1.7	-2.2	-3.1	2.6	1.7	1.7	1.0	3.1
1988 to 1989	3.5	3.4	3.9	3.6	3.4	4.9	7.2	6.7	10.2	2.1	2.1	1.4	-4.1
1988 to 1993	-12.4	-15.6	11.3	-12.5	-15.6	12.5	2.5	.6	13.9	-18.8	-21.9	11.6	.8
1980 to 1993	*8.1*	*12.1*	*-9.7*	*8.7*	*12.1*	*-8.4*	*51.6*	*71.9*	*-5.5*	*-5.4*	*-4.6*	*-10.2*	*-20.8*
Rate per 100,000 total population[3]													
1993	5,253.4	4,449.7	803.6	5,177.5	4,449.7	727.8	1,777.8	1,488.0	289.8	3,399.7	2,961.7	438.0	75.9
1992	5,489.6	4,699.9	789.8	5,415.8	4,699.9	716.0	1,803.2	1,504.6	298.7	3,612.6	3,195.3	417.3	73.8
1991	5,845.2	5,044.7	800.5	5,768.3	5,044.7	723.6	1,766.4	1,460.8	305.6	4,001.8	3,583.9	417.9	76.9
1990	6,696.5	5,876.0	820.5	6,616.7	5,876.0	740.6	1,953.0	1,643.9	309.1	4,663.7	4,232.2	431.5	79.9
1989	6,844.2	6,016.2	828.1	6,764.6	6,016.2	748.4	2,051.7	1,742.2	309.4	4,713.0	4,274.0	439.0	79.6
1988	6,782.0	5,965.1	816.8	6,696.8	5,965.1	731.7	1,961.6	1,673.8	287.8	4,735.2	4,291.3	443.9	85.1
1980	*6,518.7*	*5,325.0*	*1,193.7*	*6,390.3*	*5,325.0*	*1,065.3*	*1,572.5*	*1,161.1*	*411.4*	*4,817.7*	*4,163.9*	*653.8*	*128.4*
Rate per 100,000 population at risk[4]													
1993	6,852.5	6,750.4	7,478.7	6,753.5	6,750.4	6,772.8	2,319.0	2,257.4	2,696.4	4,434.6	4,493.0	4,076.3	705.9
1992	7,166.7	7,119.9	7,458.1	7,070.3	7,119.9	6,761.1	2,354.1	2,279.3	2,820.5	4,716.2	4,840.6	3,940.6	697.0
1991	7,595.1	7,594.5	7,599.0	7,495.2	7,594.5	6,869.1	2,295.3	2,199.2	2,901.5	5,199.9	5,395.3	3,967.6	729.9
1990	8,539.4	8,672.2	7,696.0	8,437.6	8,672.2	6,946.8	2,490.5	2,426.1	2,899.5	5,947.1	6,246.0	4,047.3	749.2
1989	8,742.4	8,898.6	7,753.7	8,640.7	8,898.6	7,008.3	2,620.6	2,576.9	2,897.4	6,020.1	6,321.6	4,110.9	745.4
1988	8,662.1	8,863.3	7,430.5	8,553.4	8,863.3	6,656.3	2,505.4	2,487.0	2,618.1	6,048.0	6,376.2	4,038.2	774.3
1980	*8,196.1*	*7,987.4*	*9,277.8*	*8,034.6*	*7,987.4*	*8,279.6*	*1,977.2*	*1,741.6*	*3,197.7*	*6,057.4*	*6,245.7*	*5,081.9*	*998.2*
Percent change in rate per 100,000 population at risk													
1992 to 1993	-4.4	-5.2	.3	-4.5	-5.2	.2	-1.5	-1.0	-4.4	-6.0	-7.2	3.4	1.3
1991 to 1992	-5.6	-6.2	-1.9	-5.7	-6.2	-1.6	2.6	3.6	-2.8	-9.3	-10.3	-.7	-4.5
1990 to 1991	-11.1	-12.4	-1.3	-11.2	-12.4	-1.1	-7.8	-9.4	.1	-12.6	-13.6	-2.0	-2.6
1989 to 1990	-2.3	-2.5	-.7	-2.4	-2.5	-.9	-5.0	-5.9	.1	-1.2	-1.2	-1.5	.5
1988 to 1989	.9	.4	4.3	1.0	.4	5.3	4.6	3.6	10.7	-.5	-.9	1.8	-3.7
1988 to 1993	-20.9	-23.8	.6	-21.0	-23.8	1.8	-7.4	-9.2	3.0	-26.7	-29.5	.9	-6.8
1980 to 1993	*-16.4*	*-15.5*	*-19.4*	*-15.9*	*-15.5*	*-18.2*	*17.3*	*29.6*	*-15.7*	*-26.8*	*-28.1*	*-19.8*	*-29.3*

Source: Monthly Arrest and Citation Register (MACR) system.
Note: Rates calculated from the total population may not add to subtotals or total because of independent rounding.
[1]Felony arrests have increased 17.3 percent in rate per 100,000 population at risk since 1980. Part of this increase is due to a 1986 law change which required reporting domestic violence as criminal conduct. This resulted in an increase in felony assault arrests.
[2]Status offenses include truancy, incorrigibility, running away, and curfew violations. These offenses can only be committed or engaged in by a juvenile.
[3]Rates are based on annual population estimates provided by the Demographic Research Unit, California Department of Finance.
[4]These rates are based on the population at risk for each year. The categories are: total (10-69 years of age), adult (18-69 years of age), and juvenile (10-17 years of age).

- From 1992 to 1993, total arrests decreased 4.4 percent in rate per 100,000 population at risk. Total arrests have decreased 16.4 percent in rate since 1980.
- From 1992 to 1993, felony arrests decreased 1.5 percent in rate. Felony arrests have increased 17.3 percent in rate since 1980.
- From 1992 to 1993, misdemeanor arrests decreased 6.0 percent in rate. Misdemeanor arrests have decreased 26.8 percent in rate since 1980.

JUVENILE MISDEMEANOR ARRESTS
BY SEX, OFFENSE AND ARREST RATE

STATEWIDE

SEX, OFFENSE AND RATE	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992
JUV. MISDEMEANOR ARREST	124,421	126,334	131,667	134,411	124,690	124,561	126,312	127,543	128,083	130,611
MALE	96,378	97,632	101,880	103,927	95,859	97,007	97,966	97,334	97,337	98,638
FEMALE	28,043	28,702	29,787	30,484	28,839	27,554	28,346	30,209	30,746	31,973
MANSL-VEH	8	16	5	6	13	10	11	3	14	9
ASSAULT AND BATTERY	11,447	11,778	12,273	14,503	13,914	15,712	17,579	19,299	19,810	20,590
PETTY THEFT	38,207	37,688	39,080	39,464	37,847	38,617	40,595	40,786	40,926	42,326
OTHER THEFT	751	822	847	554	494	454	476	507	545	448
CK/ACC CARDS	61	76	79	69	85	85	87	87	98	131
MARIJUANA	10,134	10,545	10,514	6,717	5,963	4,669	4,343	3,088	3,459	4,787
OTHER DRUGS	3,745	5,045	4,663	5,032	4,392	3,991	3,664	2,548	1,800	2,130
INDECENT EXPOSURE	367	376	289	353	321	264	230	266	224	262
ANNOYING CHILDREN	62	78	60	53	41	93	99	107	134	156
OBSCENE MATTER	6	9	3	6	5	2	3	13	3	2
LEWD CONDUCT	990	977	945	964	803	664	681	604	596	628
PROSTITUTION	371	445	400	365	298	278	176	185	169	193
CONT DEL MINOR	72	77	118	101	75	82	114	72	90	61
DRUNK	7,688	6,958	6,995	7,042	5,738	4,876	4,806	5,227	4,184	3,531
LIQUOR LAWS	10,816	10,537	10,860	12,844	10,807	9,174	7,405	6,713	5,509	4,621
DISORDERLY CONDUCT *	1,144	1,068	1,133	1,216	1,135	924	892	932	1,013	862
DISTURBING THE PEACE	4,112	4,041	4,112	4,493	4,166	4,883	5,712	6,459	6,490	6,173
VANDALISM	7,327	8,323	10,045	9,575	9,421	11,311	12,266	13,612	15,775	16,770
MALICIOUS MISCHIEF	607	563	627	723	674	662	621	568	501	546
TRESPASSING	4,871	5,371	5,776	6,023	5,700	4,914	4,646	4,452	4,779	4,811
WEAPONS	1,346	1,462	2,135	2,360	2,380	2,819	3,296	2,975	3,149	3,008
DRIVE UNDER INFL	4,064	3,918	3,802	4,350	3,794	2,997	2,627	2,707	2,226	1,727
HIT-AND-RUN	796	767	831	948	924	814	789	740	692	703
SELECTED TRAFFIC VIOL	2,497	2,298	2,099	2,284	2,195	1,751	1,520	1,356	1,127	950
JOY RIDING	1,319	1,453	1,552	1,751	1,856	1,883	1,923	1,799	1,706	1,786
GAMBLING	69	104	66	107	112	168	158	128	133	135
NONSUPPORT		1		2	1	1	1	3	3	2
GLUE SNIFFING	958	719	713	538	207	188	198	227	316	404
CITY/COUNTY ORDINANCE	4,486	4,335	5,312	4,718	4,465	6,039	5,310	6,177	6,421	6,433
FTA-NON TRAFFIC	232	239	231	167	237	316	339	370	426	477
OTHER	5,060	6,245	6,102	6,283	6,635	5,920	5,745	5,533	5,685	5,959
STATUS OFFENSES	22,517	26,724	25,773	25,277	25,330	23,884	22,903	23,611	23,562	23,101
POP AGE 10 THRU 17 (THOUSANDS)	3,097.7	3,084.4	3,094.4	3,106.2	3,104.8	3,084.6	3,072.6	3,151.3	3,228.2	3,314.5
ARREST RATE PER 100,000	4,016.6	4,095.9	4,255.0	4,327.2	4,016.3	4,038.2	4,110.9	4,047.3	3,967.6	3,940.6

*SEE FOOTNOTES ON PAGE 22

CALIFORNIA DEPARTMENT OF JUSTICE
LAW ENFORCEMENT INFORMATION CENTER

TABLE 3C

JUVENILE FELONY ARRESTS
BY SEX, OFFENSE AND ARREST RATE

STATEWIDE

SEX, OFFENSE AND RATE	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992
JUV. FELONY ARRESTS	71,188	68,989	73,521	76,192	73,583	80,758	89,026	91,373	93,665	93,484
MALE	63,266	61,244	65,403	67,521	65,522	71,892	79,282	80,843	82,387	81,560
FEMALE	7,922	7,745	8,118	8,671	8,061	8,866	9,744	10,530	11,278	11,924
VIOLENT OFFENSES	12,321	11,853	12,421	12,541	12,336	13,998	17,469	20,658	21,158	21,549
HOMICIDE *	286	306	236	296	365	389	533	658	696	645
FORCIBLE RAPE	581	556	481	561	520	543	606	630	665	566
ROBBERY	5,367	4,719	5,180	4,924	4,396	4,850	6,168	7,786	7,960	8,151
ASSAULT *	5,902	6,093	6,366	6,583	6,914	8,104	10,018	11,379	11,695	12,005
KIDNAPPING	185	179	158	177	141	112	144	205	142	182
PROPERTY OFFENSES	45,793	42,497	45,899	46,277	44,258	49,061	53,116	53,762	54,952	53,768
BURGLARY	27,834	25,281	25,976	23,631	21,096	22,219	23,100	23,745	24,884	25,059
THEFT	10,447	9,523	10,416	11,149	10,504	11,384	12,236	11,154	11,227	10,372
MOTOR VEHICLE THEFT	5,974	5,924	7,634	9,791	11,015	13,825	16,049	17,101	16,857	16,281
FORG CKS/ACC CARDS	771	822	858	865	834	769	744	834	1,006	984
ARSON	767	947	1,015	841	809	864	987	928	978	1,072
DRUG OFFENSES	6,104	7,428	8,977	11,307	11,305	11,646	11,037	8,158	7,396	7,636
NARCOTICS	1,215	2,049	3,468	6,616	7,046	8,008	7,705	5,282	4,973	4,675
MARIJUANA	2,846	3,330	3,398	2,571	2,263	1,873	1,824	1,629	1,378	1,659
DANGEROUS DRUGS	1,811	1,928	2,033	2,032	1,937	1,665	1,442	1,162	973	1,241
OTHER	232	121	78	88	59	99	66	85	72	61
SEX OFFENSES	1,271	1,767	1,570	1,653	1,609	1,525	1,542	1,697	1,856	1,863
LEWD OR LASCIVIOUS	727	1,106	1,037	1,147	1,120	1,050	1,074	1,047	1,182	1,221
OTHER	544	661	533	506	489	475	468	650	674	642
OTHER OFFENSES	5,699	5,444	4,654	4,414	4,075	4,528	5,862	7,098	8,303	8,668
WEAPONS	2,684	2,973	2,928	2,616	2,289	2,704	3,473	4,695	5,534	6,002
DRIVE UNDER INFL	179	220	211	279	219	209	163	169	137	112
HIT-AND-RUN	128	119	162	202	182	175	188	170	150	168
ESCAPE	147	142	126	129	104	122	120	109	109	109
BOOKMAKING	1	3	1	1	2		3		3	4
OTHER	2,560	1,987	1,226	1,187	1,279	1,318	1,915	1,955	2,370	2,273
POP AGE 10 THRU 17 (THOUSANDS)	3,097.7	3,084.4	3,094.4	3,106.2	3,104.8	3,084.6	3,072.6	3,151.3	3,228.2	3,314.5
TOTAL: RATE PER 100,000	2,298.1	2,236.7	2,375.9	2,452.9	2,370.0	2,618.1	2,897.4	2,899.5	2,901.5	2,820.5
VIOLENT OFFENSES *	397.7	384.3	401.4	403.7	397.3	453.8	568.5	655.5	655.4	650.1
PROPERTY OFFENSES	1,478.3	1,377.8	1,483.3	1,489.8	1,425.5	1,590.5	1,728.7	1,706.0	1,702.2	1,622.2
DRUG OFFENSES	197.0	240.8	290.1	364.0	364.1	377.6	359.2	258.9	229.1	230.4
SEX OFFENSES	41.0	57.3	50.7	53.2	51.8	49.4	50.2	53.9	57.5	56.2
OTHER OFFENSES	184.0	176.5	150.4	142.1	131.2	146.8	190.8	225.2	257.2	261.5

*SEE FOOTNOTES ON PAGE 22

APPENDIX D

The following pages, which are excerpts from Department of Justice reports on criminal justice trends, detail the following information:

- Juvenile felony arrests for 1983 through 1992.
- Juvenile misdemeanor arrests for 1983 through 1992.
- Total arrests for both juveniles and adults for 1993, with comparative data from 1980 and 1988 through 1992.

(The footnotes for the juvenile felony arrests page indicate that homicide arrests from 1981 to 1985 may be slightly inflated while assault rates for those years may be underreported because of a law change that included assault with intent to include murder in some homicide statistics. Also assault statistics began reflecting domestic violence incidents as criminal conduct in 1986.)

(The footnote for the juvenile misdemeanor arrests page indicates that disorderly conduct arrests decreased because of a change in policy by the San Diego Police Department.)

APPENDIX C

Witnesses Appearing at
Little Hoover Commission
Juvenile Justice Study Public Hearings

March 17, 1994, Sacramento

Frances Luster
Mother of murdered son

Valerie Richards
Mother of murdered son

Peter Greenwood
RAND, criminal justice expert

Judge Arnold Rosenfield
Juvenile Court Judges of California

William Pruitt, Chairman
Youthful Offender Parole Board

Frank Alarcon, Chief Deputy Director
California Youth Authority

Sylvia Santana
Aunt of incarcerated youth

David Steinhart, Attorney
Juvenile Justice Specialist

May 26, 1994, Los Angeles

Craig Cornett/Cliff Curry
Legislative Analyst's Office

Michael Schmacher, Chief Probation Officer
Orange County Probation Department

Gary Yates, Program Director
California Wellness Foundation

Frank Alarcon, Chief Deputy Director
California Youth Authority

Captain Chuck Byard, Redding Police Department
Serious Habitual Offender (SHO) Program

Sandra Moss-Manson, Los Angeles County Probation Department
Gang Alternative and Prevention Program

Bob Polakow, Chairman
Los Angeles County Interagency Gang Task Force

Father Tom Avramis
Guadalupe Homes

Mary Marks
Long Beach Neighborhood Diversion Program

LITTLE HOOVER COMMISSION FACT SHEET

The Little Hoover Commission, formally known as the Milton Marks Commission on California State Government Organization and Economy, is an independent state oversight agency that was created in 1962. The Commission's mission is to investigate state government operations and -- through reports, and recommendations and legislative proposals -- promote efficiency, economy and improved service.

By statute, the Commission is a balanced bipartisan board composed of five citizen members appointed by the Governor, four citizen members appointed by the Legislature, two Senators and two Assembly members.

The Commission holds hearings on topics that come to its attention from citizens, legislators and other sources. But the hearings are only a small part of a long and thorough process:

* Two or three months of preliminary investigations and preparations come before a hearing is conducted.

* Hearings are constructed in such a way to explore identified issues and raise new areas for investigation.

* Two to six months of intensive fieldwork is undertaken before a report -- including findings and recommendations -- is written, adopted and released.

* Legislation to implement recommendations is sponsored and lobbied through the legislative system.

* New hearings are held and progress reports issued in the years following the initial report until the Commission's recommendations have been enacted or its concerns have been addressed.

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