

EVALUATION OF THE SAN DIEGO COUNTY JUVENILE JUSTICE SYSTEM (SYSTEM OVERVIEW)

60041



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Community Mental Health
Regional Criminal Justice Planning Board

CITY

Police Departments

COMMUNITY-BASED

Community Congress of San Diego

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EXECUTIVE SUMMARY

OVERVIEW EVALUATION OF SAN DIEGO COUNTY'S JUVENILE JUSTICE SYSTEM

This overview evaluation of the juvenile justice system was undertaken in response to a Board of Supervisors' referral (63) on November 14, 1978. The referral "directed staff to develop a comprehensive analysis of the juvenile justice system, juvenile justice facilities, and the various components which comprise the County's juvenile justice program." The Chief Administrative Officer added to this referral the identification of major problem areas that may require further study.

The evaluation was designed to be an overview study only, collecting facts about the system and its operations and documenting the existence of major problem areas. The scope and time constraints of the study did not allow detailed study of possible, feasible courses of alternative actions for the major problems identified. To develop such substantive recommendations, identified problem areas requiring further study have been outlined.

It is, therefore, recommended:

That the CAO be directed to undertake the identified problem areas requiring further study, and that these evaluations be returned to your Board with substantive recommendations for action.

The first follow-on evaluation to this overview study will focus on the County's facility requirements for juvenile offenders. The results of this evaluation will be returned to your Board prior to the 1979-80 budget deliberations.

The major findings of this overview evaluation of the juvenile justice system are highlighted below. This summary will be divided into two sections. The first section will present descriptive information on the juvenile justice system and the clients it processes. The second section will present the findings documenting the existence of major problem areas in the juvenile justice system, as well as an outline of areas requiring further study.

I. Description of the Juvenile Justice System and Its Clients

A. San Diego County's Juvenile Justice System

1. The juvenile justice system in San Diego is a complex system which involves a large number of programs at the local (both public and private), state, and federal levels.
2. In San Diego, there are at least seven major policy and review boards, which oversee juvenile justice system activities and issues.
3. Total estimated juvenile justice system costs for San Diego (1977-78) were about \$35 million, with the County cost estimated at \$22 million, or 63% of the total.
4. The County receives funding of about \$5.6 million, which is about one-quarter of the County's total juvenile justice system costs. About 81% of these monies come from Law Enforcement Assistance Administration-related sources or State subventions.
5. Unit costs for juveniles proceeding through the various stages of the juvenile justice system escalate rapidly, from a cost of about \$80 for an arrest, to a cumulative average cost of \$4,448 for a juvenile who proceeds through the post-adjudication stage (with post-adjudication annual unit costs ranging from \$1,939 to \$17,294).
6. In San Diego County, the number of placement slots¹ (not necessarily beds) for both pre-adjudication and post-adjudication placements has been estimated at about 4,500 (this does not include regular formal probation supervision only). The County controls about 927-972 of these slots. By the end of the year, about 95 additional beds will be available, through planned expansion of both Juvenile Hall and the County Camps. This expansion will bring the total County-controlled placement slots to between 1,022-1,067. It should be noted, however, that those slots which are not County controlled may currently be used to house non-delinquent, as well as delinquent juveniles. Also, the availability of some of these placement slots is restricted to specific types of juvenile offenders (e.g., mentally disturbed for Community Mental Health slots, and more serious offender types for the California Youth Authority).

B. San Diego County Client and System Processing

1. Juvenile Crime Statistics

- a. In terms of Serious Juvenile Crime (Part I offenses):

1. Refers to placements outside of own home or with relatives.

- San Diego is slightly above the arrest rate for other large California jurisdictions; San Diego's rate (2,603) is about 7% higher than the large county average of 2,432 arrests (per 100,000 juvenile population, aged 10-17).
 - Serious crime accounts for 23% of all arrests in San Diego (4% violent offenses and 19% property offenses).
 - During the 1974-1977 period, the reduction in the arrest rate for San Diego (down 5%) was slightly greater than the large county average of a 3% decrease.
 - According to the Comprehensive Juvenile Justice Plan, San Diego arrest trends are projected to decrease through 1985, for serious crimes.
- b. In terms of Lesser Juvenile Crime (Part II offenses):
- San Diego is slightly above the arrest rate (6,409) for other large California jurisdictions; San Diego's rate is about 3% higher than the large county average of 6,209 arrests (per 100,000 juvenile population, aged 10-17).
 - Lesser crime accounts for 57% of all arrests in San Diego (53% of all arrests are for misdemeanor offenses).
 - During the 1974-1977 period, the reduction in the arrest rates for San Diego (down 22%) was slightly greater than the large county average of a 17% decrease.
 - San Diego arrest trends are projected to decrease through 1985, for lesser crimes.
- c. In terms of Status Offenses (601s):
- San Diego has the highest arrest rate (2,286) of the larger California Counties; San Diego's rate is 67% above the large county average of 1,373 arrests (per 100,000 juvenile population, aged 10-17).
 - Status offenses account for 20% of all arrests in San Diego.

- During the 1974-1977 period, the reduction for San Diego in the arrest rate was considerably less (down 39%) than the large county average of a 60% decrease.
- San Diego arrest trends for status offenders are projected to decrease through 1985.

All of the above data indicate that San Diego County is similar to the other large counties in most respects, with arrest rates decreasing for all offense categories. However, where San Diego differs markedly from the other counties is in the area of arrests for status offenses. Whereas other jurisdictions are arresting fewer status offenders, San Diego continues to arrest the most.

2. San Diego County Processing Profile

a. In terms of the Percentage of Arrests Received by Probation:

- For the total, serious and lesser crime categories, San Diego had a lower percentage of arrests referred to Probation than the large county average; for all offenses combined, the San Diego percentage of referrals to Probation was 42%, compared to the large county average of 48%.
- For status offenders, San Diego shows a slightly higher percentage of referrals (7%) than the large county average of 5%.

b. In terms of the Disposition of Probation Cases (prior to the regular court hearing):

- San Diego had the second highest percentage of cases closed; San Diego's rate was 60% compared to the large county average of about 41%.
- San Diego was lowest in the use of informal probation; San Diego's rate was 1.5% compared to the large county average of about 16%.
- San Diego was in the mid-range of the surveyed counties for the percentage of petitions filed; San Diego's rate was about 39%, compared to the large county average of about 43%.

c. In terms of the Disposition of Juvenile Court Cases:

- San Diego had the highest percentage of juvenile cases remanded to adult court; San Diego's rate was 5.6% compared to the large county average of 0.5%.
- San Diego had the highest percentage of juveniles sent to the California Youth Authority; San Diego's rate was 1.5% compared to the large county average of 0.8%.
- San Diego was highest in the percentage of juveniles placed on formal probation; San Diego's rate was 63% compared to the large county average of 54%.
- San Diego was second lowest in the percentage of juveniles placed on non-ward probation; San Diego's rate was 3.6% compared to the large county average of 7.7%.
- San Diego was lowest in the percentage of cases dismissed or transferred; San Diego's rate was 26% compared to the large county average of 37%.

II. Major Identified Problem Areas

A. A Lack of Effective and Efficient Screening of Juveniles at the Front End of the Juvenile Justice System

1. Documented Findings:

- a. Eighty-eight percent of the juveniles drop out of the system without formal, legal action.¹ Most of these could be diverted at the front end of the system.
- b. Law enforcement agencies have no agreed upon criteria for referring juveniles for further system processing.
- c. The County's existing Youth Service Bureaus receive one-third of their referrals from law enforcement agencies and Probation. About two-thirds of all referrals come from non-justice sources.
- d. Costs of juvenile justice system penetration escalate rapidly. Most diversion programs are substantially less costly, when used for a population that is appropriate for diversion.

1. Of these cases, 4% are dismissed or transferred through court action. Also, 11% of these cases are juveniles who are already part of the juvenile justice system, due to previously committed offenses.

- e. San Diego arrests more status offenders than other jurisdictions.
- f. Comprehensive national research indicates:
 - A small percentage of offenders account for most of the crime--especially the serious crime.
 - Status and minor delinquents rarely commit serious offenses.
 - Juvenile justice system processing is associated with going on to more serious crime.
 - The juvenile justice system does not have much impact on deterring crime.
- g. San Diego County has a juvenile delinquency prevention and diversion model in the Santee Sheriff's Office. This model should be explored for possible use in other parts of the County.
- h. The County needs more information on the private service delivery effort, and how the County can better use these potentially great resources in diversion programming.

2. Areas Requiring Further Study:

- a. What criteria for diversion should be developed that are both effective and acceptable to the major components of the juvenile justice system, including:
 - Criteria for law enforcement agency referrals.
 - Criteria for Probation Intake, if significant variations in law enforcement referrals occur.
- b. What diversion models are most cost-effective and most acceptable to juvenile justice system agencies. How can diversion resources be better utilized by law enforcement agencies and Probation. And how can the most promising and feasible diversion models better use a broad range of available community resources.

B. Overcrowding at Juvenile Hall

1. Documented Findings:

- a. For almost half of 1978, Juvenile Hall exceeded its California Youth Authority capacity levels. Detention placements have been increasing, despite declining arrest rates.
- b. About 40% of all referrals to Probation, including paper referrals, are detained at Juvenile Hall. About half of these are released from Juvenile Hall within 48 hours.
- c. A limited sample of probation cases indicates that San Diego's detention practices do not significantly relate to the "seriousness score" of the offender. (San Diego is similar in this regard to other research studies.) A followup study of a larger sample is being conducted to further examine this finding.
- d. According to extensive and comprehensive research, detention, especially in a secure facility, is significantly related to increased recidivism, pathological behavior, and limited later correctional alternatives.
- e. Secure detention is very costly (\$47.21 per day and \$17,233 per year).
- f. National data show that there are effective alternative pre-adjudication programs that are substantially less costly.
- g. Although San Diego's directly operated bed capacities are low compared to other larger California Counties, California has several times more facilities and people detained than the rest of the country.
- h. San Diego presently exceeds recommended National Standards for detention capacities and annual admissions. San Diego, however, is within these standards for length of detention.

2. Areas Requiring Further Study:

- a. The proportion of serious offenders requiring secure detention must be determined by further study, as well as the proportion of minor offenders, who may be candidates for non-secure detention alternatives.

- b. Present facilities' requirements and utilization patterns must be studied in greater detail. As a part of this study (or as a follow-on study), the feasibility and cost-effectiveness of major detention alternatives must also be explored.
- c. Further study is also required to develop and test reliable and acceptable detention criteria, so that the decisions to detain juveniles are more related to potential offender seriousness.

C. Lack of a Range of Correctional Alternatives

1. Documented Findings:

- a. San Diego uses a very limited range of residential placement alternatives outside of institutional placements. It has no group homes, halfway houses or other group, community-based alternatives for residential care.
- b. About one-quarter of all true finding dispositions (involving corrective action) result in residential placement¹ (of these, 93% are institutionalized).
- c. San Diego incarcerates almost 3 times the national average for institutionalization.
- d. Existing County Camps are operating at a high utilization level. Utilization is at 95% (excluding Westfork, since no data were available).
- e. Placement in County Camps is costly (\$15,850 per bed per year or \$43.42 per bed per day).
- f. About three-quarters of all true finding dispositions (involving corrective action) result in non-residential placement.
- g. San Diego uses a limited range of non-residential alternatives, including a work program, restitution/fines, probation only and specialized care for a few cases. No evidence was found of referrals to a broad range of community-based family and youth services.
- h. If residential placements are decreased, there will be a need to expand non-residential alternatives.

1. Excluding placements in own home or with relatives, which occurs with the non-residential dispositions.

- i. Status offenders spend a significantly longer time on probation than criminal offenders. However, only a small number of status offenders are on probation, and probation staff indicate that some of these cases are 24-hour school placements, which impact the overall average of a small sample.
- j. For the latest offense, the Court's disposition is significantly related to offender "seriousness score" (the only significant finding observed related to offender seriousness at major system decision points). The Court, however, has only a limited number of dispositional alternatives available at present (compared to types of alternatives suggested from national research).
- k. Major research findings on effectiveness and costs include the following:
 - High recidivism rates are significantly related to few dispositional alternatives, whereas low recidivism rates are significantly related to many dispositional alternatives.
 - Prior commitments or referrals are associated with higher recidivism rates than those without a prior commitment or referral.
 - Detention is significantly related to both a reduced number of dispositional alternatives and to the effectiveness of the dispositional alternatives (regardless of offense seriousness).
 - Final placement in secure care is significantly related to higher recidivism rates than the other dispositional alternatives. Foster care and non-residential placements are associated with the lowest recidivism rates.
 - Institutionalizing offenders is related to speeding up recidivism, whereas informal supervision is associated with slowing it the most.
 - Nationally, 75% of all adult offenders have spent time in a juvenile institution. Recidivism among institutionalized juveniles runs from 50%-80% nationally.
 - The costs of both residential and non-residential alternatives are less than County Camp costs.

2. Areas Requiring Further Study:

- a. In terms of the County Camps, present facilities requirements and utilization patterns must be studied in greater detail. As a part of this study (or as a follow-on study), the feasibility and cost-effectiveness of major correctional alternatives must also be explored.
- b. The issue of Camp Westfork needs further study. Specifically, offender characteristics, utilization patterns and types of treatment must be examined. Alternatives to Westfork also require evaluation, including (a) a comparative analysis of the County's serious offender profiles with California Youth Authority population profiles and (b) an examination of the cost-effectiveness of other alternatives that are available to the County.
- c. How community-based resources can be better utilized for both residential and non-residential services requires further study. The cost-effectiveness and the feasibility or acceptability of these services should also be examined.
- d. Issues related to contractors' accountability will require further evaluation, identifying ways and contract provisions which allow sufficient management control to insure high program accountability.
- e. At this point, the County has practically no measures available to assess program effectiveness or efficiency. Needed effectiveness and efficiency measures should be developed (within the constraints of existing resources, if possible).
- f. The reported uneven flow of workload into the juvenile court requires further study, identifying system improvements that can be made to even out the workload.

D. A Lack of Effective and Efficient Coordination of Component Parts of the Juvenile Justice System

1. Documented Findings:

- a. Lack of coordination is an endemic problem in the juvenile justice system nationally.

- b. In San Diego County there are no formal, written, agreed upon policy directives to shape programmatic initiatives in juvenile justice.
- c. In terms of the entire juvenile justice system, there are no measureable objectives, either management or programmatic, delineating the responsibilities and accomplishments to be expected.
- d. There is an inadequate, inequitable distribution geographically of juvenile justice programs in the county.
- e. There is an underutilization of a broad range of community-based family and youth services.
- f. There are substantial disparities and inconsistencies in the data collected by the formal agencies of the juvenile justice system.
- g. The County's information and referral systems to support youth and family access to appropriate services are inadequate and fragmented.
- h. Existing potential coordination mechanisms (planning, advisory and/or review groups) are not accomplishing effective and efficient coordination.
- i. The County needs an efficient and effective coordination mechanism, which:
 - Has the participation and support of all major principals and the "clout" to get the job done.
 - Has clear, agreed upon policy directives, supplemented with measureable program and management objectives.
 - Has accurate data systems to guide planning and to evaluate objective attainment and program effectiveness.

2. Areas Requiring Further Study:

- a. The feasibility of establishing a more efficient and effective coordination mechanism requires

further study (e.g., a Blue Ribbon Committee).

- Phase one should include only County-operated juvenile justice programs.
 - Phase two should include other juvenile justice programs and agencies.
- b. To correct disparities in data, the reasons for the disparities need to be identified and a program of corrective action should be established. This should provide a more reliable data base in the future for further analysis and evaluation.
- c. The feasibility of consolidating the County's fragmented information and referral systems requires additional study. This is currently being accomplished by various groups under the direction of the Assistant Chief Administrative Officer for human and health care programs.

CHAPTER 1

INTRODUCTION

As an introduction, this chapter will describe the purpose of the overview evaluation, highlight the methods used in the study, and present a brief description of the topics to be covered in the remainder of the report.

I. Purpose of the Overview Evaluation

This overview study of the San Diego County juvenile justice system was initiated as a result of a Board of Supervisors referral (63) on November 14, 1978. The referral "directed staff to develop a comprehensive analysis of the juvenile justice system, juvenile justice facilities, and the various components which comprise the County's juvenile justice program."

The Board of Supervisor's concerns were also echoed by the Chief Administrative Officer. A number of juvenile justice issues frequently come before the Board and the Chief Administrative Officer. Since the issues deal with highly specific matters, it is difficult to place them in perspective without having information on the total system. To provide this overall perspective, this report will address a number of systemwide questions raised by the CAO and stated in a more general way in the Board referral:

1. What is the juvenile justice system in San Diego County?
 - a. What departments and agencies are involved, including both County programs and major non-County efforts?
 - b. What costs are involved in juvenile justice system processing and what are the County's costs?
 - c. What are the relationships between the major players in the juvenile justice system?
 - d. What funding does the County receive for its juvenile justice programs?
 - e. What activities and processes take place in different parts of the system, and what major alternatives are available?

- f. What capacities, including County facilities, exist in the County for placement of juveniles in formal contact with the system?
- 2. Who are the clients of the juvenile justice system?
 - a. What types of behaviors are formally handled by the system?
 - b. What recent legislation has had an impact on what juveniles the system will process?
 - c. What is San Diego County's juvenile crime profile?
 - d. What trends are occurring in the rates of juvenile crime?
 - e. How serious is San Diego County's juvenile crime problem, compared to other jurisdictions?
 - f. How do juveniles funnel through the juvenile justice system?
 - g. How do San Diego County's juvenile justice agencies operate in processing youth, compared to other jurisdictions?
- 3. What are the major "bottlenecks" or major problem areas in San Diego County's juvenile justice system?
 - a. Is the system effective in processing juvenile offenders?
 - b. Is the system efficient in processing juvenile offenders?
 - c. Are there more cost-effective ways to handle juvenile offenders?
 - d. Is the system making sufficient use of available resources in the community to complement the County's efforts?

To provide at least partial answers to these many, far ranging questions, this study was designed as an overview evaluation only. Sufficient data have been collected to describe the system and its operations and to identify some major problem areas. Although the existence of these major problem areas has been documented, further study will be

required in a number of areas to develop substantive recommendations for action. As a consequence, this evaluation will be conducted in several phases. The first phase is the overview evaluation. Later phases will address identified problem areas in greater detail. The first follow-on evaluation will focus on a more extensive study of the San Diego County juvenile detention and correction facilities. The results of this evaluation will be returned to your Board prior to the 1979-80 Budget Hearings.

II. Methods Used in the Evaluation

Because of the broad scope of the Board referral initiating this study, the evaluation has used a variety of methods to answer basic questions of concern, including:

- A. An analysis of juvenile crime data, crime trends and population trends.
- B. An interjurisdictional survey of other large California counties.
- C. An analysis of state and national statistics related to juvenile justice system processing.
- D. A review of local studies of San Diego's juvenile justice system.
- E. A review of "state of the art" research on major problem areas in juvenile justice.¹

These methodological approaches have been supplemented with interviews with juvenile justice system personnel.

Due to the time constraints imposed on this overview evaluation, the study focused only on the juvenile delinquent in the juvenile justice system, since that was the client group of greatest concern. As a consequence, dependent juveniles and civil cases will not be covered in detail, even though both of these types of cases are handled within the juvenile justice system (mainly in the juvenile court).

1. Although an extensive literature search was undertaken, only the major and best research endeavors to date will be highlighted in the text. Additional references are included in the Bibliography. The intention has been to summarize the "state of the art" research in the text, rather than to present an exhaustive list of all research done to date. Unlike many other evaluation areas, the juvenile justice system has been the subject of decades of research; therefore, the knowledge and facts that have been gained in that research can be usefully applied to San Diego County's juvenile justice system.

III. Overview of the Report

The following topics will be discussed in the subsequent chapters of this report:

- Chapter 2: This chapter will present a descriptive overview of the juvenile justice system, including the system components, relationships, costs, funding, processing stages and capacities.
- Chapter 3: This chapter will describe the clients of the system, including juvenile crime rates, crime trends, and client flow through the system.

The remaining chapters will describe the major problem areas that were identified and documented as a part of this evaluation, including:

- Chapter 4: This chapter documents the lack of effective and efficient screening of juveniles at the front end of the system.
- Chapter 5: This chapter documents the overcrowding problem at Juvenile Hall.
- Chapter 6: This chapter documents the problem of a lack of a range of correctional alternatives in the post-adjudication phase of processing.
- Chapter 7: This chapter will discuss the problem of a lack of effective and efficient coordination of the component parts of the juvenile justice system.

Each of the problem area chapters will end with a summary of the major findings from San Diego County, comparisons with other jurisdictions, and highlights of the most cogent research findings on the costs and effectiveness of different program alternatives. With these facts documenting the existence and magnitude of the problem, areas for further study will be delineated, so that substantive recommendations can be developed in the more detailed follow-on evaluations.

CHAPTER 2

JUVENILE JUSTICE SYSTEM OVERVIEW

The juvenile justice system in the United States is a complex system, involving many different federal, state, and local agencies. Unlike the adult justice system, the juvenile justice system has been charged with not only seeking justice, but also with seeking non-legalistic solutions in the child's "best interest" (i.e., the parens patriae doctrine of the juvenile court). This stance of paternalism has manifested itself quite frequently in the views and activities of many of the system participants. The extent of this system paternalism is evidenced by the large number and amount of system resources that have been directed towards dealing with the juvenile offender.

In this chapter, an overview of the San Diego County juvenile justice system will be presented. In the first section, the components of the local system, and their relationships with each other will be described. In the second section, estimated total system costs will be identified, as well as various component costs and available funding. In the third section, estimated local capacities for processing San Diego County juvenile offenders will be described. The last section will present a summary of the overview information presented in this chapter.

I. San Diego County Juvenile Justice System Components

As stated above, the juvenile justice system is a complex system which involves a variety of agencies at the local, state and federal levels. In Exhibit 2.1, an overview of the major components of the juvenile justice system for delinquents in San Diego County is presented. This study will focus only on delinquent cases, thus excluding dependency and civil cases. Although Exhibit 2.1 presents a simplified view of the juvenile justice system, it does serve to illustrate the complexity of the relationships among a number of different and independent organizational entities.

In Exhibit 2.2, the major "players" in the San Diego County juvenile justice system are listed by major processing stages. These major processing stages are defined as follows:¹

- A. Pre-Adjudication Stage - The pre-adjudication stage refers to the processing of the juvenile that takes place before official Court action. This first stage is composed of three subprocesses: (1) contact and referral; (2) screening; and (3) intake.

1. A detailed flow chart which describes the processing system in detail is provided in Appendix A.

EXHIBIT 2.1

9

SAN DIEGO COUNTY: MAJOR COMPONENTS OF THE JUVENILE JUSTICE SYSTEM FOR DELINQUENTS

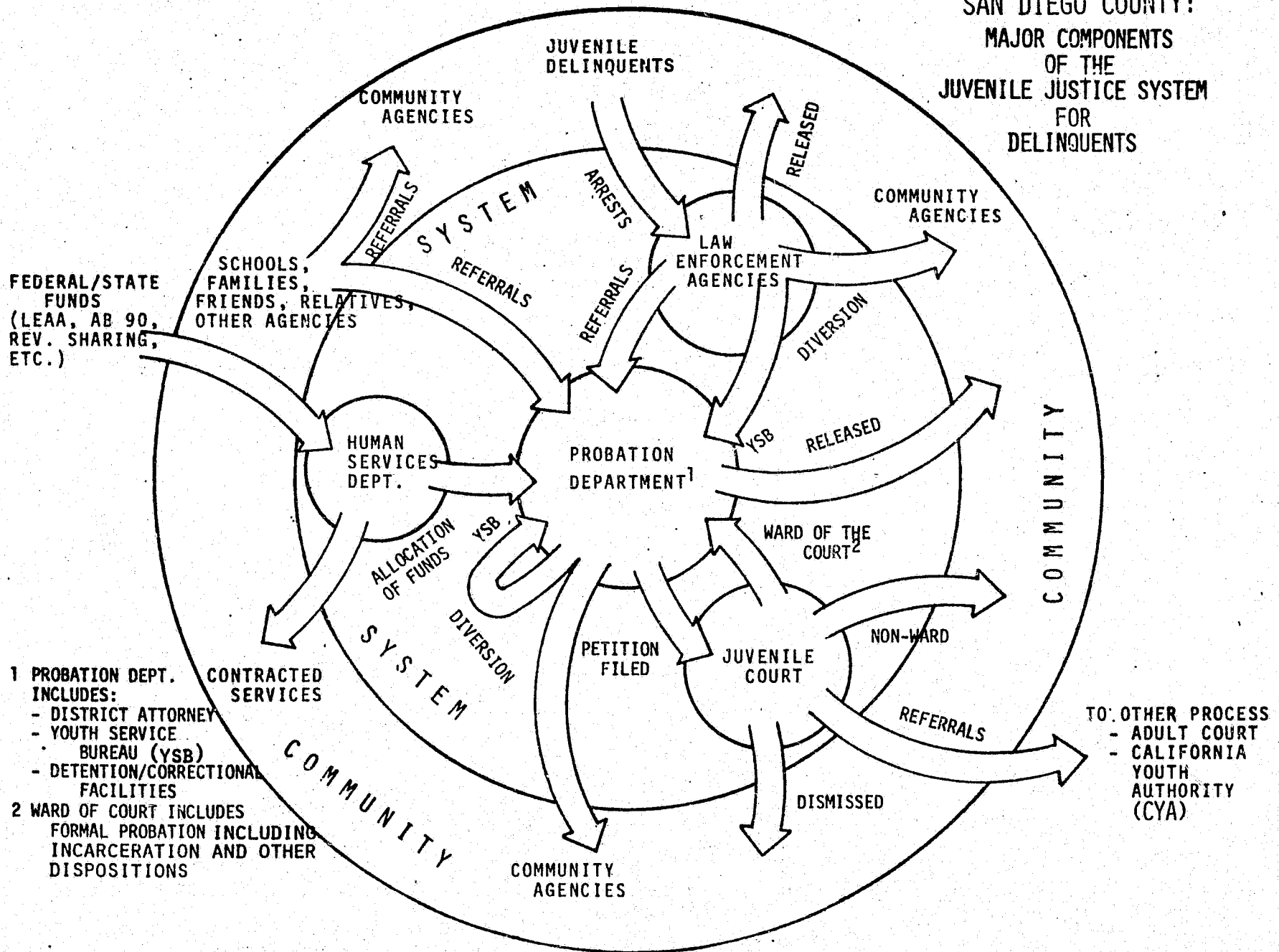


EXHIBIT 2.2

JUVENILE JUSTICE SYSTEM:
SAN DIEGO COUNTYFORMAL DIRECTCOUNTY PROGRAMSNON-COUNTY PROGRAMSPre-Adjudication^a

Sheriff
 Juvenile Court Support
 Services
 Juvenile Detention
 Department of Human
 Services^b
 -Residential, includes
 foster care
 (5 contracts)
 -Non-Residential
 (26 contracts)
 County Mental Health
 Department of Substance
 Abuse
 Juvenile Corrections^c

Police Departments
 Schools Security Programs
 and Special Educational
 Programs
 Southeast Involvement
 Project (City of
 San Diego)
 Hospitals and Mental
 Health Centers
 State Child Placement
 and Protective Services
 Family Services Association

Adjudication^d

Superior Court
 District Attorney
 County Clerk
 Office of Defender
 Services

Private Attorneys
 Mental Health Professionals

Post-Adjudication

Juvenile Corrections^c
 Institutional Juvenile
 Corrections
 Juvenile Detention
 Probation Psychological
 Services
 Department of Human
 Services
 -Non-Residential
 (26 contracts)

Private Institutions
 -In County (21 facilities)
 -In California (31 facilities)
 -Outside California
 (2 facilities)
 California Youth Authority
 State Hospitals
 Community-Based Services
 Educational Programs
 Youth and Family Services

a. The Department of Public Welfare provides services for dependency cases, which are not included in this analysis.

b. Department of Human Services contracts represent diversion options available to the juvenile justice system.

c. Youth Service Bureaus are included in the overall Program Budget category of Juvenile Corrections.

d. Juvenile traffic court is not included in this analysis.

1. Contact and Referral refers to the point at which the juvenile enters the system. Initial contact and referral may be made by law enforcement agencies, schools, parents, and social service agencies.¹ The contacting agency makes the initial decision regarding the juvenile's case, i.e., should a referral to the Probation Department be made? There are two types of referrals: physical and paper. A physical referral is a juvenile who is physically brought to Juvenile Hall for action. A paper referral is accomplished through a document forwarded to Probation Intake. The juvenile does not remain in custody on a paper referral and is most frequently released to parents by the arresting agency.
2. Screening refers to the process by which an apprehended juvenile is physically referred to and then screened by the Probation Department's Detention Control Unit at Juvenile Hall.

The purpose of the screening process, as expressed by Probation Department officials, is to determine:

- a. Whether the juvenile should be charged with the alleged offense, based on:
 - the severity of offense,
 - circumstances surrounding the event,
 - information available from the arresting agency or witnesses,
 - proper jurisdiction;
- b. and, if to be charged, whether the juvenile should be detained, based on the following criteria:
 - is the juvenile a danger to the community,
 - is the juvenile bound to flee,
 - what is the prior arrest record (including actions taken),
 - what are the parents' attitude and willingness to cooperate;

1. In 1977, about 90% of the referrals to probation in San Diego were made by law enforcement agencies.

c. and, if not to be charged, what alternative or informal actions should be taken:

- counsel and release,
- diversion to a community agency,
- diversion to "in-house" agency (e.g., Youth Service Bureaus).

3. Intake refers to the process whereby a decision is made as to whether or not the juvenile will be formally charged and will then proceed to the adjudication stage. An Intake Probation Officer is assigned to the case and performs a preliminary investigation, which may include: review of the arrest report and other circumstances surrounding the event; review of any prior offenses and action taken; and an interview with minor's parents.

Three decisions must be made after the preliminary intake investigation:

- Whether or not the case should be resolved informally or formally.
- Whether or not enough grounds exist for a petition and a court appearance.
- Whether or not to further detain the juvenile who is to be formally processed.

If, in the Screening Process, the decision was made to detain the juvenile, the intake decision regarding formal system processing must be made within 48 judicial hours; within this time, a petition must be filed, if formal charges are to be made. If a formal charge is to be made against the juvenile, the Probation Officer will then request the District Attorney to prepare and file a petition. Only those juveniles against whom a petition is to be filed will proceed on to the adjudication stage.

B. Adjudication Stage - The adjudication stage refers to the processing of the juvenile after the decision has been made to formally charge the juvenile and a petition has been filed with the Court by the District Attorney. In this stage, the Court (judge or referee¹) becomes initially involved with the case. The District Attorney

1. Referee is defined as an individual appointed by the Court to render dispositions on behalf of the Court. The referee's decisions may be appealed to the Judge.

represents the Probation Department and prepares the case documentation, e.g., Probation Officer's recommendations, witnesses, etc. The judge/referee monitors the formal processes and assures protection of the rights and interests of all parties and adjudicates (or judges) the evidence.

The decisions made at this stage are important in determining the future outcome of the juvenile, because at this stage the Court determines whether to take jurisdiction over the minor. Three types of hearings may occur, depending on whether the juvenile has been detained and/or the charges are contested:

1. Detention Hearing refers to the judicial process to formally advise the juvenile of the alleged charges, to determine the need for a lawyer, and to decide whether the juvenile should be detained pending the regular juvenile court hearing. This hearing is also an opportunity for the juvenile or the designated parties to contest the charges. This hearing must occur within 48 judicial hours after the Detention Control Unit has initially detained the juvenile.
2. Readiness Hearing refers to the hearing that is held when charges have been contested, and involves the juvenile, parents, lawyer and District Attorney, Probation Officer, and the judge or referee. This is an opportunity to negotiate, to avoid lengthy hearings, and to try to resolve the charges. If the case is resolved at this hearing, a regular juvenile court hearing is not necessary.
3. Regular Juvenile Court Hearing refers to the hearing held to arrive at a decision on the charges, based on the evidence presented; if the charges are found to be true (e.g., "true finding")¹, a disposition plan for the juvenile is established.

After the Detention Hearing and before the Regular Juvenile Court Hearing, an investigation process is performed by the Probation Department. Here, an Investigation Probation Officer prepares a jurisdictional report and investigation, which includes a recommended plan of treatment. The recommendations are dependent on what the investigation discovers to be the fundamental reasons for the offense-related behavior. From these reports and recommendations, the Court determines a disposition for the case.

1. A "True Finding" is the juvenile court term for a "conviction."

C. Post-Adjudication Stage - The post-adjudication stage refers to the process of carrying out the disposition plan established by the Court during adjudication. The individual plan may have as a goal: (1) treatment of social or emotional problems; (2) punishment or repayment; and/or (3) social control and supervision. Possible outcomes of adjudication are as follows:

1. Dismissed/Released. The Court finds the juvenile "not guilty" of the alleged charges, or dismisses the case due to lack of evidence or other reasons. The case is closed.
2. Referred to Other Process. The juvenile is found unfit for the County's juvenile system, due to age or severity of crime, and is remanded to the adult court (for trial as an adult on the charges), or sent to the California Youth Authority (CYA) for correctional programming.
3. Probation. The juvenile is placed on probation, either non-ward or formal. A Supervision Probation Officer is assigned to the juvenile and provides guidance and counseling. Probation may also include:
 - a. Incarceration - The juvenile is confined in a County correctional facility.
 - b. Residential Placement - The juvenile is placed in a 24-hour school, a foster home, or other residential placement (not including own or relative's home).
 - c. Non-Residential - The juvenile is given a non-residential disposition, including:
 - Restitution or fines.
 - Work program.
 - Other specialized care (e.g., drug treatment program).
 - Probation supervision only.

In Exhibit 2.2, the organizations involved in processing the juvenile through the juvenile justice system are separated into County/non-County programs. As evidenced by the exhibit, there are a diversity of juvenile justice system programs operating in San Diego. In addition to the service-type organizations, there are also a number of juvenile justice system policy and review bodies which oversee juvenile justice system activities and issues, as shown in Exhibit 2.3. These entities operate at the federal, state and local levels. For San Diego County, there are seven major policy and review boards, not including the Comprehensive Planning Organization, which prepare juvenile justice system studies.

EXHIBIT 2.3

MAJOR POLICY AND REVIEW BODIES

FEDERAL: Law Enforcement Assistance Administration
(LEAA)
Office of Juvenile Justice and Delinquency
Prevention

STATE: California Council on Criminal Justice
(CCCJ)
Office of Criminal Justice Planning

COUNTY^a: Regional Criminal Justice Planning Board
(RCJPB)
Prevention of Juvenile Crime and Delinquency
Sub-Committee
Human Resources Agency Advisory Board (HRAAB)
Juvenile Justice Planning Advisory Committee
(JJPAC)
Juvenile Justice and Delinquency Prevention
Commission (JJ&DP Commission)
Joint (JJPAC and JJ&DP Commission) Committee
County Justice System Advisory Group
(recently created A.B. 90 review body)

OTHER
LOCAL: Comprehensive Planning Organization^b

a. Some County Boards may be changed, as a result of the County Reorganization.

b. The Comprehensive Planning Organization's involvement is via contract with County groups.

II. San Diego County Juvenile Justice System Costs and Funding

As indicated in the previous exhibits, the San Diego County juvenile justice system involves the resources of many County and non-County organizations. In Exhibit 2.4, the estimated costs of the formal system in San Diego are presented. These cost estimates are conservative and low, since special programs of cities and private sector efforts are excluded. As shown in the exhibit, the estimated total system costs in FY 1977-78 were \$35 million. The Estimated County Cost was almost \$22 million, or 63% of the estimated total costs. Also, about 70% of the total costs were allocated to the pre-adjudication stages of processing (almost half of these costs are County program costs). All of the adjudication and post-adjudication costs shown in the exhibit are County program costs. Adjudication costs comprise 7% of the total costs, and post-adjudication costs comprise the remaining 23% of the costs.

The juvenile justice system components that operate through the County receive funding from several sources, including funds from charges for services, subventions, various grants and CETA. These sources and amounts of funding for FY 1977-78 are presented in Exhibit 2.5. As seen from the chart, about \$5.6 million comes to the County for funding the juvenile justice system. This figure represents about one-quarter of the County's total juvenile justice system costs. About 81% of these monies come from Law Enforcement Assistance Administration (LEAA) related sources (56%) or from State subventions (25%).

In addition to the various system component costs described in Exhibit 2.4, the annual unit costs for different stages of juvenile justice processing are presented in Exhibit 2.6. This exhibit illustrates that, on a unit cost basis, juvenile justice system processing is very costly. As noted in the exhibit, institutional confinement is very expensive, and ranges between about \$16,000 (County Camps) to over \$17,000 (Juvenile Hall). Contracted residential costs vary widely, from a low of about \$7,800/bed/year to a high of almost \$20,000/bed/year. The major reason for this range of costs is that the cost estimates include several other cost factors, in addition to the custodial function, that could not be separated from the bed costs. These other cost factors include differences in non-residential services provided, management and utilization rates. The exhibit also shows an annual cost for incarceration of about \$5,700 for the San Diego County Jail.¹ Compared to national costs for jails, which run considerably higher, this figure seems low and may not be reflective of all jail costs. However, the other unit cost figures in the exhibit seem realistic, when compared to other National and State data.

1. The jail is used to house juveniles who have been remanded to adult court, due to the age of the juvenile and/or the severity of the offense committed.

EXHIBIT 2.4

ESTIMATED COST BREAKDOWN BY STAGE
FOR THE JUVENILE JUSTICE SYSTEM
FOR JUVENILE DELINQUENTS
FY 1977-78 (Estimated Actual)

	<u>Cost</u>	<u>Percentage of Total</u>
<u>PRE-ADJUDICATION</u>		
Law Enforcement Agencies ^a	\$16,000,000	
Juvenile Court Support Services ^b	2,898,000	
Juvenile Detention ^c	2,218,000	
Human Services Contracts (including Comprehensive Juvenile Justice Program)	2,997,000	
<u>Total Pre-Adjudication Estimated Cost</u>	<u>\$24,113,000</u>	<u>70%</u>
<u>ADJUDICATION</u>		
Superior Court	\$ 1,072,000	
District Attorney	786,000	
County Clerk	502,000	
Office of Defender Services	83,000	
<u>Total Adjudication Estimated Cost</u>	<u>\$ 2,443,000</u>	<u>7%</u>
<u>POST-ADJUDICATION</u>		
Juvenile Correction	\$ 3,852,000	
Institutional Juvenile Correction	2,386,000	
Juvenile Detention ^c	1,142,000	
Probation Psychological Services	663,000	
<u>Total Post-Adjudication Estimated Cost</u>	<u>\$ 8,043,000</u>	<u>23%</u>
<u>Total System Estimated Cost</u>	<u>\$34,599,000</u>	<u>100%</u>
<u>Total Estimated County Cost (gross)</u>	<u>\$21,799,000</u>	<u>63%</u>

Source: 1978-79 Proposed County Budget.

a. Based on applying percent of Police Department juvenile arrests to total arrests and prorating costs.

b. Based on total referrals; 75% are for delinquents and 25% for civil investigation.

c. Based on a four-month study (Sept.-Dec. 1978) of Juvenile Hall, one-third of detainees were post-adjudication (awaiting placement at Rancho del Campo, Rayo; CYA; adult court) and two-thirds were pre-adjudication (awaiting detention hearing, regular court hearing, investigation for filing a petition, transportation out of County/State).

EXHIBIT 2.5
JUVENILE JUSTICE SYSTEM
FUNDING SOURCES
FY 1977-78

Program	Source of Funding				
	Charges, Fees, etc. ^a	Subventions ^b	Grants ^c	CETA	Total
Juvenile Court Support Services ^d	\$ 30,000	\$ 150,000	\$ 105,000	\$ 33,690	\$ 318,690
Juvenile Detention	225,000	15,000	51,851	23,210	315,061
Institutional Juvenile Corrections	170,000	138,503	14,516	22,511	345,530
Juvenile Corrections	220,000	465,000	22,559	54,902	762,461
Probation Psychological Services	-	311,405	-	-	311,405
County Clerk	-	-	-	17,128	17,128
Superior Court	197,572	-	-	-	197,572
District Attorney	-	300,000	-	18,890	318,890
Department of Human Services Contracts (including Comprehensive Juvenile Justice Programs)	-	-	2,940,000	57,000	2,997,000
TOTAL	\$842,572^e	\$1,379,908	\$3,133,926	\$227,331	\$5,583,736
PERCENTAGE	15.1%	24.7%	56.1%	4.1%	100.0%

a. Charges and fees received from parents, relatives or friends for detained juvenile days.

b. Subventions are special funding programs, such as milk program, AB90, CHAMPUS, etc.

c. Grants are funding from LEAA-related sources or Revenue Sharing.

d. Amount apportioned for delinquent referrals equals to 75% of total referrals.

Source: Proposed Program Budget 1978-79.

e. This total does not include fees from Department of Human Services contracts.

EXHIBIT 2.6

ESTIMATED ANNUAL UNIT COSTS OF
JUVENILE JUSTICE SYSTEM IN FY 1977-78^a

System Process	Estimated Cost
<u>Pre-Adjudication</u>	
Arrest ^b	\$ 80
Probation: Intake	98
Investigation	249
Detention and Other Placements:	
<u>Juvenile Hall</u> ^c	<u>17,233</u>
Contract (mostly status offenders) ^d	
YMCA-Project Oz	14,069
East County Crisis Resolution Services	19,836
Youth Emergency Assistance	9,189
The Bridge	7,757
The Southeast Involvement Project	17,660
Home Detention/Supervision ^e	4,000
Foster Care	Not Available
Community Mental Health ^f	79,000
<u>Adjudication</u>	607
<u>Post-Adjudication</u>	
<u>Juvenile Hall</u> ^c	<u>17,133</u>
<u>County Camps</u> ^g	<u>15,850</u>
Jail (for remands to adult court) ^h	5,700
Institutions that accept juvenile delinquents:	
. In County ⁱ	12,000
. In California ⁱ	12,000
. Outside California ⁱ	18,000
Foster Homes ^{d, j}	6,800
Day Care Centers ^k	2,250
Summit Schools	Not Available
California Youth Authority (CYA) ^l	19,900
Probation Supervision	495

See following page for footnotes.

EXHIBIT 2.6 (cont.)

FOOTNOTES:

- a. Proposed Program Budget: FY 1978-79.
- b. Based on contract costs with contract cities.
- c. Estimated beds (prorated for pre- and post-adjudication incarceration).
- d. Many of these projects are also providing non-residential support services, e.g., counseling; these costs, however, could not be separated from residential bed costs and had to be included in the computation of unit cost per bed.
- e. Based on estimated unit costs of Probation Officer caseload.
- f. Based on FY 1977-78 Program Budget unit cost for adolescent in-patient services.
- g. Westfork excluded.
- h. The San Diego estimated unit cost appears very low, in comparison with the national averages.
- i. If facilities that only accept mild delinquents are excluded from consideration, the costs become:

. In County	\$12,000
. In California	\$14,400
. Outside California	\$18,000
- j. Based on both development costs for identifying the beds and the stipends paid to parents, as provided in a Department of Human Services contract for 20 long-term foster care beds.
- k. Unit cost figures for the day care centers were not available from Probation; however, the 1978-79 Program Budget states that the intent of the centers is to provide intensive supervision. In order to develop a crude unit cost for this program, the unit cost for probation (with about one Probation Officer per 105 cases) was averaged with the unit cost for home supervision (a very intensive supervision program, with one Probation Officer per 10 cases).
- l. Source: California Youth Authority; these costs are paid by the State.

In Exhibit 2.7, the costs are presented for a juvenile proceeding through the various stages of the juvenile justice system. The costs are based on an average cost per case, and they are cumulative. As the exhibit shows, the cumulative unit costs escalate rapidly as the juvenile moves through the pre-adjudication to adjudication stages (a 73% increase from \$837 to \$1,444) and adjudication to post-adjudication stages (a 208% increase from \$1,444 to \$4,448). Although the costs at post-adjudication processing average \$4,448, individual annualized unit costs may range from \$1,939 to \$17,294.

In Exhibit 2.8, the major system actions and alternatives that may be involved in each of the three stages of juvenile justice system processing are presented, in a very simplified way. In San Diego, most of the juveniles are retained within the formal system's actions, and few alternatives of the type noted in this exhibit are being utilized. As will be documented later (and was indicated in Exhibit 2.6's unit cost figures), these alternatives are generally less costly and more effective in terms of reducing recidivism.

III. San Diego County Juvenile Justice System Potential Placement Slots

Based on the first phase of the juvenile justice system study, a preliminary number of placement slots¹(not necessarily beds) available to place juveniles who are being processed through the juvenile justice system have been identified. These slots and resources have been separated by their availability to accommodate juveniles in the pre-adjudication stage and the post-adjudication stage, after the Court's final disposition. All of the numbers presented in this section will have to be examined in the context of an estimated total number of slots needed in San Diego, as well as the length of time a juvenile spends in the placement. These analyses will be completed in a follow-on study to this overview evaluation.

In Exhibit 2.9, the estimated potential pre-adjudication placement slots are presented. As seen from the chart, as of January 1, 1979, there were approximately 311 slots available for pre-adjudication detention purposes. By the end of 1979, the number of placement slots will be about 339, as a result of planned increases in capacity for Juvenile Hall.¹ Excluding Juvenile Hall and the home detention/supervision activities (currently about 235 case slots), most of the remaining slots identified in the exhibit (about 76), indicate total capacity, and may currently be housing non-delinquent, as well as delinquent juveniles. Also, the availability of some of the placement slots is restricted to specific types of juvenile offenders, e.g., mentally disturbed for Community Mental Health slots.

-
1. Refers to placements outside of own home or with relatives.
 2. The beds in Juvenile Hall may vary somewhat on a day-to-day basis; however, based on this study's estimates, about two-thirds of the juveniles were detained for pre-adjudication and one-third for post-adjudication purposes.

EXHIBIT 2.7

CUMULATIVE UNIT COSTS OF
JUVENILE JUSTICE SYSTEM PENETRATION
(Based on Average Cost per Case)

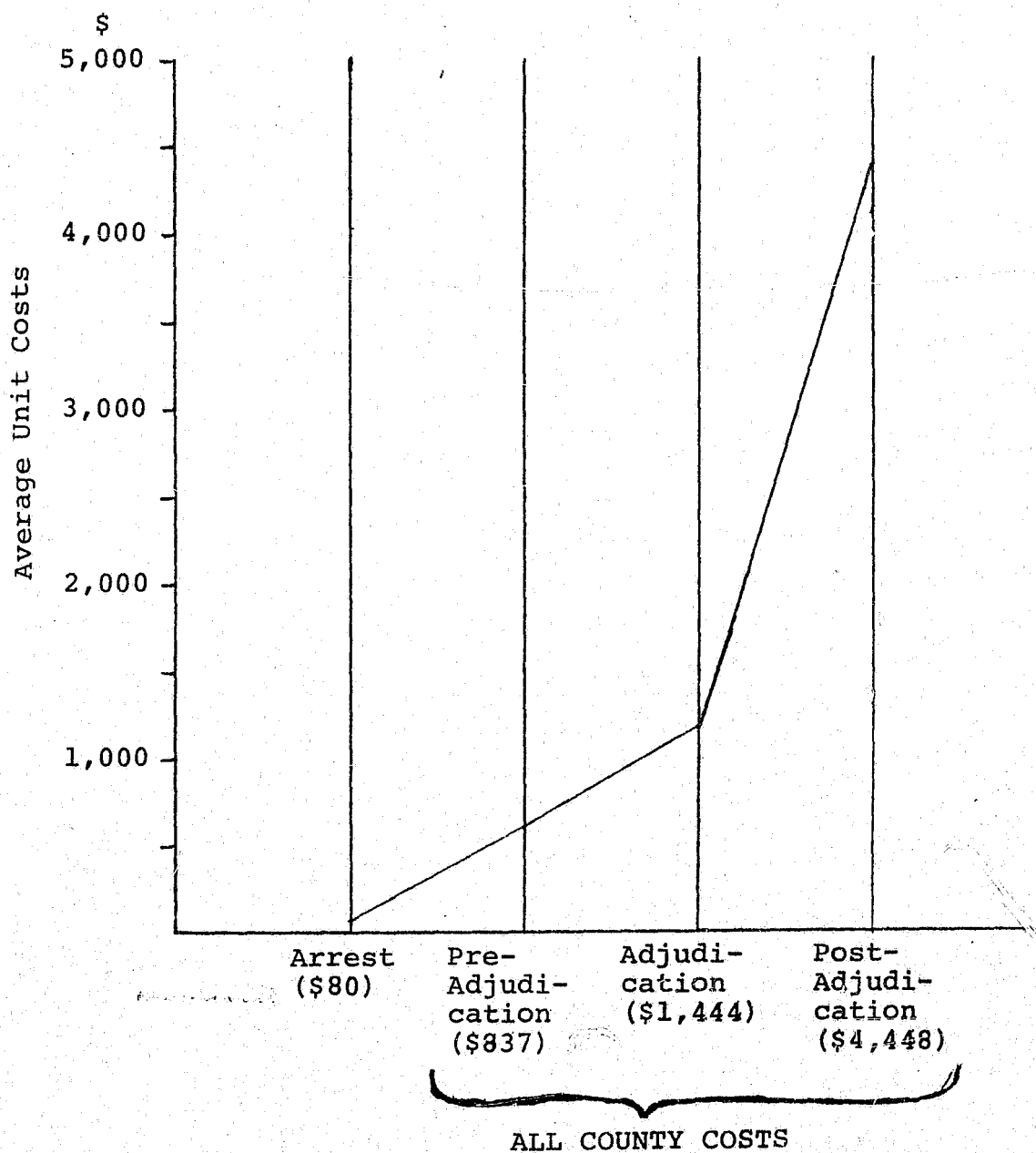


EXHIBIT 2.8

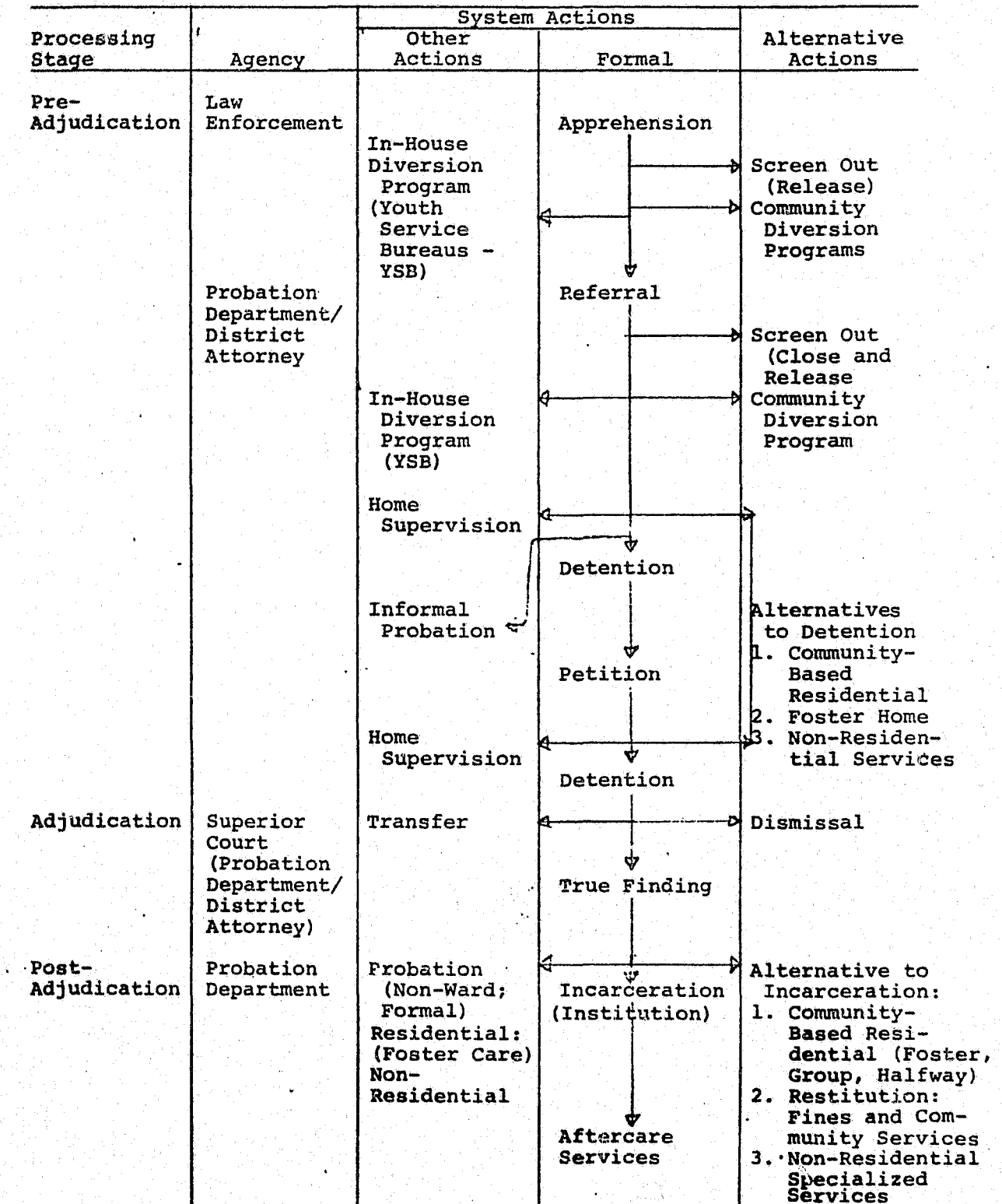
JUVENILE JUSTICE SYSTEM
ACTIONS AND ALTERNATIVES

EXHIBIT 2.9

ESTIMATED POTENTIAL PLACEMENT SLOTS
FOR PRE-ADJUDICATION DETENTION
(Excluding Hillcrest with 106)

<u>Type of Care</u>	<u>Estimated Total 1/1/79</u>	<u>Planned +/-</u>	<u>Estimated Total 12/31/79</u>
<u>Pre-Adjudication (Detention)</u>			
<u>County</u>			
. Juvenile Hall ^a - Boys	128	+32	160
Girls	17	-4	13
. Home Detention/ Supervision ^b	90		90
. County Mental Health ^{c,d}	20		20
<u>Contract^d (Mostly Status Offenders)</u>			
. YMCA/Project OZ (DHS and HEW funded) ^e	19		19
. East County Crisis Resolution (DHS) ^e	6		6
. Youth Emergency Assistance (DHS) ^e	4		4
. The Bridge (DHS) ^e	8		8
. Southeast Involvement Project (funded by the City of San Diego) ^f	8		8
. Foster Care Beds (DHS) ^e	<u>11</u>		<u>11</u>
ESTIMATED TOTAL:	311		339

a. Hall capacity prorated for pre- and post-adjudication incarceration.

b. Source: December 1, 1978, letter to the Board of Supervisors from the Assistant CAO, Human Resources Agency.

c. A 20-bed unit has been established, but only an average of 16 beds are being maintained due to:

- a shortage of nurses
- fewer than anticipated number of referrals.

d. The slots listed indicate total capacity, and may currently be housing non-delinquent, as well as delinquent juveniles.

e. Source: Listing of Department of Human Services projects, by target population (August, 1978, with update).

f. Source: Listing of diversion projects used by San Diego Police Department (1976 with update).

It should be noted that the County controls most of these placement slots, either directly or through human services contracts. Of the various types of placement slots available, the type that appears most subject to change is home detention/supervision. Within the last year, the number of juveniles in home detention or supervision has increased from about 25 to 90. Since this alternative provides for close supervision of juveniles in their homes, the expansion of this alternative carries no capital facilities implications. However, expanding this program would require more Probation Officers to be assigned to this function.

In Exhibit 2.10, the estimated potential post-adjudication placement slots are presented. As of January 1, 1979, there are between 4,161-4,206 post-adjudication placement slots identified.¹ By the end of 1979, there will be approximately 4,228-4,273 placement slots. It should be noted, however, that many of the contract slots (including institutional placements) are not under the County's direct control. Many of these resources are currently serving both delinquent and non-delinquents, who are referred from many sources besides the County. Therefore, use of these slots is contingent upon their availability at any point in time.

As shown in the exhibit, the County has direct control over the following post-adjudication placement slots:

<u>Type of Care</u>	<u>Number of Slots</u>
County Institutions	245-290 ²
CYA Placements	206
Foster Homes	90
Day Care Centers	30
Summit Schools	45
Total	616-661

By the end of 1979, about 69 more beds will be added to the above total (in the County Institutions category), bringing the total placement slots to 683-728 by the end of the year. The specific sources for the numbers presented above are provided in the footnotes for Exhibit 2.10. It should be noted that one of the most flexible placement types has been the Foster Care placement. During the past two years, the average number of foster placements per month has ranged from 86 to 108.

1. The post-adjudication figure does not include the number of cases on regular formal supervision only.

2. The range for County Institutions includes a possible range of beds at Westfork that may be available for post-adjudication corrections purposes.

EXHIBIT 2.10

ESTIMATED POTENTIAL PLACEMENT SLOTS
FOR POST-ADJUDICATION CORRECTIONS
(Excluding Hillcrest with 106)

<u>Type of Care</u>	<u>Estimated Total 1/1/79</u>	<u>Planned +/-</u>	<u>Estimated Total 12/31/79</u>
<u>Post-Adjudication (Correction)</u>			
<u>County</u>			
. Juvenile Hall ^a - Boys	63	+16	79
Girls	9	-2	7
. Campo	78		78
. Rayo/Lightning	72	+50	122
. Westfork ^{b,c}	15		15
. Westfork (older youth and remands to adult court)	0-45		0-45
. Jail (remands to adult court)	8		8
. Day Care Centers ^c	30		30
. Summit Schools ^c (funded through schools)	45		45
<u>Contract</u>			
. Total Capacity of Institutions Approved for Placement that Accept Delinquents: ^d			
- In San Diego County ^e (21 facilities)	723		723
- In California ^e (31 facilities)	1,945		1,945
- Outside California ^e (2 facilities)	840		840
- Foster Homes ^f	90		90
<u>State</u>			
. California Youth Authority ^g	206		206
<u>ESTIMATED TOTAL:</u>	<u>4,161-4,206</u>		<u>4,228-4,273</u>

See footnotes on the following page.

EXHIBIT 2.10 (cont.)

FOOTNOTES:

a. Hall capacity prorated for pre- and post-adjudication incarceration.

b. Westfork has a total capacity of 90 beds; 60 beds are planned for immediate use (15 estimated for juveniles; remainder for youths to 21 years, including remands to adult court).

c. Source: San Diego Probation Department.

d. Source: Listing of institutions approved for placement that accept delinquents (provided by Department of Public Welfare, with update).

e. If institutions that only accept mild delinquents or are excluded, the following total capacities are obtained:

- In San Diego County (17 facilities) - 391 capacity
- In California (23 facilities) - 1,474 capacity
- Outside California (2 facilities) - 840 capacity.

f. Comprehensive Juvenile Justice Plan, 1977. (There may be an additional 20 foster beds available through a DHS Revenue Sharing contract. It could not be identified from the CJJP whether they were included in the 90 figure.)

g. Based on 60 cases sent last year, plus unused slots for 146 for less serious crimes (Part II). Part I offenses (serious crimes) are excluded from County's quota.

The total number of estimated slots for both the pre-adjudication and post-adjudication stages has been presented in Exhibit 2.11. Of the current total of about 4,500 slots, the County controls about 927-972 of the slots. By the end of 1979, about 95 additional beds will be available (through both Juvenile Hall and County Camp expansions), bringing the total County controlled placement slots to between 1,022-1,067. As mentioned earlier, these numbers will be examined further in a follow-on study, focusing on current uses of the identified slots, the number of placement slots needed for the juvenile justice system, and the length of time a juvenile remains in a given type of placement.

IV. Summary of Juvenile Justice System Overview

Highlights of the overview of the juvenile justice system, presented in this chapter, are summarized below:

1. The juvenile justice system in San Diego is a complex system which involves a large number of programs at the local (both public and private), state, and federal levels.
2. In San Diego, there are at least seven major policy and review boards, which oversee juvenile justice system activities and issues.
3. Total estimated juvenile justice system costs for San Diego (1977-78) were about \$35 million, with the County cost estimated at \$22 million, or 63% of the total.
4. The County receives funding of about \$5.6 million, which is about one-quarter of the County's total juvenile justice system costs. About 81% of these monies come from Law Enforcement Assistance Administration-related sources or State subventions.
5. Unit costs for juveniles proceeding through the various stages of the juvenile justice system escalate rapidly, from a cost of about \$80 for an arrest, to a cumulative average cost of \$4,448 for a juvenile who proceeds through the post-adjudication stage (with post-adjudication annual unit costs ranging from \$1,939 to \$17,294).
6. In San Diego County, the number of placement slots¹ (not necessarily beds) for both pre-adjudication and post-adjudication placements has been estimated at about 4,500 (this does not include regular formal probation supervision only). The County controls about 927-972 of these slots. By the end of the year, about 95 additional beds will be available, through planned expansion of both Juvenile Hall and

1. Refers to placements outside of own home or with relatives.

EXHIBIT 2.11

SUMMARY

ESTIMATED TOTAL
POTENTIAL PLACEMENT SLOTS

	<u>1/1/79</u>	<u>12/31/79</u>
<u>Pre-Adjudication</u>		
Detention	311	339
<u>Post-Adjudication</u>		
Correction (County Controlled)	4,161-4,206 (616-661)	4,228-4,273 (683-728)
<u>Estimated Total</u>	4,472-4,517	4,567-4,612
<u>County Controlled</u>	927-972	1,022-1,067

the County Camps. This expansion will bring the total County-controlled placement slots to between 1,022-1,067. It should be noted, however, that those slots which are not County-controlled may currently be used to house non-delinquent, as well as delinquent juveniles. Also, the availability of some of the placement slots is restricted to specific types of juvenile offenders (e.g., mentally disturbed for Community Mental Health slots, and more serious offender types for the California Youth Authority).

The next chapter of this report will describe the clients who are processed through the juvenile justice system, and will examine data for the local system, along with other California jurisdictions.

CHAPTER 3

CLIENTS OF THE JUVENILE JUSTICE SYSTEM

In this chapter of the report, the clients of the juvenile justice system will be examined. In the first section, a brief historical and legal perspective of the juvenile delinquency problem will be discussed. In the second section, data will be examined on juvenile arrest rates and various other juvenile justice system processing data for San Diego County and eight other large California Counties. In the third section, client flow diagrams will be presented, in order to track a juvenile through the flow of the entire juvenile justice system, in both San Diego and the state. In the last section, a summary of the major findings of this chapter will be presented.

In the juvenile justice system, three types of juveniles are handled. These include delinquency, dependency, and civil cases. As noted earlier, this report deals only with delinquent juveniles. The types of delinquent juveniles that are handled by the system fall into three offense categories, as follows:

1. Serious Crime (Part I or Index Offenses)¹
Homicide, Rape, Aggravated Assault, Robbery,
Burglary, Larceny (\$200 or over), Auto Theft
2. Lesser Crimes (Part II Offenses) Lesser Felonies
and Misdemeanors, including Victimless Crimes¹
3. Status Offenses (601 Offenses, which would not be
crimes if committed by an adult) Truancy, Incorri-
gible, Runaway, Curfew, etc.

The discussion and analyses that follow will focus on delinquent juveniles who have committed offenses in the above categories.

I. Historical and Legal Perspective of the Juvenile Delinquency Problem

Until the mid-1960s, the Juvenile Courts in the United States followed the traditional philosophy of the "parens patriae" doctrine, whereby the Courts functioned in a non-legal, parent-like fashion to work in the "best interests of the child" (Platt, 1969). This stance was modified significantly, however, in 1967, when the U.S. Supreme Court declared that a juvenile offender could be represented by legal counsel in juvenile court (In RE: GAULT). From that time on, the juvenile justice system has undergone major changes

1. Part I and II offenses are also called 602 offenses.

in California and nationally. The most significant legislation directing these changes is highlighted below:

1974 - Juvenile Justice and Delinquency Prevention Act - This act directed the decriminalization of status offenders. It also provided federal funds for counties for prevention, diversion, and community-based alternatives to incarceration for juvenile delinquents.

1/1/77¹ - AB 3121 (Dixon Bill)² - This bill decriminalized status offenders. Previously, juveniles apprehended under Section 601 of the Welfare and Institutions Code could be detained in secure detention for up to 15 judicial days following a detention hearing. Passage of AB 3121 meant that a status offender could only be detained in a crisis resolution home, non-secure or shelter-care facility. This bill also prescribed tougher, more legalistic treatment of 16-18-year-olds who commit serious crimes. The bill allows the juvenile court to remand to adult court those minors who are charged with Part I felonies.

1978 - AB 90 - This bill restructured the Probation Subsidy Program to provide funds for AB 3121 implementation. The bill also created a County Justice System Advisory Group to make recommendations for allocation of AB 90 funds to the Board of Supervisors.

1978 - AB 958 - This bill permits the detention of some status offenders (601s) in limited and prescribed circumstances (see Appendix B for a listing of these circumstances).

The historical and legislative background described above provides the context in which both the juvenile crime problem and the present system practices can be assessed.

II. Examination of Juvenile Arrest and Processing Data

In calendar year 1977, 25,364 juvenile arrests occurred in San Diego County.³ In Exhibit 3.1, arrest statistics are broken down by type of offense committed. As noted in the chart, the majority of the arrests (57%) were for Part II offenses (felonies and misdemeanors). Misdemeanor arrests made up about 53% of the total. About 23% of the arrests

1. Effective date of State enabling Legislation.

2. San Diego began removing status offenders in 1974.

3. The Bureau of Criminal Statistics was the source for most of the statistics presented in this section.

EXHIBIT 3.1

SAN DIEGO COUNTY
JUVENILE ARRESTS
1977

<u>Serious Crimes (Part I) Offenses</u>	<u>Number</u>	<u>% of Total</u>
Crime Against Persons	1,129	4%
Crimes Against Property	4,715	19%
Total Serious Crimes Offenses	5,844	23%
<u>Lesser Crimes (Part II) Offenses</u>		
Felony	891	4%
Misdemeanor	13,498	53%
Total Lesser Crimes Offenses	14,389	57%
<u>Status Offenders (601)</u>	5,131	20%
<u>TOTAL JUVENILE ARRESTS</u>	25,364	100%

Source: Bureau of Criminal Statistics, 1977

were for serious Part I crimes (crimes against person and property) and the remaining 20% were for status offenders (601s).

The number of actual juvenile arrests for the 1973-77 period and projected levels for 1978-1985 for San Diego County are shown in Exhibit 3.2. In this figure, the level of total juvenile arrests is generally shown to be declining, and by 1985 will be about 21% below its peak at 1974. The actual decline will likely be more than that shown in the chart, since the initial projections were based on 1976 arrest levels and 1977 actual levels fell considerably below the projected levels.

In Exhibit 3.3, the size of the juvenile population of San Diego County is examined. These population figures play a key role in explaining why the level of arrests are dropping. As shown in the chart, the 12-17-year-old age group is dropping, and is expected to decline between now and 1985 by about 7%. Since there will be fewer juveniles, there should be fewer arrests. In the late 1980s, however, there may be some increases in juvenile crime, as the 7-11-year-olds move up to the ages of greatest risk, 12-17 years.

In order to compare the arrest data for San Diego County juveniles with other major California Counties, the criminal statistics collected by the State Bureau of Criminal Statistics were examined for eight other large California counties.¹ In Exhibit 3.4, the 1977 arrest rate per 100,000 juvenile population in the 10-17 age range has been computed. Highlights of the chart are presented below:

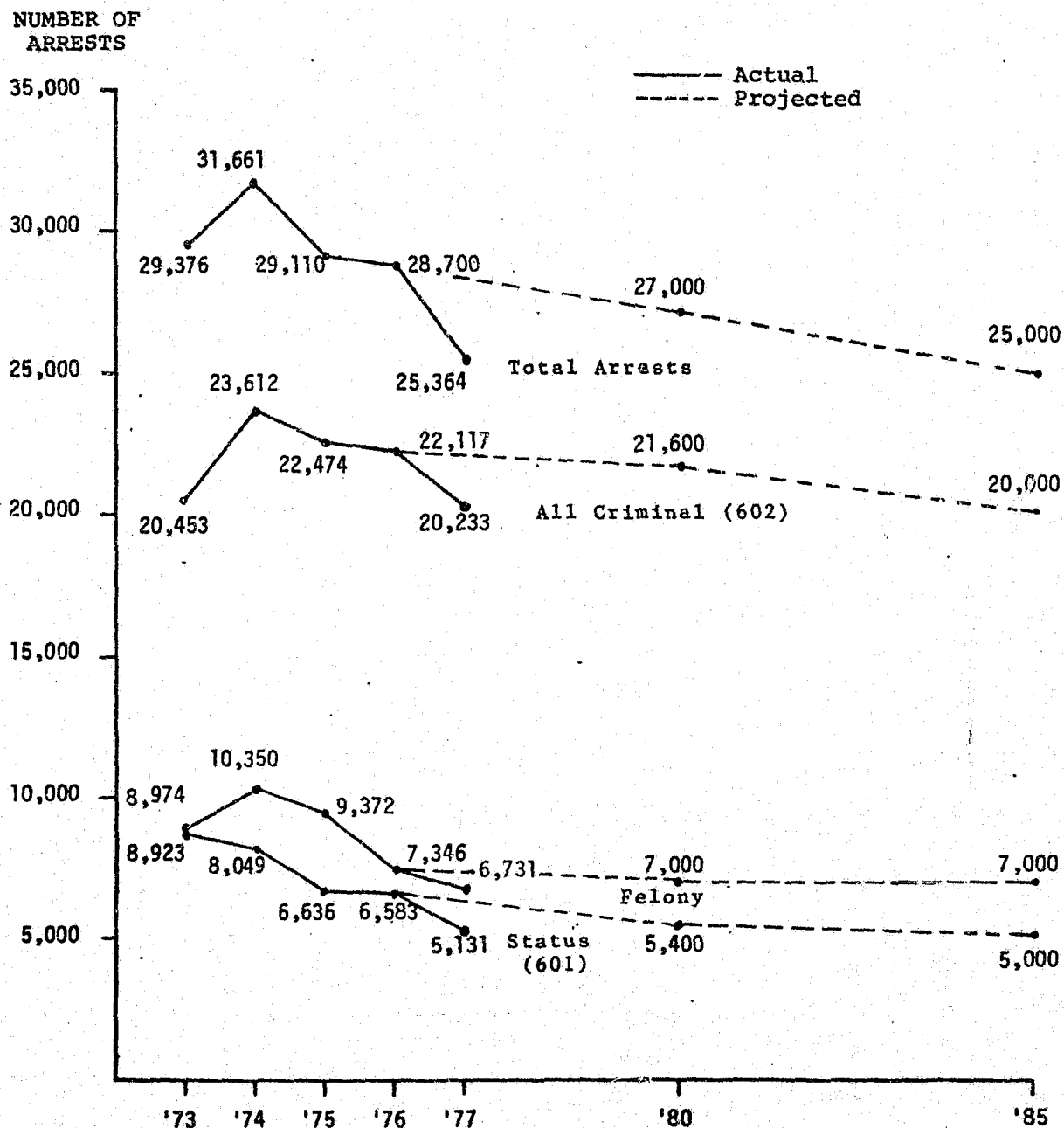
1. San Diego County's arrest rate per 100,000 of the County's total 10-17 juvenile population is 11,298. This is about 13% higher than the 8-County average² rate of 10,010.
2. In terms of crime rates by category of crime, San Diego County is slightly above the 8-County average for serious crimes (7% above) and lesser crimes (3% above).
3. In terms of status offenses, San Diego County has the highest arrest rate for status offenses of all counties surveyed. The San Diego County rate, at 2,286 per 100,000, is 67% above the 8-County average rate of 1,373.

1. The other Counties examined were: Alameda, Contra Costa, Los Angeles, Orange, Riverside, Sacramento, San Mateo, and Santa Clara.

2. San Diego County statistics are excluded from the county average.

EXHIBIT 3.2

ACTUAL JUVENILE ARRESTS 1973-1977
 PROJECTED ARRESTS 1976-1985
 SAN DIEGO COUNTY

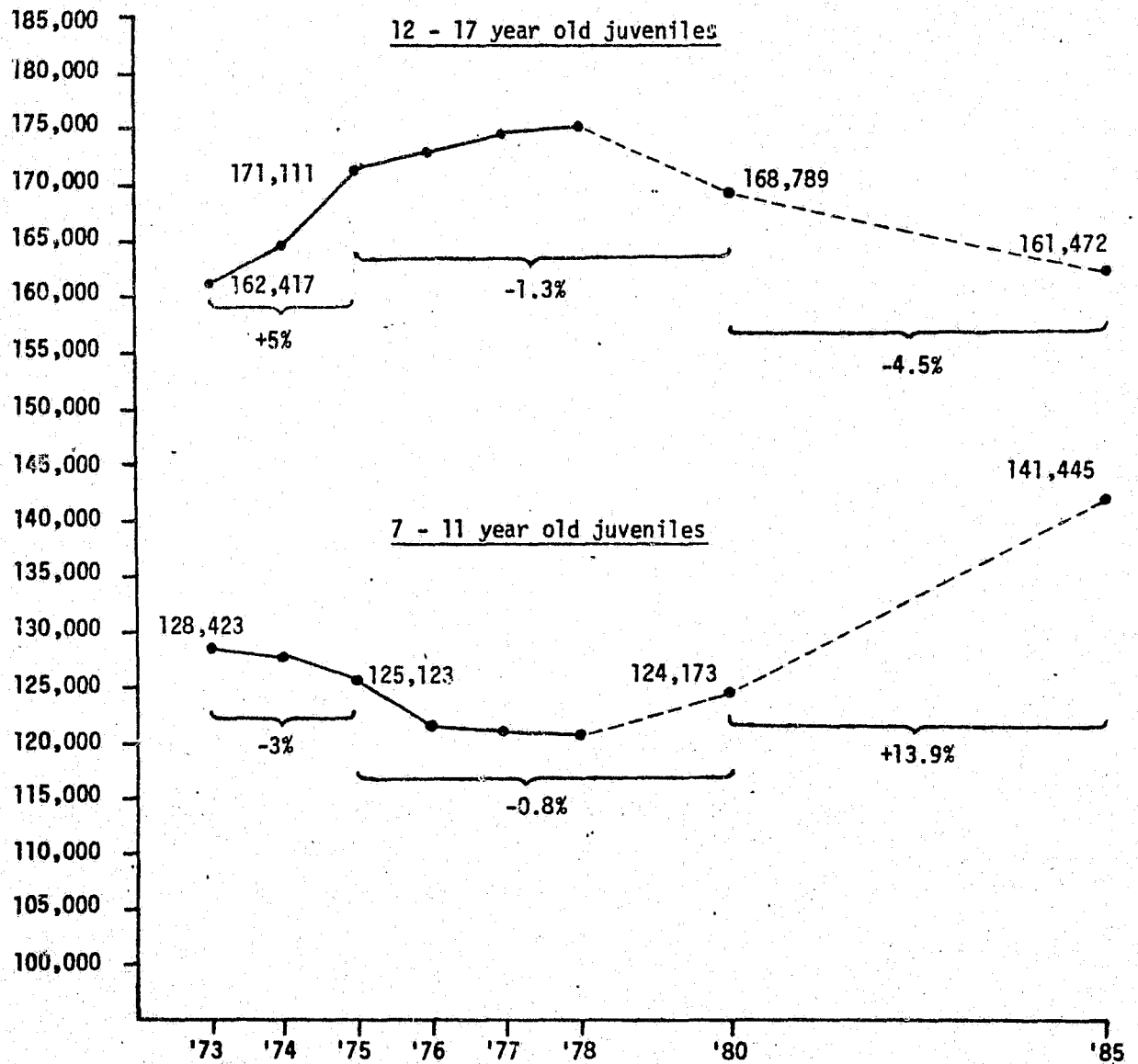


Source: Bureau of Criminal Statistics, 1977.
 Comprehensive Juvenile Justice Plan, 1977.

EXHIBIT 3.3

ACTUAL JUVENILE POPULATION 1973-1977
 PROJECTED 1978-1985
 SAN DIEGO COUNTY

— Actual
 - - - Projected



Source: Integrated Planning Office

EXHIBIT 3.4
JUVENILE ARREST RATE
PER 100,000 JUVENILE POPULATION (10-17 Years)
1977

County	Number of Arrests per 100,000 Juvenile Population			
	All Offenses Combined	Serious Crime (Part I)	Lesser Crime (Part II)	Status Offense (601s)
Alameda	11,867	3,100	6,867	1,900
Contra Costa	10,970	2,007	7,382	1,581
Los Angeles	9,230	3,504	5,085	641
Orange	10,718	2,183	6,568	1,967
Riverside	8,601	1,864	5,832	905
Sacramento	9,489	2,467	5,648	1,374
<u>SAN DIEGO</u>	<u>11,298</u>	<u>2,603</u>	<u>6,409</u>	<u>2,286</u>
San Mateo	8,344	2,319	5,028	997
Santa Clara	10,863	2,013	7,260	1,590
8-County Average	10,010	2,432	6,209	1,373

Source: Bureau of Criminal Statistics (BCS) Data

In Exhibit 3.5, the changes in juvenile arrest rates per 100,000 population, during the 1974-1977 period, are examined by major County. Based on the data in the exhibit, the following important features are noted:

1. For the total offenses category, all counties surveyed showed reductions in the arrest rate during the three-year period under study. The change in the San Diego arrest rate (down 23%) is slightly under the 8-County average of a 26% decrease.
2. For the serious crime category, San Diego County showed a decrease of 5% in the juvenile arrest rate. This rate is slightly greater than the 8-County average of 3%. Whereas four counties showed increases in this category, San Diego and the other counties showed decreases.
3. For the lesser crime category, all counties surveyed showed decreases. San Diego County's decrease of 22% was slightly greater than the 8-County average of 17%.
4. For the status offender category, all counties surveyed showed decreases. However, whereas San Diego County's decrease was 39%, the decrease for the other 8 counties averaged 60%.

The data presented above indicate that for San Diego County, juvenile crime in the serious and lesser crime categories is lessening at a faster rate than the average for the other 8 counties. However, San Diego is markedly different from the other counties in the category of status offenses. Whereas other jurisdictions are arresting fewer status offenders, San Diego continues to arrest the most. This extra attention to status offenders diminishes the law enforcement capability to deal with serious juvenile crime.

As explained earlier in Chapter 2, in the pre-adjudication stage, a juvenile who is apprehended may be referred to the Probation Department. The number of referrals received by the San Diego County Probation Department from 1973-1977 and projected for 1978-1985, is shown in Exhibit 3.6. As was the case with the declining number of arrests shown in Exhibit 3.2, the number of referrals to probation is also expected to decline. The amount of the actual decline will probably be greater than the projections in the exhibit, given the fact that actual 1977 referrals are far less than the projected level for that year. In Exhibit 3.7, the percentage of juvenile arrests that are referred to probation is shown for San Diego County and eight other major California Counties. As seen in this exhibit, San Diego has a lower rate of juvenile arrests referred to probation for all offenses combined (42%), than the average of the other counties (48%). When

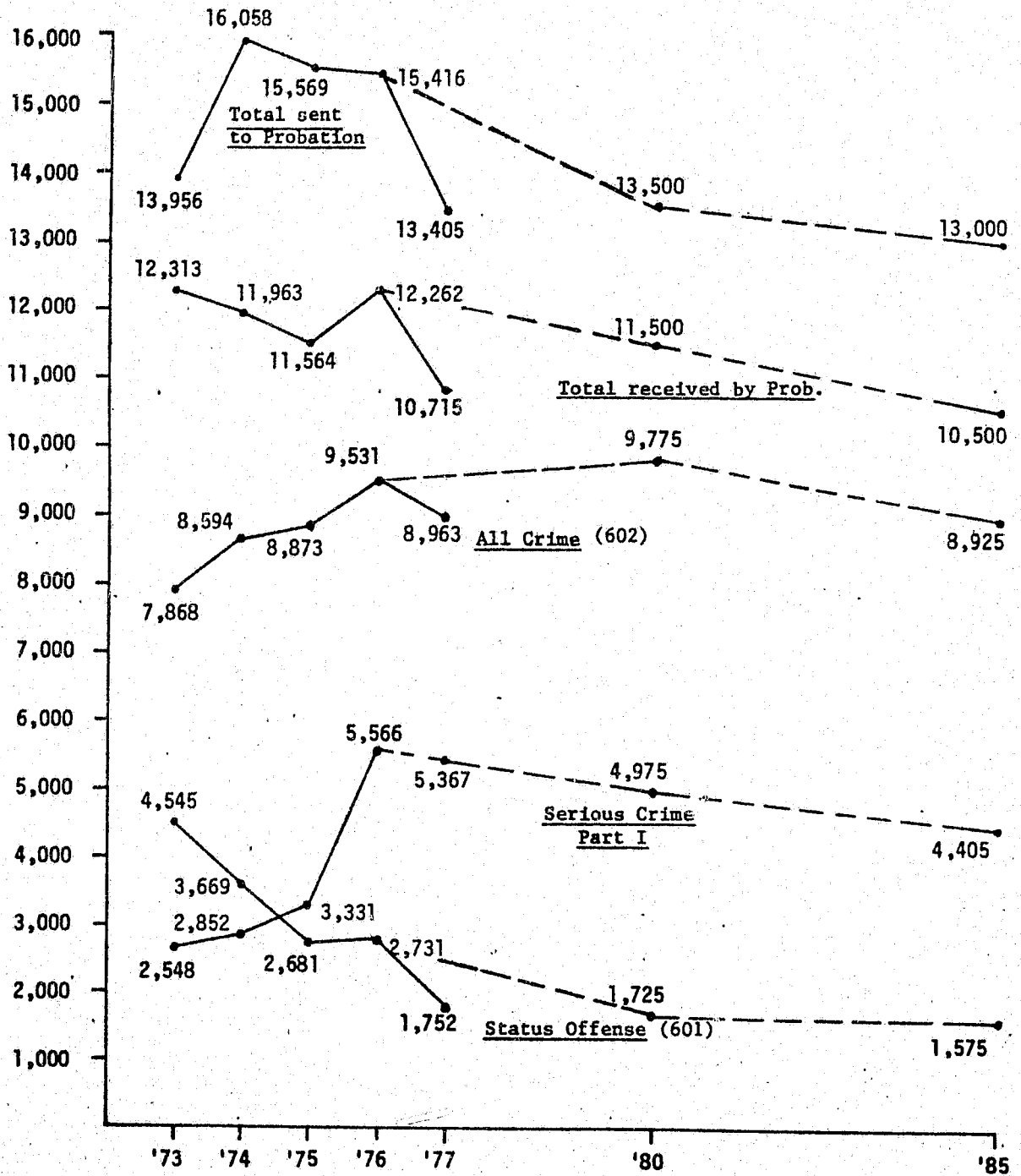
EXHIBIT 3.5

**CHANGE IN JUVENILE ARREST RATES PER 100,000 POPULATION
1974 - 1977
10-17 YEARS OLD**

TOTAL OFFENSES				PART I (Serious Crime)			PART II (Lesser Crime)			STATUS OFFENDERS		
COUNTY	1974 ALL JUVENILE ARRESTS/ 100,000 POP.	1977 ALL JUVENILE ARRESTS/ 100,000 POP.	% CHANGE 1974-1977 ALL JUVENILES ARRESTS/ 100,000 POP.	1974 SERIOUS OFFENSE ARRESTS/ 100,000 POP.	1977 SERIOUS OFFENSE ARRESTS/ 100,000 POP.	% CHANGE 1974-1977 OF SERIOUS OFFENSE ARRESTS/ 100,000 POP.	1974 LESSER OFFENSE ARRESTS/ 100,000 POP.	1977 LESSER OFFENSE ARRESTS/ 100,000 POP.	% CHANGE 1974-1977 OF LESSER OFFENSE ARRESTS/ 100,000 POP.	1974 STATUS OFFENSE ARRESTS/ 100,000 POP.	1977 STATUS OFFENSE ARRESTS/ 100,000 POP.	% CHANGE 1974-1977 OF STATUS OFFENSE ARRESTS/ 100,000 POP.
Alameda	14,872	11,866	-20%	3,357	3,100	-8%	8,580	6,867	-20%	2,935	1,900	-35%
Contra Costa	13,737	10,970	-20%	2,203	2,007	-9%	7,722	7,382	-4%	3,807	1,581	-58%
Los Angeles	14,557	9,230	-20%	3,523	3,504	-1%	5,728	5,085	-11%	2,307	671	-71%
Orange	14,865	10,718	-28%	1,845	2,183	+18%	7,618	6,568	-14%	5,401	1,968	-64%
Riverside	17,070	8,601	-50%	2,645	1,864	-30%	10,105	5,832	-42%	4,321	906	-79%
Sacramento	10,902	9,489	-13%	2,439	2,468	+1%	6,181	5,648	-9%	2,279	1,374	-40%
<u>SAN DIEGO</u>	<u>14,714</u>	<u>11,298</u>	<u>-23%</u>	<u>2,745</u>	<u>2,603</u>	<u>-5%</u>	<u>8,229</u>	<u>6,409</u>	<u>-22%</u>	<u>3,741</u>	<u>2,286</u>	<u>-39%</u>
San Mateo	10,724	8,344	-22%	2,241	2,319	+3%	6,160	5,028	-18%	2,326	997	-57%
Santa Clara	14,116	10,862	-23%	1,831	2,013	+10%	7,863	7,260	-8%	4,422	1,590	-64%
8 County Average	13,481	10,010	-26%	2,510	2,432	-3%	7,495	6,209	-17%	3,475	1,373	-60%

Source: Bureau of Criminal Statistics (BCS) Data

EXHIBIT 3.6

REFERRALS TO PROBATION
ACTUAL 1973-1977
PROJECTED 1976-1985NUMBER OF
REFERRALS

Source: BUREAU OF CRIMINAL STATISTICS (BCS),
projections from Comprehensive Juvenile Justice plan 1977

EXHIBIT 3.7

PERCENT OF JUVENILE ARRESTS RECEIVED BY PROBATION 1977

County	All Offenses Combined	Serious Crime	Lesser Crime	Status Offenders
Alameda	45%	26%	17%	2%
Contra Costa	55%	23%	20%	12%
Los Angeles	32%	NA ^a	NA ^a	NA ^a
Orange	35%	17%	14%	4%
Riverside	88%	46%	26%	16%
Sacramento	72%	42%	23%	7%
<u>SAN DIEGO</u>	<u>42%</u>	<u>21%</u>	<u>14%</u>	<u>7%</u>
San Mateo	44%	30%	12%	2%
Santa Clara	44%	23%	18%	3%
7-County Weighted Average (excluding Los Angeles and San Diego)	48%	26%	17%	5%

a. Los Angeles County is currently compiling the data and will be forwarding it to OPE.

Source: Bureau of Criminal Statistics (BCS).

the percentages are broken down by offense category, San Diego has a lower percentage of serious and lesser crime referrals to probation than the average of the other counties, but a slightly higher percentage of status offenders referred to probation.

Once a case has been referred to the Probation Department, it may be closed, the juvenile may be placed on informal probation, or a petition for a regular court hearing may be filed. In Exhibit 3.8, the cases that were referred to the Probation Departments of the major California Counties in 1977 are broken down by type of action taken. In this exhibit, San Diego is shown to rank second highest in percentage of cases closed. San Diego closes almost 60% of its cases before the regular court hearing, compared to the 8-County average of about 41%. For the use of informal probation, the exhibit shows that San Diego uses informal probation less than any of the other surveyed counties. San Diego uses informal probation for 1.5% of its cases, compared to the 8-County average of almost 16%. For the Petitions filed category of action, San Diego falls within the mid-range of the counties surveyed. San Diego files petitions on about 39% of its cases, slightly less than the 8-County average of 43%.

From the data described above for Exhibit 3.8 on the disposition of referrals to probation, it cannot be inferred that San Diego is over or under utilizing any of the three disposition actions. With regard to the lower use of informal probation by San Diego, there is no way to tell if San Diego County is closing cases that other counties are placing on informal probation.¹ However, Sacramento County, with the highest rate of closing cases (63% compared to San Diego's 60%) was shown to be placing over 10% of the juveniles on informal probation (compared to San Diego's 1.5%).

Once a juvenile court case has reached the regular Court hearing process, several dispositional alternatives are possible (see Chapter 2, Section I, on the description of the post-adjudication stage). These alternatives include remands to adult court, referrals to the California Youth Authority, referrals to non-ward probation and formal probation, and case dismissal or transfer. In Exhibit 3.9, the total dispositions granted by the juvenile court in 1977 are broken down into the various types of dispositions for San Diego and eight other large California Counties. The highlights from the exhibit are summarized below.

1. In terms of the percentage of cases remanded to adult court, San Diego has the highest rate of remands. San Diego's rate of remands (at 5.6%) is over

1. An analysis of the three disposition categories, by type of offense would shed some light on this question; however, Bureau of Criminal Statistics data are incomplete and could not be used for a further analysis of that type.

EXHIBIT 3.8
DISPOSITION OF PROBATION CASES (1977)
FROM TOTAL INITIAL REFERRALS RECEIVED FROM
ARRESTING AGENCIES
BY PROBATION DEPARTMENT

	Referrals Received	ALL OFFENSES COMBINED		
		Closed	Informal Probation	Petitions Filed
Alameda	7,844	55.3%	4.9%	39.8%
Contra Costa	5,795	3.4%	66.2%	30.4%
Los Angeles	28,948	28.6%	20.8%	50.6%
Orange	9,882	33.3%	5.3%	61.4%
Riverside	6,103	57.8%	13.9%	28.3%
Sacramento	7,126	63.2%	10.2%	26.6%
<u>SAN DIEGO</u>	<u>10,715</u>	<u>59.8%</u>	<u>1.5%</u>	<u>38.7%</u>
San Mateo	7,877	52.4%	6.4%	41.2%
Santa Clara	9,114	46.3%	20.0%	33.7%
8 County Average	-	41.2%	15.6%	43.2%

Source: Bureau of Criminal Statistics (BCS)

EXHIBIT 3.9

42

DISPOSITION OF JUVENILE COURT CASES
1977

	Total Dispositions	% Remanded to Adult Court	% Dismissed or Transferred	% to CYA	% Non-Ward Probation	% Formal Probation
Alameda	3,070	2.1%	32.0%	0.8%	23.9%	41.0%
Contra Costa	1,898	0	52.3%	0.1%	22.6%	25.0%
Los Angeles	14,666	0.2%	34.9%	1.3%	1.9%	61.6%
Orange	5,964	0.03%	48.5%	0.07%	4.0%	47.4%
Riverside	1,689	1.2%	27.2%	0.6%	20.2%	50.6%
Sacramento	2,063	0.2%	27.7%	0.6%	12.1%	59.4%
<u>SAN DIEGO</u>	<u>4,025</u>	<u>5.6%</u>	<u>26.4%</u>	<u>1.5%</u>	<u>3.6%</u>	<u>62.9%</u>
San Mateo	1,228	0.4%	30.7%	0.08%	17.5%	51.3%
Santa Clara	3,269	1.3%	34.7%	0.2%	3.7%	60.0%
8 County Average		0.5%	37.0%	0.8%	7.7%	54.0%

Source: Bureau of Criminal Statistics

Totals may not equal 100% due to rounding.

10 times higher than the 8-County average (at 0.5%).

2. San Diego County has the highest percentage of cases sent to the California Youth Authority. San Diego's rate of referral (at 1.5%) is about two times higher than the 8-County average (at 0.8%).
3. San Diego has the highest percentage of cases placed on formal probation of the surveyed counties. Whereas the other counties placed an average of 54% of the cases on formal probation, San Diego placed 63%.

III. Juvenile Justice System Client Flow

Using data compiled by the Bureau of Criminal Statistics, it was possible to track the flow of juveniles through the entire juvenile justice processing system. In this section, five client flow charts have been prepared.

Exhibit 3.10 - San Diego Client Flow for All Offense Categories - 1977

Exhibit 3.11 - California Client Flow for All Offense Categories - 1977

Exhibit 3.12 - San Diego Client Flow for Serious Crime - Part I Offenses - 1977

Exhibit 3.13 - San Diego Client Flow for Lesser Crime - Part II Offenses - 1977

Exhibit 3.14 - San Diego Client Flow for Status Offenses - 1977

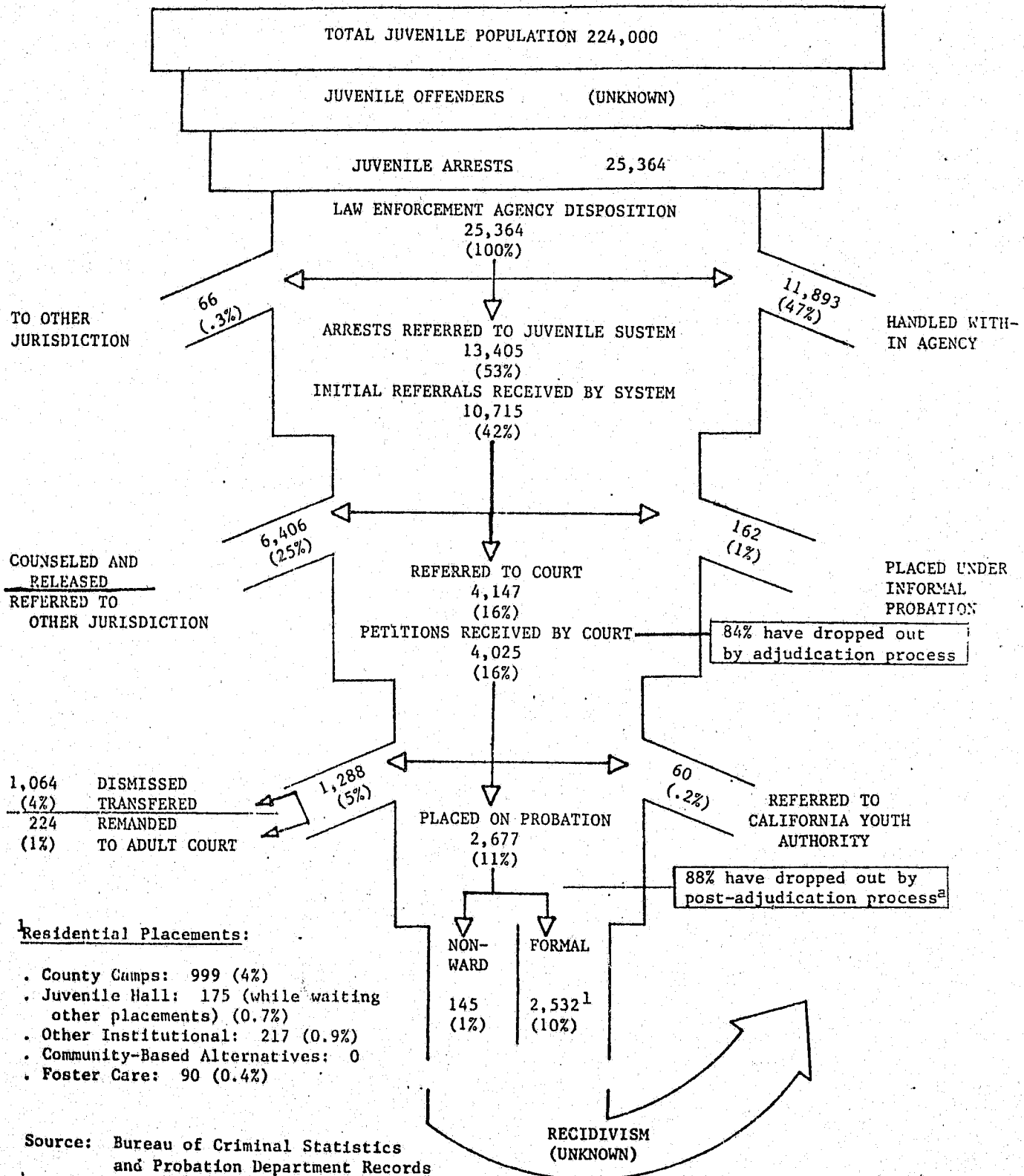
In Exhibit 3.15, the data from the San Diego County client flow charts are summarized into tabular form. As seen from the first client flow chart, as well as Exhibit 3.15, the client system flow shows a winnowing process, as the juveniles move through the system.

By the time petitions are received by the court, 84% of the 25,364 arrest cases have dropped out of the system. About 12% of the cases receive a formal legal disposition during adjudication. About 88% of the cases exit the system without formal, legal action.¹

In Exhibit 3.11, comparable data for all of California are presented. In most respects, the data for San Diego County are quite similar for all offenses combined. As seen in this exhibit, about 83% of the cases statewide have dropped out by the adjudication stage, compared with 84% for San Diego; 89% and 88%, respectively, have dropped out by post-adjudication processing.

1. Four percent of these cases are either dismissed or transferred during the adjudication stage; also, 11% of these cases are juveniles who are already part of the juvenile justice system, due to previously committed offenses.

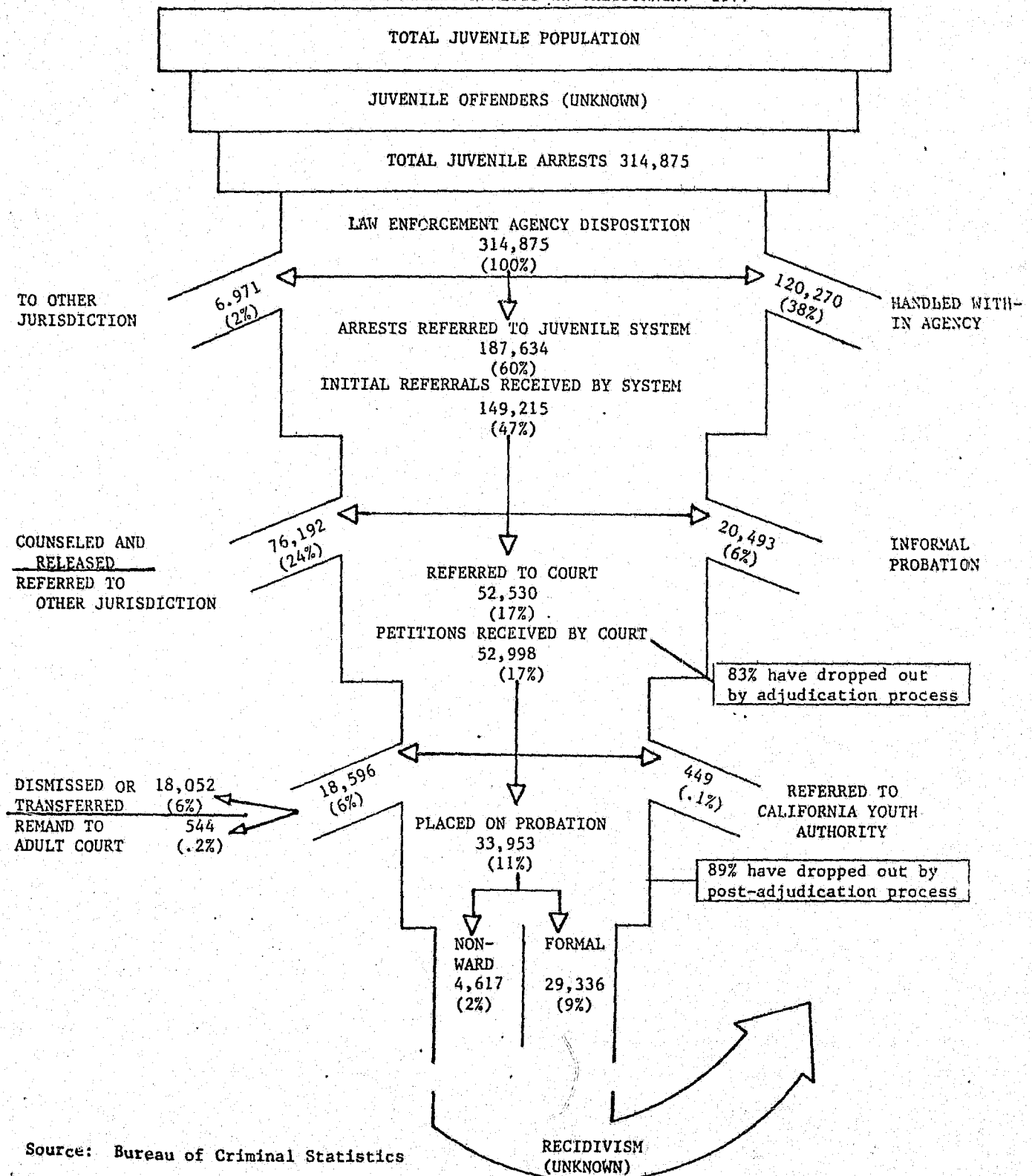
EXHIBIT 3.10
JUVENILE JUSTICE SYSTEM'S CLIENT FLOW 1977
ALL OFFENSES: SAN DIEGO COUNTY, 1977



a. Four percent of these cases are either dismissed or transferred during the adjudication stage. Also, 11% of these cases are juveniles who are already a part of the juvenile justice system, due to previously committed offenses.

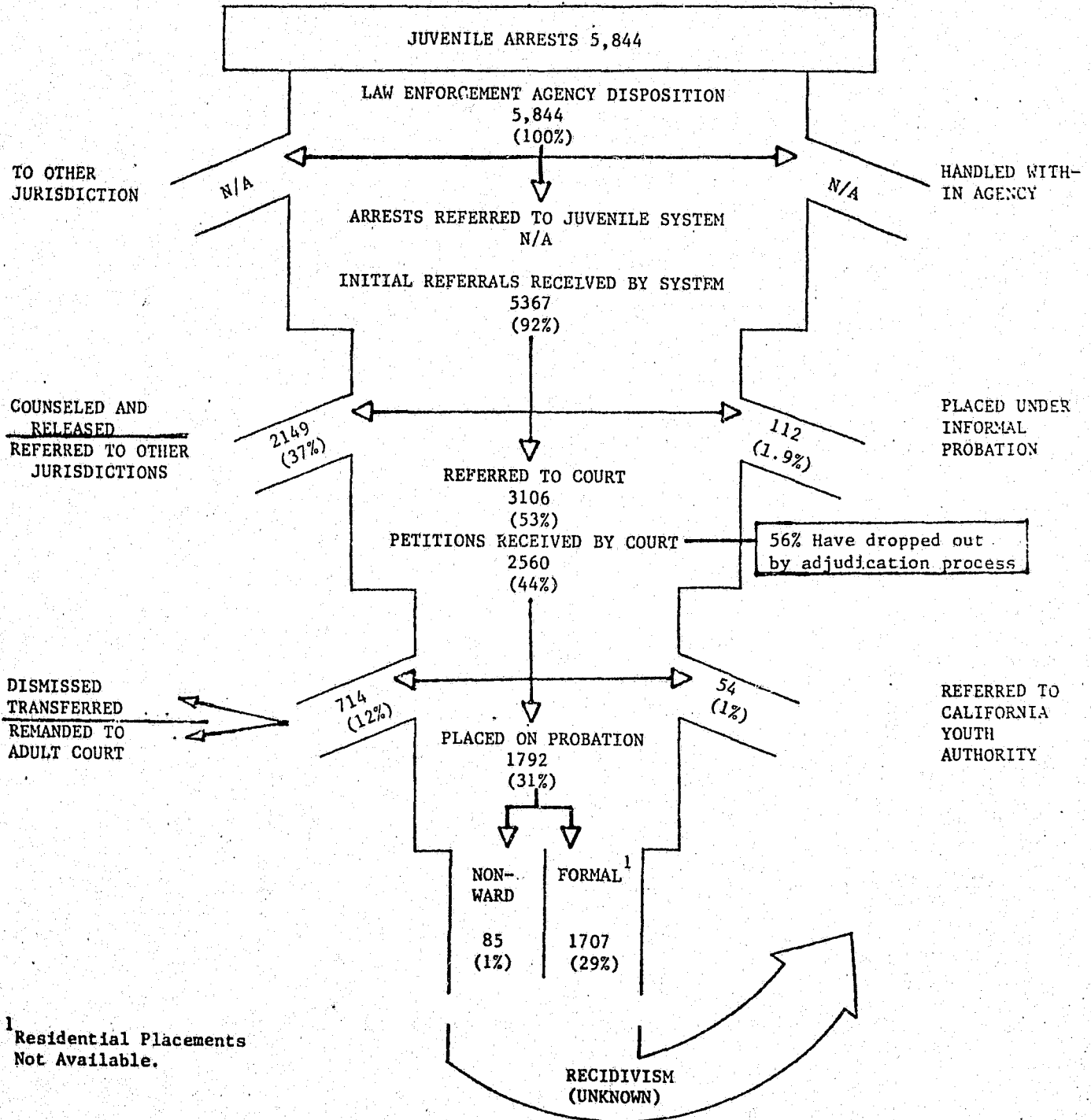
EXHIBIT 3.11

ALL JUVENILES ARRESTS IN CALIFORNIA: 1977



Source: Bureau of Criminal Statistics

EXHIBIT 3.12

SERIOUS CRIMES: PART I OFFENSES
SAN DIEGO 1977

Source: Bureau of Criminal Statistics

EXHIBIT 3.13

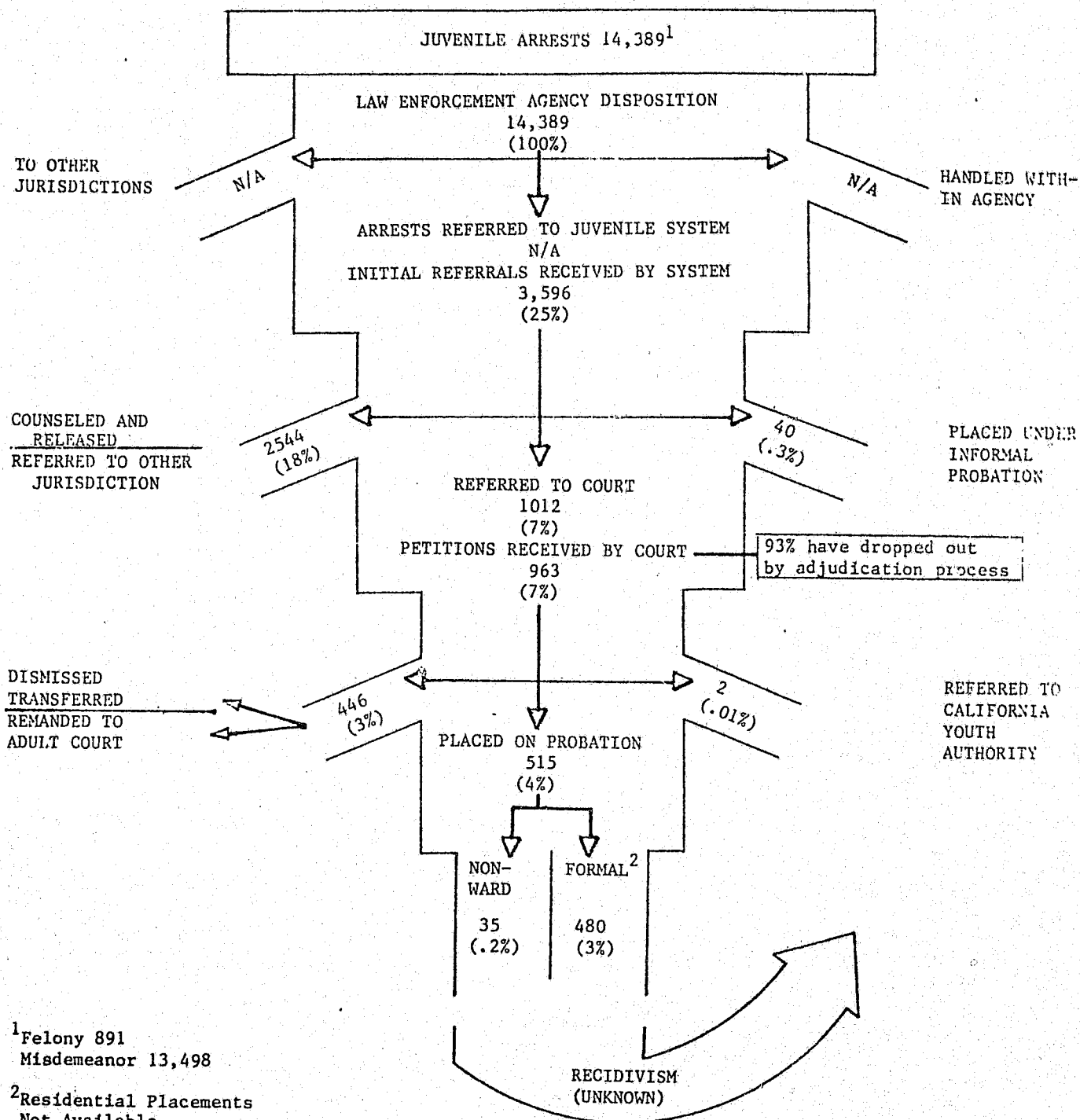
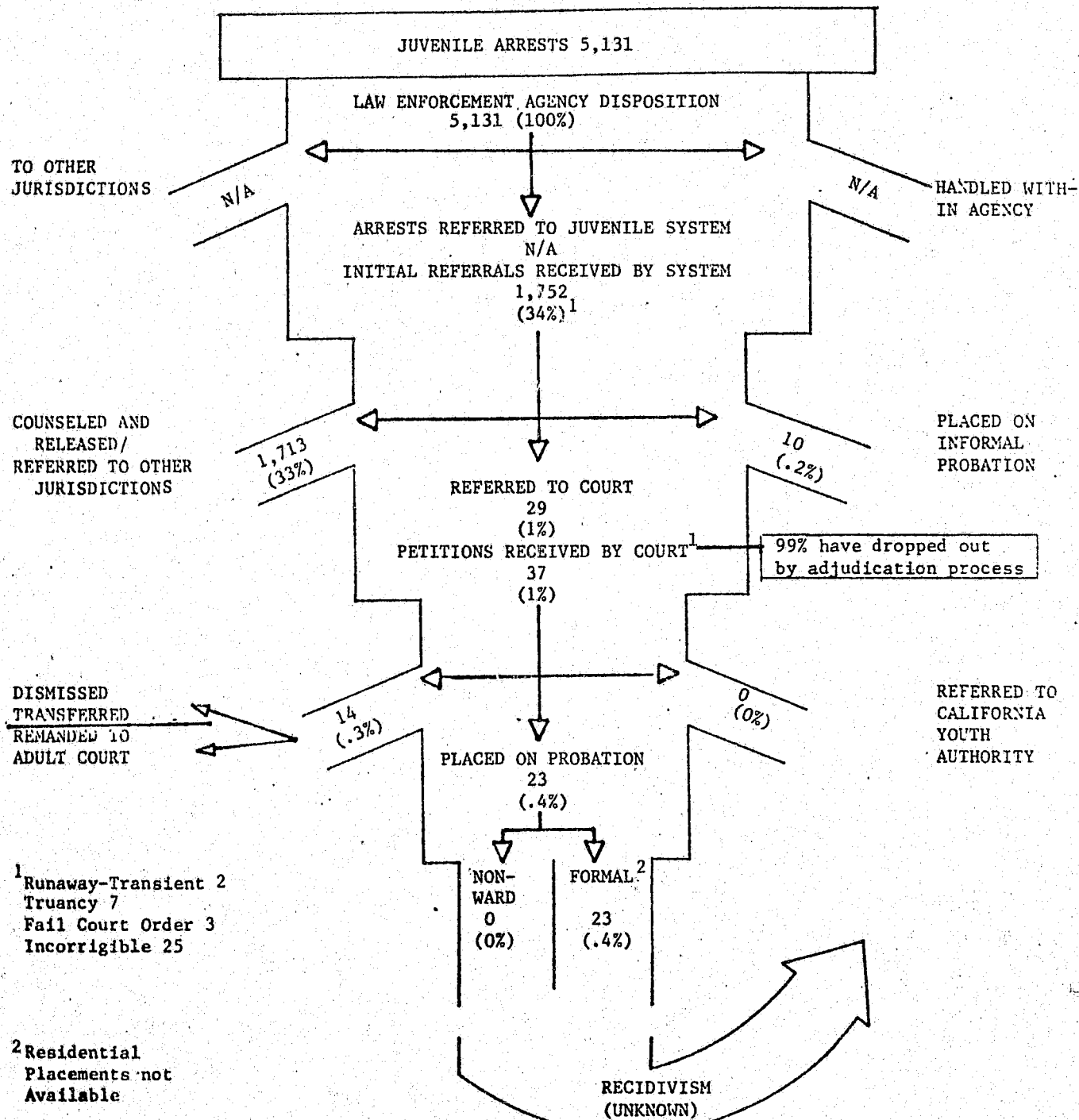
LESSER CRIMES: PART II OFFENSES
SAN DIEGO 1977

EXHIBIT 3.14

STATUS OFFENSES (601)
SAN DIEGO - 1977



Source: Bureau of Criminal Statistics

EXHIBIT 3.15

PROCESSING COMPARISONS FOR THREE OFFENSE CATEGORIES 1977

	Total		Serious Crime		Lesser Crime		Status		Info. Not
	N	%	N	%	N	%	N	%	Available
Arrests	25,364	100%	5,844	100%	14,389	100%	5,131	100%	-2,690
Referred to Probation	13,405								
Probation Intake	10,715	42	5,367	92	3,596	25	1,752	34	
Released	6,406	25	2,149	37	2,544	18	1,713	33	
Informal Probation	162	1	112	.2	40	.3	10	.2	
Referred to Court	4,147	16	3,106	53	1,012	7	29	1	-122
Court-Received	4,025	16	2,560	44	963	7	37	1	-465
Dismissed/									
Transferred/	1,288	5	714	12	446	3	14	.3	(-114)
Remanded to									
Adult Court									
To California	60	.2	54	1	2	.01	0	0	(-4)
Youth Authority									
Non-Ward Probation	145	1	85	1	35	.2	0	0	(-25)
Formal Probation	2,532	10	1,707	29	480	3	23	.4	(-322)

Total: Information Not Available 3,277

% Out of Total Arrests 12.9%

% Out of Law Enforcement Referrals 24.4%

In Exhibits 3.12, 3.13, and 3.14, the San Diego County's juvenile justice system client flow is broken down by offense categories. As seen from these exhibits, the percentages of cases dropping out by the adjudication stage of the system differ considerably, by offense type. As might be expected, for serious crimes, proportionately fewer people drop out of the system at major processing stages. For the serious Part I offenses, 56% have dropped out by the adjudication stage; whereas, at the other extreme, 99% of the status offenders have dropped out by that stage. For lesser Part II crimes, about 93% have dropped out by the adjudication stage.

Another interesting comparison that can be made is the percentage of arrests that are processed through probation intake. From the data shown in Exhibit 3.15, it can be seen that proportionately more status offenders go through the probation intake process than juveniles arrested for lesser, Part II crimes. The respective figures are 34% for status offenses and 25% for the lesser criminal offenses. Further detailed comparisons of the data presented in the exhibit should be made with caution, since the Bureau of Criminal Statistics did not have complete data breakdowns for the three offense categories.

IV. Summary of the Description of the Juvenile Justice System Clients

A summary of the major findings of this chapter are presented below. In the first part of this summary, the analyses of client offense data are highlighted.

A. San Diego County Offense Profile

1. In terms of Serious Juvenile Crime (Part I Offenses):

- San Diego is slightly above the arrest rate for other large California jurisdictions; San Diego's rate (2,603) is about 7% higher than the large county average of 2,432 arrests (per 100,000 juvenile population, aged 10-17).
- Serious crime accounts for 23% of all arrests in San Diego (4% violent offenses and 19% property offenses).
- During the 1974-1977 period, the reduction in the arrest rate for San Diego (down 5%) was slightly greater than the large county average of a 3% decrease.
- According to the Comprehensive Juvenile Justice Plan, San Diego arrest trends are projected to decrease through 1985, for serious crimes.

2. In terms of Lesser Juvenile Crime (Part II Offenses):

- San Diego is slightly above the arrest rate (6,409) for other large California jurisdictions; San Diego's rate is about 3% higher than the large county average of 6,209 arrests (per 100,000 juvenile population aged 10-17).
- Lesser crime accounts for 57% of all arrests in San Diego; misdemeanor arrests make up 53% of all arrests.
- During the 1974-1977 period, the reduction in the arrest rates for San Diego (down 22%) was slightly greater than the large county average of a 17% decrease.
- San Diego arrest trends are projected to decrease through 1985, for lesser crimes.

3. In terms of Status Offenders (60ls):

- San Diego has the highest arrest rate (2,286) of the larger California Counties; San Diego's rate is 67% above the large county average of 1,373 arrests (per 100,000 juvenile population, aged 10-17).
- Status offenses account for 20% of all arrests in San Diego.
- During the 1974-1977 period, the reduction for San Diego County in the arrest rate was considerably less (down 39%) than the large county average of a 60% decrease.
- San Diego arrest trends are projected to decrease through 1985, for status offenders.

All of the above data indicate that San Diego County is similar to the other large counties in most respects, with arrest rates decreasing for all offense categories. However, where San Diego differs markedly from the other counties is in the area of arrests for status offenses. Whereas other jurisdictions are arresting fewer status offenders, San Diego continues to arrest the most.

In the next part of this summary, the analyses of the processing profile of clients within the juvenile justice system are highlighted.

B. San Diego County Processing Profile

1. In terms of the Percentage of Arrests Received by Probation:

- For the total, serious, and lesser crime categories, San Diego had a lower percentage of arrests referred to Probation than the large county average; for all offenses

combined, the San Diego percentage of referrals to Probation was 42%, compared to the large county average of 48%.

- For status offenders, San Diego shows a slightly higher percentage of referrals (7%) than the large county average of 5%.

2. In terms of the Disposition of Probation Cases:

- San Diego had the second highest percentage of cases closed; San Diego's rate was 60% compared to the large County average of about 41%.
- San Diego was lowest in the use of informal probation; San Diego's rate was 1.5% compared to the large County average of about 16%.
- San Diego was in the mid-range of the counties surveyed for the percentage of petitions filed; San Diego's rate was about 39% compared to the large county average of about 43%.

3. In terms of the Disposition of Juvenile Court Cases:

- San Diego had the highest percentage of juvenile cases remanded to adult court; San Diego's rate was 5.6% compared to the large county average of 0.5%.
- San Diego had the highest percentage of juveniles sent to the California Youth Authority; San Diego's rate was 1.5% compared to the large county average of 0.8%.
- San Diego was highest in the percentage of juveniles placed on formal probation; San Diego's rate was 63% compared to the large county average of 54%.
- San Diego was second lowest in the percentage of juveniles placed on non-ward probation; San Diego's rate was 3.6% compared to the large county average of 7.7%.
- San Diego was lowest in the percentage of cases dismissed or transferred; San Diego's rate was 26% compared to the large county average of 37%.

The remainder of the report will discuss and present data on some of the major problem areas that were identified in this overview evaluation. The major problem areas include (a) a lack of effective and efficient screening of juveniles at the front end of the juvenile justice system, (b) overcrowding at

Juvenile Hall, (c) a lack of a range of correctional alternatives for post-adjudication processing, and (d) a lack of effective and efficient coordination of the component parts of the juvenile justice system. Each of the remaining chapters will conclude with a summary of major findings, as well as an outline of areas requiring further study.

CHAPTER 4

PROBLEM AREA I:
LACK OF EFFECTIVE AND EFFICIENT
SCREENING OF JUVENILES AT THE
FRONT END OF THE JUVENILE JUSTICE SYSTEM

This chapter will begin with an overview analysis of the first problem area, focusing principally on data from San Diego County. The second section will summarize the most relevant major research findings on the subject. The third section will discuss the major pros and cons of diversion programs. The fourth section will discuss major diversion alternatives and their relative costs. The final section will summarize the major findings of the chapter and list problem areas requiring further study.

I. Overview Analysis of Problem

The first identified problem area concerns the lack of effective and efficient screening of juveniles at the front end of the juvenile justice system. As noted in the last chapter, and summarized in Exhibit 4.1, most juveniles drop out of the system during different processing stages. Exhibit 4.1 shows the percentage of juveniles who drop out of the system without formal, legal post-adjudication action. For San Diego¹ County, 88% drop out of the system without such formal action. Although San Diego gets 58% of these cases out at the arrest stage, 30% continue through the juvenile justice system. Compared to other larger California Counties, San Diego gets close to the 8-County average at the point of arrest, 58% and 59% respectively. San Diego gets somewhat more juveniles out of the system during Probation pre-adjudication processing-- 25% for San Diego and 17% for the 8-County average. San Diego gets slightly fewer (5%) out during Court adjudication, compared to the average for the 8 other Counties (7%). Although all Counties screen out most of their juveniles during system processing, San Diego is the highest with 88%; the 8-County average is 83%.

Since these cases do not warrant formal, legal action, they should be the first priority candidates to be screened out at the front end of the system. In juvenile justice parlance, this is called "diversion."

"Diversion occurs after a youth's initial official contact with an agent of the law and prior to formal adjudication" (National Institute of Law Enforcement and Criminal Justice, National Evaluation Program: Juvenile Diversion, 1977, p. 3). Dunford (1977) adds further refinements to the definition by placing the following five restrictions on what should be considered "authentic" diversion:

1. According to the Comprehensive Juvenile Justice Plan, 1977, only about 5% are referred to services. Also, 11% of these cases are juveniles who are already part of the juvenile justice system, due to previously committed offenses.

EXHIBIT 4.1

ESTIMATED PERCENTAGE OF JUVENILES
DROPPING OUT OF SYSTEM
AT MAJOR PROCESSING STAGES

County	Total Arrests	Law Enforcement Arrests		Probation Pre-Adjudication		Court Adjudication		Drop Out Total
Alameda	17,342	9,498	55%	4,339	25%	1,048	6%	86%
Contra Costa	10,499	4,704	45%	2,424	23%	992	9%	77%
Los Angeles	89,887	60,939	68%	8,254	9%	5,152	6%	83%
Orange	28,473	18,591	65%	3,277	12%	2,893	10%	87%
Riverside	6,923	820	12%	3,522	51%	481	7%	70%
Sacramento	9,903	2,777	28%	4,499	45%	575	6%	79%
<u>SAN DIEGO</u>	<u>25,364</u>	<u>14,649</u>	<u>58%</u>	<u>6,406</u>	<u>25%</u>	<u>1,288</u>	<u>5%</u>	<u>88%</u>
San Mateo	6,530	3,653	56%	1,505	23%	382	6%	85%
Santa Clara	20,964	11,850	57%	4,213	20%	1,178	6%	82%
EIGHT-COUNTY AVERAGE	23,815	14,104	59%	4,004	17%	1,588	7%	83%

Source: Bureau of Criminal Statistics

1. Diversion can occur between apprehension and adjudication only.

Programs designed for adjudicated youth as alternatives to incarceration, are not diversion projects.

2. Screening (out) is not diversion.

Screening involves ultimate release by justice system officials and provides no referral, no service or treatment, and no follow-up. Diversion on the other hand, implies all three and presupposes a receiving agency to provide some form of youth development or delinquency prevention service.

3. Diversion should be used as a substitute for justice system processing, not for screening purposes.

Diversion should be considered as an alternative for those youth that would otherwise face formal system proceedings. If a youth, following apprehension is considered inappropriate for justice system processing, he should be released and exposed no further to the system. Otherwise, the risk of "widening the nets" of the system becomes a strong possibility. This occurs when youth that would normally be released are being channeled into diversion programs.

4. The receiving agency should lie outside the formal jurisdiction of the juvenile justice system.¹

This is necessary to minimize the coercive, punitive, and stigmatizing elements that are associated with the juvenile justice system. Thus, an informal probation program operated by a Probation Department is not diversion.

5. Diversion should be noncoercive.

There is general agreement that diversion services should be provided on a consensual basis and that pressure on youth to participate in diversion programs by agents of the justice system limits the effectiveness of such programming (Mullen, n.d.; Berger, 1975; etc). Dunford further states that coerced participation potentially leads youth to view diversion programs as extensions of the justice system.

1. There is some disagreement among experts as to what agency should operate diversion programs. Evaluations of diversion programs do not show any consistent patterns of superiority of non-justice system operated programs versus justice system operated

Diversion and screening out, to be most cost-effective from a systems perspective, should occur at the earliest point of formal contact with the juvenile justice system--the point of arrest. To assess the relative diversion and screening activities of law enforcement agencies in San Diego County, the referrals to Probation were examined, as a percentage of total juvenile arrests by arresting agency. The findings of this analysis are presented in Exhibit 4.2. This exhibit shows that the percentage of juveniles referred to the Probation Department varies markedly for the different law enforcement agencies in San Diego County. For example, whereas National City refers 72% of all arrests, Carlsbad refers only 9% of its arrests to Probation.

If the location of the law enforcement agency is examined, those agencies that are closest to the Probation Department refer proportionately more cases than those that are farther away.¹ This finding indicates that referral rates do not seem to be related to the potential volume of serious offenders.

This exhibit also indicates that law enforcement agencies do not use a consistent set of criteria in referring cases to Probation. The feasibility of developing consonent criteria can be examined at a later date. Other jurisdictions have developed criteria for referral that might be feasible in San Diego County. For example, Racine, Wisconsin, has a Career Delinquent Program. The program uses a point system to guide the handling of juveniles. As soon as a juvenile obtains so many points, he is referred immediately for swift and severe juvenile justice system processing on a priority basis. This program is described in greater detail in Appendix C.

In assessing diversion patterns, the various sources of referrals to the Probation Department's Youth Service Bureaus were tabulated. Exhibit 4.3 shows the total number of referrals for FY 1977-78, which for seven bureaus ran about 2,300 from agencies, persons or from Probation. The majority of referrals (65%) to Youth Service Bureaus come from other than juvenile justice agencies. Law enforcement and Probation referrals account for only 35% of the cases handled by the Youth Service Bureaus.

The referral rates from law enforcement agencies and Probation varies widely for the seven Youth Service Bureaus. These referral rates ranged from a low of 22% for the Northwest Youth Service Bureau to a high of 71% for the Southeast Youth Service Bureau. Why some juvenile justice agencies are not using these diversion resources to a greater extent is a question that will require further study.

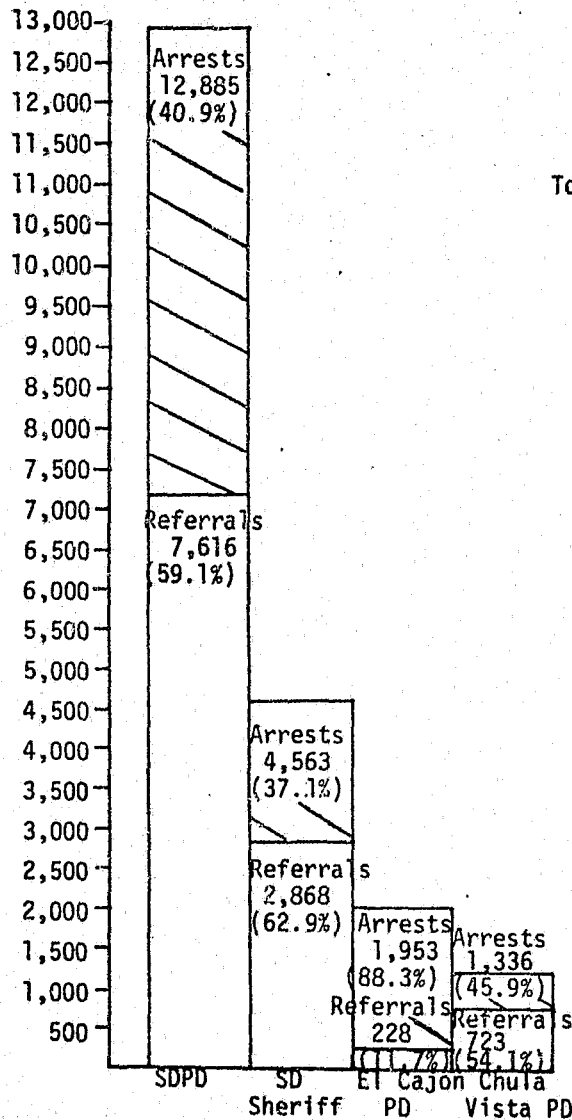
1. Correlation coefficient is $-.57$, which is between the $.10$ and $.05$ levels of significance.

CONTINUED

1 OF 3

EXHIBIT 4.2

REFERRALS TO PROBATION AS A PERCENTAGE OF ARRESTS BY ARRESTING AGENCY 1977

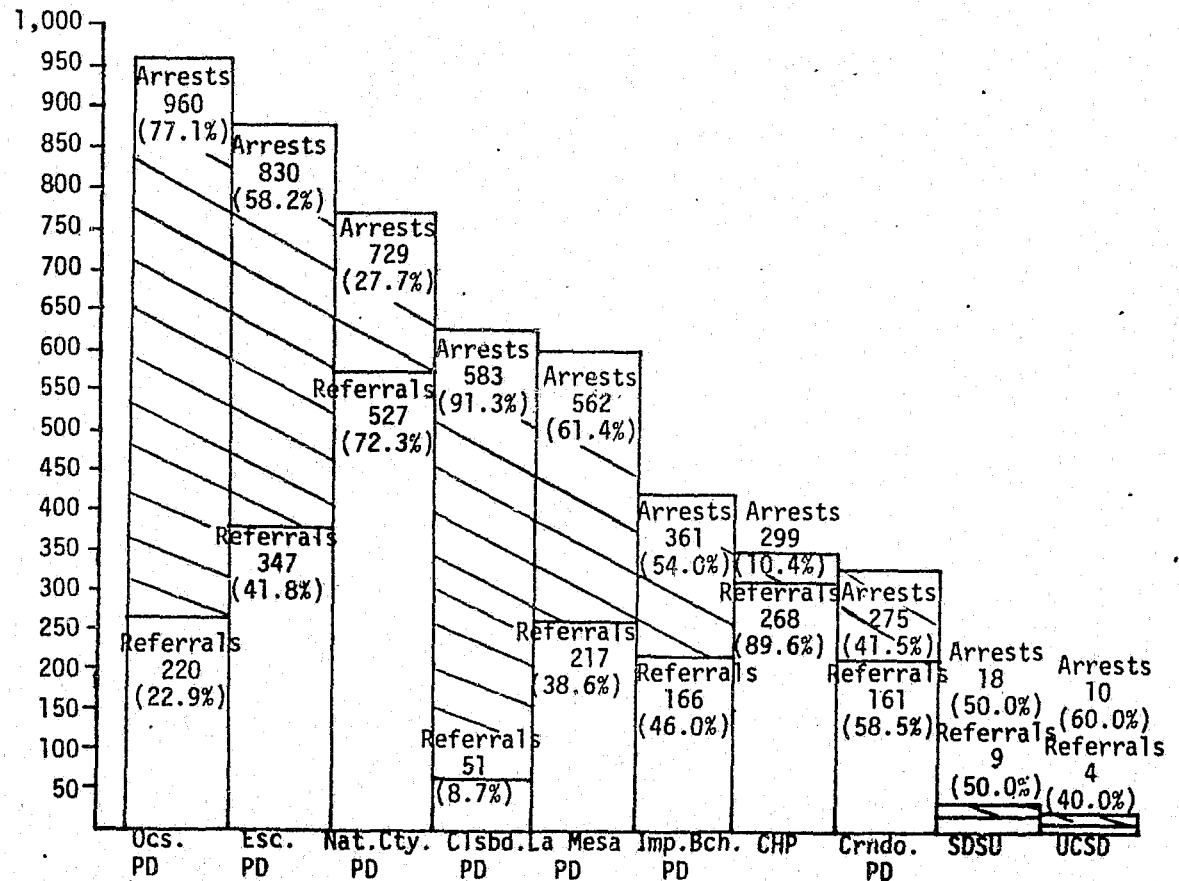


TOTAL ARRESTS GREATER THAN 1,000

Source: Bureau of Criminal Statistics

Total Arrests - 25,364

Total Referrals - 13,405



TOTAL ARRESTS LESS THAN 1,000

EXHIBIT 4.3

REFERRALS TO YOUTH SERVICE BUREAUS
(FY 1977-78)

69

Youth Service Bureau	Total No. Youths Served	Source					% of Referrals from Law Enforcement and Probation
		From Law Enforcement Agencies	From Probation	From Family	From School	From Other	
Clairemont	409	59	47	220	80	11	26%
Fairmount	336	119	20	80	91	29	41%
Northwest	252	42	14	103	85	17	22%
La. Mesa	536	134	59	160	124	69	36%
South Bay	452	77	53	137	83	66	29%
Oceanside ^a	167	49	24	70	27	9	44%
Southeast ^a	178	108	19	34	14	8	71%
TOTAL	2,330	588	236	804	504	209	
PERCENTAGE	(100%)	(25.2%)	(10.1%)	(34.5%)	(21.6%)	(9.0%)	35% ^a

a. Oceanside and Southeast were discontinued for FY 1978-79; if the referrals from law enforcement and probation are excluded for these two Youth Service Bureaus, the total percentage of referrals drops to 31%.

Source: Probation Department

It should be noted that the two Youth Service Bureaus with the highest referral rates from juvenile justice agencies were closed in FY 1978-79. These two Youth Service Bureaus accounted for 15% of the total youth served in FY 1977-78, but they accounted for almost one-quarter of all referrals from law enforcement agencies and Probation. Without these two Youth Service Bureaus, the total percentage of referrals from law enforcement and Probation would have been less than one-third (31%).

In sum, these data indicate that although San Diego County has some diversion resources, law enforcement agencies and Probation may not be using them as much as possible for youth diversion from the juvenile justice system. As noted before, an ineffective screening process at the point of arrest results in high costs to the County. Exhibit 4.4 illustrates how costs escalate as juveniles penetrate the juvenile justice system. As indicated in the exhibit, the more people who are diverted at the stage of arrest, the lower the County's costs.

Exhibit 4.5 shows the estimated potential savings for diverting those cases that will drop out of the system later without formal, legal action. (For these cases, there appears to be insufficient evidence for formal adjudication or post-adjudication processing.) Clearly, the more people that can be diverted at the point of arrest, the greater the potential savings to the County. Each 10% that can be diverted will result in potential savings of about \$420,000. Since these people will drop out of the system anyway, there is little reason to process them.

In addition, another likely candidate for diversion would be status offenders. As noted earlier, San Diego County is arresting far more status offenders than the other larger California Counties. If most status offenders are removed at the point of arrest, the system would realize over \$800,000 in additional savings in its processing costs.

Misdemeanors (53% of all juvenile arrests in San Diego County) and victimless crimes should also be carefully reviewed for diversion. Offenses that are not predatory in nature should be the major candidates for diversion consideration. The 1967 President's Crime Commission and the 1973 National Advisory Commission on Criminal Justice Standards and Goals both strongly recommended that as many people as possible should be diverted. The system should devote most of its efforts, instead, to the serious offender--who does constitute a direct danger to society.

How many juvenile offenders are really dangerous to society? This question can be answered by reviewing the major research that has been done on the subject.

EXHIBIT 4.4

CUMULATIVE UNIT COSTS OF
JUVENILE JUSTICE SYSTEM PENETRATION
(Based on Average Cost per Case)

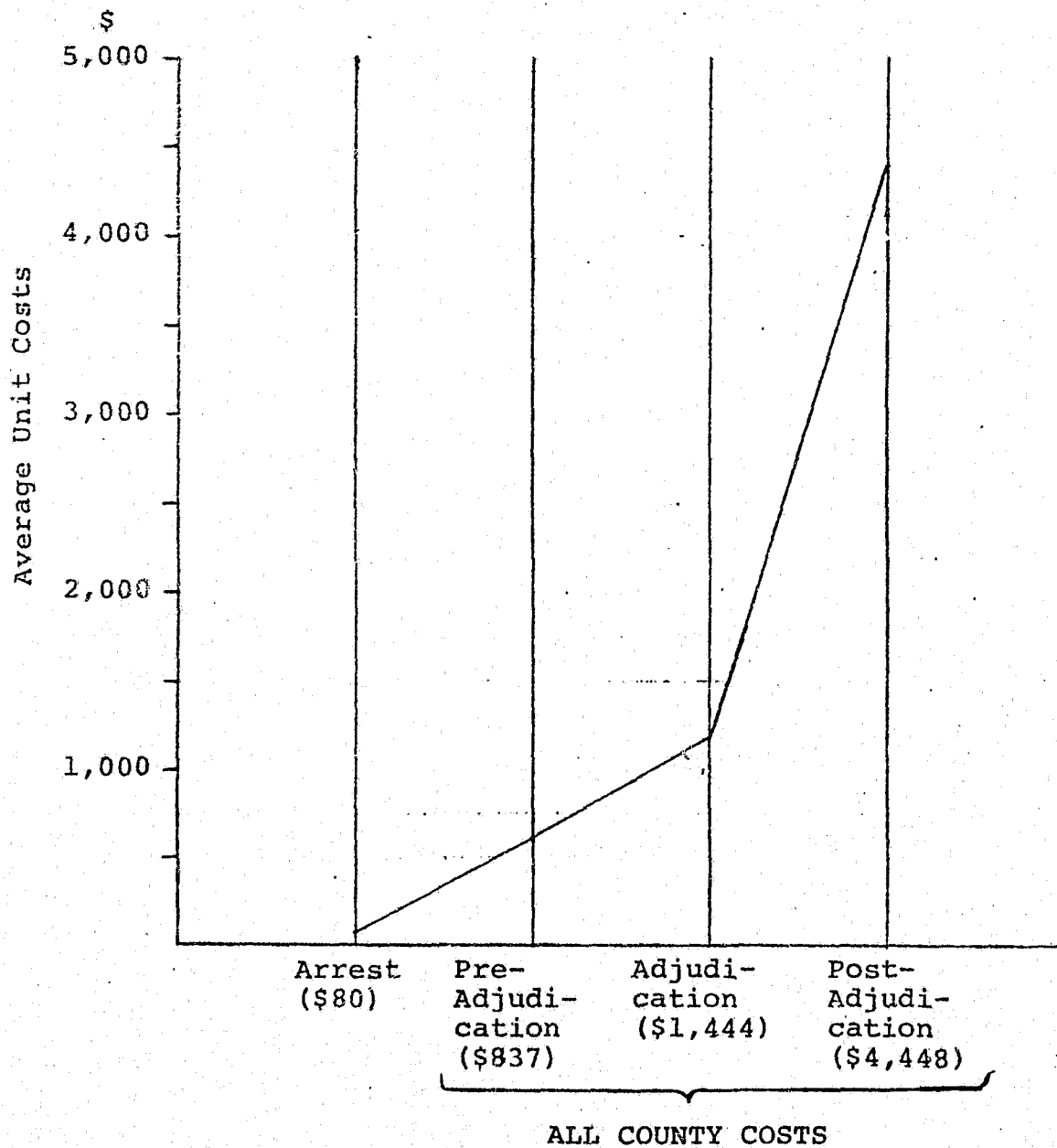


EXHIBIT 4.5

ESTIMATED POTENTIAL SAVINGS TO THE COUNTY
FOR DIVERTING THOSE CASES THAT WILL
DROP OUT OF THE SYSTEM WITHOUT
FORMAL, LEGAL ACTION

<u>100%</u> Out at Arrest Stage:	<u>\$4,209,038</u>
<u>90%</u> Out at Arrest Stage:	<u>\$3,788,134</u>
<u>80%</u> Out at Arrest Stage:	<u>\$3,367,231</u>
<u>70%</u> Out at Arrest Stage:	<u>\$2,946,326</u>
<u>60%</u> Out at Arrest Stage:	<u>\$2,525,423</u>
<u>50%</u> Out at Arrest Stage:	<u>\$2,104,519</u>

II. Major Research Findings

The major research findings on offender seriousness and the deterrent effectiveness of justice agency sanctions are highlighted below.

A. Offender Seriousness

1. Wolfgang's Philadelphia Cohort¹ Study

In this comprehensive research endeavor, Marvin Wolfgang and his colleagues followed about 10,000 boys, who were born in 1945, through the age of 18 (Wolfgang, 1971; Wolfgang, Figlio and Sellin, 1972). The major and most relevant findings are summarized below:

- a. Only 6% of the cohort accounted for 52% of all offenses committed and 83% of all serious or Part I felonies. These were chronic offenders with 5 or more arrests.
- b. The characteristics of the chronic offenders were as follows:
 - Seventy-seven percent were lower class.
 - They began their careers at a much earlier age than one-time offenders.
 - They typically committed a serious, Part I felony as their first offense.
 - Only 9% graduated from high school (compared to 24% for occasional recidivists, 58% for one-timers and 74% for non-delinquents).
- c. One-time delinquents rarely committed a serious, Part I offense.
- d. Less than 1% of the status offenders later committed a serious, Part I offense.²

These comprehensive, longitudinal data indicate that there are very few serious offenders. These serious or chronic offenders, however, account for most of the crime volume, and especially the serious crime

1. "Cohort" refers to a group that shares a common characteristic (in this case, year of birth).

2. Based on a supplementary analysis of the data by Silberman (1978).

volume. Equally important, status offenders and one-time delinquents do not tend to escalate their criminal activities (contrary to popular beliefs).

2. Wolfgang's Continuation Study of the Philadelphia Cohort

Since 1968, a 10% random sample of the original cohort has been followed to see how juvenile criminality impacted later adult criminality (Wolfgang, 1978). In the continuation of the cohort study, Wolfgang has found that:

- a. Seventy-five percent of all serious, Part I index felonies, as well as 78% of all non-index offenses, were committed by men who had a juvenile arrest record.
- b. Sixty-two percent of officially recorded delinquents reported a high level of serious, Part I offenses, both as juveniles and as adults (.0001 level of significance).
- c. Chronic juvenile offenders continued to commit the most serious offenses as adults.
- d. The probability that an offender, after his fourth offense, will recidivate is about 80%. The likelihood that his next offense will be a serious, Part I felony is about 43% (ranging from 30% to 72%).

In sum, Wolfgang concludes:

"Serious offenses are committed frequently by a relatively small number of offenders... The chronic offender continues to be the most important category with which the criminal justice system should deal in its concern about serious, particularly personal injury, offenses.

"Perhaps as meaningful as anything to emerge from this longitudinal study thus far... is that with respect to chronicity of offenders, the juvenile/adult statutory dichotomy has little justification. At whatever age the chronic offender begins his fourth or fifth offense, he will commit further offenses with very high probabilities, and on average, the next offense will be an index offense (serious,

Part I felony) nearly half the time. It may be, therefore, that if the severity of the sanction is proportionate to the gravity of the crime and to the cumulative history of serious crime, the sanction should be similar for chronic serious offenders whatever their age (Wolfgang, 1978, p. 173)."

3. Wolfgang's Cohort Replication in Racine, Wisconsin

To see if his Philadelphia findings would hold true for a smaller American city, Wolfgang followed two cohorts in Racine past the age of 18. One cohort was born in 1942 and numbered 1,352. The other cohort was born in 1949 and numbered 2,099. The major and most relevant findings of this study are as follows:

- a. Five percent of each cohort was responsible for between 40%-45% of all police contacts.
- b. Four percent to five percent of those with 2 or more felonies accounted for 65%-72% of the felonies for both cohorts.
- c. Ninety-four percent of those with 5 or more police contacts through age 18 had at least one more contact after 18.
- d. Early serious delinquency resulted in continued serious delinquency.
- e. The younger a person at first police contact, the more serious the later police contacts.
- f. Groups who were referred for further system processing by the police went on to more serious delinquency than those who were not referred. No intervention resulted in the best outcomes.

In sum, Wolfgang replicated the findings from the Philadelphia study in another smaller, American city. He also found that no formal juvenile justice intervention resulted in the best outcomes--namely, lesser subsequent serious crime.

4. Academy for Contemporary Problem's 5-Year Study of Violent Offenders

This recent study (1978) followed a cohort of 1,138 violent offenders born between 1956 and 1960 in Columbus, Ohio. The major and most relevant findings are as follows:

- a. Less than 2% of the youth population are violent offenders.
- b. Chronic offenders committed 37% of all aggravated, violent offenses.
- c. About 7% of the chronic offenders had become serious repeaters (5 or more arrests) by age 15.
- d. Chronic offenders commit twice as many non-violent as violent crimes.
- e. Juveniles do not necessarily progress from less serious to more serious crimes.

5. Rand Corporation's Habitual Offender Project

The findings to date of this 5-year research project (Greenwood, et al., 1978; Petersilia, 1978) covered two projects. One project examined, in-depth, 49 incarcerated male felons in California prisons to see how criminal careers changed over time. The other study surveyed 624 incarcerated male inmates from 5 California correctional facilities. The major and most relevant findings of these studies follow:

- a. The 49 Career Criminals reported committing more than 10,000 serious crimes, or an average of 200 each, over a typical career length of about 20 years.
- b. The 624 respondents to the Inmate Survey reported committing more than 16,000 non-drug crimes during the 3-year period prior to commencement of their current sentence.
- c. In the Career Criminals study, the most chronic offenders' crime rates exceed that of less chronic offenders by a factor of ten. The most chronic were more conscious of avoiding arrest and, in fact, were more successful in avoiding sanctions at all levels for any one crime.
- d. The figures in Exhibit 4.6 clearly show the direct relationship between seriousness of an offender's juvenile crimes and the frequency in which he commits crimes as an adult.

EXHIBIT 4.6

ESTIMATED CRIME COMMISSION
 RATES FOR PRISON ENTRANTS BY
 JUVENILE CRIMINAL ACTIVITY

Offense	Juvenile Criminal Activity			
	None	Not Serious	Infrequent Serious	Serious
Homicide	.01	.01	.01	.06
Rape	.03	.07	.12	.12
Armed Robbery	.3	.8	3.8	2.9
Assault	2.1	1.4	2.6	4.7
Drug Sales	24.0	78.0	77.0	153.0
Burglary	.5	3.0	17.0	17.7
Auto Theft	.2	.7	1.5	3.9
Forgery	1.4	.8	3.2	4.9
Other	2.2	4.4	7.4	12.8

Source: Greenwood, et al., 1978, p. 10.

- e. Survey respondents who committed their first serious crime before age 16 tended to commit more types of crimes and were more likely to be high rate offenders than others.
- f. Offenders' self-perceived motivations for crime appeared to have a strong and consistent relationship with the types and amount of crime they committed. Hedonistic desires rather than economic deprivation seemed to be the motivation that best explained high levels of criminal activity.
- g. Those offenders who see a high probability of good outcomes from crime reported higher offense rates. Differences in the negative aspects of doing crime had no significant effect. "This finding raises questions about the possible deterrent effects of increasing sanctions since individual offense rates appear unrelated to perceptions of risk (Greenwood, et al., 1978, p. 14)."
- h. On average, Career Criminals reported committing about 20 major felonies per year of time on the streets--about 4 violent crimes and 16 property offenses. Arrest occurred in only 12% of the crimes reported, and conviction resulted in less than half of those reported.

The researchers conclude:

"Clearly, the crucial crime control issue may center around the treatment of hardcore youthful offenders... (Petersilia, 1978, p. 11)."

In summary, these last two studies looked at only violent offenders and serious incarcerated career criminals, yet the results parallel those of the three Wolfgang studies. These studies represent the best and most comprehensive research efforts to date. And the results are remarkably similar in all of the studies: Comparatively few people are responsible for committing large volumes of crime--and especially serious crimes. These chronic offenders should be the number one priority of the justice system, since they account for such an inordinate amount of serious and violent offenses. Status offenders, one-timers and occasional, minor delinquents should not be a major focus of system processing, since their minor offenses are not likely to escalate in severity or in frequency.

An argument might be made that these minor offenders should be processed, since juvenile justice system sanctions will have a deterrent effect on their committing subsequent crimes. This topic will be discussed in the next part of this chapter.

B. Deterrent Effectiveness of Justice System Sanctions

1. Rand Corporation's Habitual Offender Project

As noted earlier, justice system sanctions did not have a deterrent impact on crimes committed (Petersilia, 1978; Greenwood, et al., 1978).

2. Kobrin's Study of the Deterrent Effectiveness of Criminal Justice Sanctions in California

Solomon Kobrin's (1973) comprehensive study examined the relationship between the severity of criminal justice sanctions in California jurisdictions and the seriousness of crime rates and levels. The major and most relevant findings of the study are outlined below:

- a. Of the factors studied, low crime levels were associated with high criminal justice sanctions only one-third of the time. Translated, that means that if one were to predict crime levels on the basis of sanction level, one would be wrong two-thirds of the time.
- b. For the relatively small criminal justice effect observed, sanction vigor at the police stage appeared to be the most important crime control factor. Processing at other stages of the system had little deterrent effect.
- c. Social factors were the most important factors related to low crime levels, accounting for about one-half of the effects observed.

3. Many Other Studies¹

Many other studies have shown the following related to the deterrent effectiveness of juvenile justice sanctions:

- a. Juvenile justice processing tends to be related to more criminal activity--not less criminality.

1. National Advisory Commission on Criminal Justice Standards and Goals, 1973; President's Commission on Law Enforcement and Administration of Justice, 1967; Carney, 1977; Cressey and Ward, 1969; Lerman, 1970; Sarri and Hasenfeld, 1976; National Institute of Law Enforcement and Criminal Justice, Juvenile Diversion, 1977; etc.

- b. The younger the age at first juvenile justice system processing, the more likely the juvenile is to return to the system for later processing.

These latter two findings have been accumulated and substantiated in over three decades of research. They provided the basis for the strong recommendations for diversion of the 1967 President's Crime Commission and the 1973 National Advisory Commission on Criminal Justice Standards and Goals.

III. Diversion: Pros and Cons

Although both Presidential Commissions recommended diversion, the National Advisory Commission on Criminal Justice Standards and Goals was more specific about when diversion was indicated and when it was contraindicated (Courts, 1973)¹:

A. Diversion Indicated

1. Relative youth of the offender.
2. Victim willingness to forego conviction.
3. Mental or emotional impairment for which treatment is available in the community.
4. Crime being related to a factor, such as employment or family problems, that can be remedied in the community.

B. Diversion Contraindicated

1. History of physical violence toward others.
2. Involvement with syndicate crime.
3. Chronic, anti-social lifestyle ingrained and especially resistant to change.
4. A special need to prosecute to discourage others from a similar type of offense.

According to Carney (1977), the "favorable reasons for diversion far outweigh the negative criticisms (p. 56)." The major "pro" arguments can be summarized as follows:

1. For a more detailed discussion on the National Advisory Commission on Criminal Justice Standards and Goals' (1973) recommended standards, see the volumes: Police, pp. 80-82; Courts, pp. 27-41; Corrections, pp. 73-97.

1. Diversion contributes to decriminalization.

"It is a settled fact that the system tends to criminalize in direct proportion to the amount of time that the individual spends in the system. The National Advisory Commission urges, as a 'basic principle,' that all efforts be directed toward reducing the involvement of the offender 'in the institutional aspects of corrections'... Diversion will neutralize (such) criminalization (Carney, 1977, p. 56)."

2. Diversion will prevent social stigma.

"Diversion will neutralize problems (and consequent stigma) which haunt those who have been processed into the system, such as bonding, securing employment, emigrating, and being able to enter a specialized profession. Persistent obstructions in these areas can well redirect an individual into criminal behavior...Diversion will contribute to the rehabilitative process by neutralizing social stigma (Carney, 1977, pp. 56-57)."

3. Diversion enables the system to operate more efficiently and effectively.

With diversion, the overcrowded justice system can function more effectively and efficiently, for excessive workloads can be lowered and more attention can be given to the serious offender.

4. "Diversion offers an alternative to the counter-productive practice of incarceration.

"Factors already cited, including recidivism data, affirm the fact that institutionalization is ordinarily counterproductive to the rehabilitative process. It is also more costly (Carney, 1977, p. 58)."

5. Diversion substitutes a normal environment for an abnormal one.

The abnormal situation of confinement in a prison-like setting will in itself produce extreme pathological behavior (Zimbardo, 1978).

6. Diversion substantially reduces system costs.

This argument will be described in greater detail later in this chapter.

7. Diversion enables community resources to be more widely used in the correctional endeavor.

As Carney (1977) notes, diversion "permits more members of the community to become vitally involved in an essentially local problem...The community has an impact on behavior--and on criminal behavior. There are also an incredible number of community resources, in urban areas particularly. What has been sadly lacking is not resources but well-lighted avenues to the resources...Diversion can permit the correctional system to offer a brokerage service in community resources (p. 58)."

8. Diversion allows greater flexibility in meeting a broad range of needs of troubled juveniles.

The juvenile justice system has a very limited range of services available to troubled youth, as will be described in detail later. Most troubled and troublesome juveniles have multiple problems, which can best be met through directing them to a variety of youth and family services (see proposal for the East County Integrated Services Pilot Project, 1978).

The major arguments against diversion can be summarized as follows:

1. Diversion may "widen the net" of the system to include youth who do not require any type of program.

By "widening the net" more, not less, juveniles may get processed by an arm of the juvenile justice system.

2. Diversion allows too much discretion.

With no established guidelines, too much discretion inevitably leads to inconsistencies in decision making and ultimately to injustices to the child (Carney, 1977, p. 55).

3. Diversion may release some serious offenders.

"The facts are that the majority of offenders processed into the system are misdemeanor, or lesser offenders. In a relatively recent survey of 12 states, conducted by the American Bar Foundation, it was found that an amazing 93.5 percent of all persons charged, exclusive of traffic offenses, were charged with misdemeanors. As to the possibility of serious offenders being unworthily diverted, there are so many filters and controls in the system that alarm is hardly justified (Carney, 1977, p. 55)."

Diversion, per se, is not a panacea. It should not be used for youth who would not get processed anyway. An effective diversion program must operate, according to established guidelines and criteria for decisionmaking. To avoid releasing serious offenders, the program should concentrate on those juveniles who are not chronic offenders or who have not engaged in a predatory or violent offense.

Given these cautions, what types of diversion programs are there, and what are their costs?

IV. Diversion Alternatives and Costs

There are a host of diversion alternatives that have been established in the past decade, operated by both juvenile justice agencies and non-juvenile justice agencies. Exhibit 4.7 lists major diversion alternatives, primarily by generic type, and the estimated annual unit costs for each. The residential alternatives range from about \$2,700 to \$8,800 per year. The non-residential alternatives range from a low of \$28 to a high of \$5,500. The external costs may include a range of additional services. Even with the provision of extra services, these costs are considerably below formal system processing costs.

Given the lower costs, what can be said about the effectiveness of diversion programs?

Comprehensive and rigorous research on diversion is presently in process. Pending these data, it is difficult to identify the "best model" or "best approach." Based on the available data, the worst that can be said about diversion is that it is not any worse than no diversion (Office of Juvenile Justice and Delinquency Prevention, Diversion of Youth from the Juvenile Justice System, 1976; National Institute of Law Enforcement and Criminal Justice, National Evaluation Program: Juvenile Diversion, 1977). The "widening of the nets" of the system seems to be the major problem documented to date (Klein, et al., 1976; Klein and Teilmann, 1976). Despite these limitations, evaluations of individual diversion projects suggests a number are effective and their costs are less than system processing (National Institute of Law Enforcement and Criminal Justice, Juvenile Diversion, 1977).

An example of a juvenile delinquency prevention and diversion model exists in San Diego County--the Santee Juvenile Crime Prevention Unit of the Sheriff's Office. Exhibit 4.8 highlights some effectiveness data for the Unit. The most impressive effectiveness measure is the low recidivism rate. Only 8% of the cases have recidivated during the past two years.

EXHIBIT 4.7

ESTIMATED ANNUAL UNIT COSTS OF MAJOR
PRE-ADJUDICATION DIVERSION ALTERNATIVES^a
(1978 DOLLARS)

Diversion Alternatives	Estimated Cost	
	Low	High
<u>I. Residential</u>		
1. Drug Program	\$6,573	\$8,005
2. Attention-Type Homes ^b	5,439	8,753
3. Foster Care ^d	2,657 ^c	
<u>II. Non-Residential</u>		
1. Day Care (Drug Program)	3,520	
2. Employment Program	4,073	5,527
3. Drug Program	1,704	2,103
4. Referral - Follow-up Only ^e	67	111
5. Other Type of Program ^f	N/A	N/A
6. Santee Diversion Unit ^f	28	37
<u>III. External Costs per Client</u>		
1. Psychological Testing	96 ^c	
2. Psychological Counseling	256	512
3. Legal Assistance	32	96
4. Educational Training	350	448
5. Vocational Training	2,560	3,072

a. National Institute of Law Enforcement and Criminal Justice (NILECJ). Cost Analysis of Correctional Standards: Pre-Trial Diversion. Washington, D.C.: GPO, 1975. Vols. I & II. (Cost figures adjusted to 1978 dollars.)

b. NILECJ. Secure Detention of Juveniles and Alternatives to its Use. Washington, D.C.: GPO, 1977.

c. High-low ranges not available.

d. Office of Juvenile Justice and Delinquency Prevention. Responses to Angry Youth. Washington, D.C.: GPO, 1977.

e. Yaryan, R. B. San Francisco Pre-Trial Diversion Project: Cost Effectiveness. 1977. (Unpublished report.)

f. Santee Juvenile Crime Prevention Unit (estimate includes salary and benefits, plus overhead).

EXHIBIT 4.8

SHERIFF'S OFFICE
SANTÉE JUVENILE CRIME
PREVENTION UNIT

Effectiveness Data from 10/12/76 through 11/78
(2 years):

TOTAL ARRESTS: 2,116

Total Diverted..... 1,308 (62%)

Total that have not Recidivated... 1,204 (92%)
(Recidivism Rate = 8% of total diverted)

OF THOSE DIVERTED:

Sent to Outside Agencies: 50%

Sent Home: 50%

UNIT COSTS: \$28-\$37

Only half of those diverted required services; the rest were sent home. Finally, the program is very inexpensive--with estimated unit costs ranging from \$28 to \$37. If diversion programming is expanded in San Diego County, this local model might be expanded accordingly.

The question of what services are required by diverted youth is unanswered. Some seriously disturbed juveniles will probably need some services. Yet the available research indicates that diversion with service intervention has not been demonstrated to be more effective than diversion with minimal intervention. This research indicates that the correction of youth behavior is more a matter of maturation than of programmatic intervention (see National Institute of Law Enforcement and Criminal Justice, National Evaluation Program: Juvenile Diversion, 1977, and Office of Juvenile Justice and Delinquency Prevention, Program Announcement: Diversion of Youth from the Juvenile Justice System, 1976). The Santee project found that about half of the juveniles didn't need services, and were sent home. Of the diverted youth receiving additional services, an unknown number were probably County-funded. Many other services were provided from other sources.

As yet, the County does not have a comprehensive inventory of all family and youth services in San Diego County. It is possible, however, to come up with a crude estimate of the private service delivery effort, based on national data. In 1974, the National Collaboration on Youth (composed of the largest private youth organizations) testified before Congress that their organizations served 30,000,000 youth nationally, using 4,000,000 volunteer staff and 36,000 professional staff (Office of Juvenile Justice and Delinquency Prevention, Programs to Prevent Juvenile Delinquency, 1976). If these data are prorated for the youth population in San Diego County, it is estimated conservatively that between 80%-90% of the youth in the County receive some services by private providers annually. As yet, the County has not tapped this potentially great resource for youth services.

V. Summary

The fact that there is a significant problem related to the lack of effective and efficient screening of juveniles at the front end of the system is underscored by the following documented findings.

1. Eighty-eight percent of the juveniles drop out of the system without formal, legal post-adjudication action:¹ Most of these should be diverted at the front end of the system.

1. Four percent of these cases are dismissed or transferred through Court action. Also, 11% of these cases are juveniles who are already part of the juvenile justice system, due to previously committed offenses.

2. Law enforcement agencies have no agreed upon criteria for referring juveniles for further system processing.
3. The County's existing Youth Service Bureaus receive about one-third of their referrals from law enforcement agencies and Probation. About two-thirds of all referrals come from non-justice sources.
4. Costs of juvenile justice system penetration escalate rapidly. Most diversion programs are substantially less costly, when used for a population that is appropriate for diversion.
5. San Diego arrests more status offenders than other jurisdictions.
6. Comprehensive national research indicates:
 - A small percentage of offenders account for most of the crime--especially the serious crime.
 - Status and minor delinquents rarely commit serious offenses.
 - Juvenile justice system processing is associated with going on to more serious crime.
 - The juvenile justice system does not have much impact on deterring crime.
7. San Diego County has a juvenile delinquency prevention and diversion model in the Santee Sheriff's Office. This model should be further explored for possible use in other parts of the County.
8. The County needs more information on the private service delivery effort, and how the County can better use these potentially great resources in diversion programming.¹

Although this overview evaluation of the juvenile justice system has identified and documented the existence of this major problem area, the scope and time limits of this study did not allow a detailed study of possible, feasible courses of alternative action. To develop substantive recommendations, the following areas must be evaluated further:

1. An inventory of these resources is presently in process, as a part of the implementation of the East County Integrated Services Pilot Project. San Diego County's Comprehensive Needs Assessment Report (1977) found "inadequate, fragmented information and referral activity to support youth and family access to appropriate services" to be a major problem area.

1. What criteria for diversion should be developed that are both effective and acceptable to the major components of the juvenile justice system, including:
 - Criteria for law enforcement agency referrals?
 - Criteria for Probation Intake, if significant variations in law enforcement referrals occur?
2. What diversion models are most cost-effective and most acceptable to juvenile justice system agencies? How can diversion resources be better utilized by law enforcement agencies and Probation? And how can the most promising and feasible diversion models better use a broad range of available community resources?

CHAPTER 5

PROBLEM AREA II:
OVERCROWDING AT JUVENILE HALL

This chapter discusses the second major problem area identified, overcrowding at Juvenile Hall. The first section will present an overview analysis of the problem, focusing primarily on San Diego County data. The second section will highlight the major findings of relevant research. The third section will discuss the costs and effectiveness of alternatives to secure detention. The fourth section will compare San Diego County's detention facilities and practices with other larger California counties and national statistics. The final section will present a summary of the major findings in the chapter, as well as an outline of areas requiring further study.

I. Overview Analysis of Problem

The problem of overcrowding at Juvenile Hall has received considerable attention by the press in recent years, especially during 1978. Exhibit 5.1 presents Juvenile Hall data for 1977 and 1978. For every figure noted, there is an increase in 1978 over 1977, despite declining arrest rates. The days over capacity increased substantially in 1978 in all three categories listed. This increase may be partially caused by slightly more intakes (1% increase) in 1978. It may also be partially explained by the fact that juveniles are being detained slightly longer (1% increase). However, it should be noted that the temporary opening of Westfork in the Summer of 1978 undoubtedly diverted some of the juveniles, who might otherwise have gone to Juvenile Hall (no data were available on Westfork during the Summer, so the exact impact of Westfork's opening cannot be assessed at this time).

One fact stands out in particular in Exhibit 5.1. Out of all referrals received by the Probation Department (including paper referrals), about 40% are detained in Juvenile Hall. Of those detained, about three-quarters are sent on for formal Court processing. These data suggest that the detention decision alone may play a substantial role in subsequent system processing (as will be described in greater detail later).

The amount that Juvenile Hall was overcrowded is illustrated in Exhibits 5.2 for 1977 and 5.3 for 1978. For 1977, the average over capacity ranged from 5.2 to 14.8 people. The average number under capacity ranged from 6.0 to 33.5 people. The median number over capacity ranged from 5.5 to 17.0 people. Looking at days over capacity, the numbers over capacity ranged from 1 to 46 people.

EXHIBIT 5.1

JUVENILE HALL DATA

	<u>1977</u>	<u>1978</u>
<u>Days Over Capacity</u>		
. Total Days	131	174
. Average Days Over Per Month	10.9	14.5
. % of Time Over Capacity	36.0%	47.7%
<u>Intakes to Detention^a</u>		
. Total for Year	5,431	5,557
. Average Per Month	453	463
<u>Average Number of Days Detained</u>	12.9	13.2
<u>% Detained Out of Referrals Sent to Probation</u>	40.5%	N/A
<u>Number Referred to Court^b</u>	4,147	N/A
<u>% Referred to Court</u>	76.4%	N/A
<u>Number of Petitions Received by Court^b</u>	4,025	N/A
<u>% Petitions Received by Court</u>	74.1%	N/A

a. Source: Monthly Probation Reports to the Board of Supervisors; these figures do not include the Girls Rehabilitation Unit. Probation Department data regarding Juvenile Hall must be viewed with some caution, since individual cases cannot be separated from total numbers. The problems with the Department's data will be described in greater detail in the next chapter.

b. Source: Bureau of Criminal Statistics.

EXHIBIT 5.2

AMOUNTS OVERCAPACITY/UNDERCAPACITY
JUVENILE HALL
1977

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
a) NUMBER DAYS OVERCAPACITY	0	14	14	16	5	4	0	0	22	9	26	20
b) NUMBER DAYS UNDERCAPACITY	31	13	17	14	26	24	31	31	7	21	4	11
c) AVERAGE NUMBER PEOPLE OVERCAPACITY	0	9.9	12.0	14.8	7.2	5.2	0	0	17.3	10.4	14.8	11.7
d) AVERAGE NUMBER PEOPLE UNDERCAPACITY	29.1	8.3	26.2	9.8	11.4	27.3	29.9	33.5	7.3	7.2	6.0	18.4
e) MEDIAN NUMBER PEOPLE OVERCAPACITY	0	8.5	13.0	17.0	7.0	5.5	0	0	15.5	11.0	14.0	10.0
f) OVERCAPACITY RANGE	0	1-20	1-22	1-27	1-15	3-7	0	0	1-46	1-22	3-29	1-29
g) ACTUAL AVERAGE ATTENDANCE	174.9	205.1	195.1	207.3	203.6	190.9	182.1	178.5	223.0	210.2	229.1	218.1
h) ACTUAL CAPACITY	204	204	204	204	212	212	212	212	212	212	217	217

a = actual overcapacity

b = actual days undercapacity

c = number of juveniles overcapacity + number of days overcapacity

d = number of juveniles overcapacity + number of days undercapacity

e = mean of actual juveniles overcapacity

f = high and low actual number of juveniles overcapacity

g = average attendance for that month

h = capacity of juvenile hall for that month

SOURCE: Juvenile Hall Files

EXHIBIT 5.3

AMOUNTS OVERCAPACITY/UNDERCAPACITY
JUVENILE HALL
1978

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
a) NUMBER DAYS OVERCAPACITY	15	22	31	30	31	Ø	Ø	Ø	2	30	11	2
b) NUMBER DAYS UNDERCAPACITY	16	6	Ø	Ø	Ø	30	31	31	28	1	18	29
c) AVERAGE NUMBER PEOPLE OVERCAPACITY	6.8	15.7	22.5	48.2	25.1	0	0	0	7.5	9.4	7.8	2.5
d) AVERAGE NUMBER PEOPLE UNDERCAPACITY	9.2	7.8	NA	NA	NA	17.9	42.8	40.7	19.2	7.0	11.9	22.1
e) MEDIAN NUMBER PEOPLE OVERCAPACITY	6.0	8.5	22.0	50.5	20.0	0	0	0	7.5	10.0	5.0	2.5
f) OVERCAPACITY RANGE	1-17	2-45	5-41	31-68	4-71	0	0	0	4-11	1-21	1-22	2-3
g) ACTUAL AVERAGE ATTENDANCE	215.5	227.6	239.5	265.2	242.1	199.1	174.2	176.3	200.2	225.9	212.9	196.4
h) ACTUAL CAPACITY	217	217	217	217	217	217	217	217	217	217	217	217

a = actual overcapacity

b = actual days undercapacity

c = number of juveniles overcapacity + number of days overcapacity

d = number of juveniles overcapacity + number of days undercapacity

e = mean of actual juveniles overcapacity

f = high and low actual number of juveniles overcapacity

g = average attendance for that month

h = capacity of juvenile hall for that month

SOURCE: Juvenile Hall Files

Comparable figures are available for 1978 (Exhibit 5.3). For this latest year, the average over capacity ranged from 2.5 to 48.2 people. The average number under capacity ranged from 7.0 to 42.8 people. The median number of people over capacity ranged from 2.5 to 50.5 people. Looking at days over capacity, the numbers of people over capacity ranged from 1 to 71. The impact of Westfork's opening is highlighted in the exhibit for the months of June, July and August of 1978; at that time, overcrowding virtually ceased, and Juvenile Hall was underutilized most of the time.

These data together indicate that Juvenile Hall has had an overcrowding problem that became particularly acute during periods in 1978. Given the documented fact that Juvenile Hall has been overcrowded, are there any nationally recognized standards for determining who should be detained and under what circumstances should detention occur?

A number of national organizations and research endeavors have recommended national standards for detention. These national organizations and research projects include:

- National Advisory Commission on Criminal Justice Standards and Goals
- National Advisory Committee on Juvenile Justice and Delinquency Prevention
- National Council of Juvenile and Family Court Judges
- American Bar Association (ABA)
- National Council on Crime and Delinquency
- Juvenile Justice Standards Project (ABA-Institute for Judicial Administration Joint Project)
- National Assessment of Juvenile Corrections

These national bodies all agree on two primary criteria for detention:¹

1. That the youth's behavior presents a clear danger to other persons or self.
2. That evidence exists to suggest that the youth would not appear in court.

1. The more detailed criteria of the National Advisory Committee on Juvenile Justice and Delinquency Prevention are presented and discussed in Appendix D, as well as a Comparative Analysis of Standards and State Practices for Pre-Adjudication and Adjudication Processes related to detention.

Although local data could not be obtained for the second criterion, data were collected related to the "danger" criterion. These data were based on a random sample of 155 Probation case files that were closed during the past year. Exhibit 5.4 illustrates how severity of offense or potential "danger" was scored for the cases in the sample. This method of scoring was adapted from Sellin and Wolfgang's (1971) validated method for weighting crime severity. These numbers were applied to all offenses in a person's case history that resulted in a True Finding (juvenile justice term for "conviction"). The individual scores for each True Finding offense were then added to obtain a composite "seriousness score," which reflected both the number and severity of offenses in the person's entire criminal history.

The data were then analyzed (a) to develop a "profile" of the offenders and (b) at key decision points in the juvenile justice system processing. Exhibit 5.5 presents a "profile" of the initial case file analysis. About two-thirds of the cases sampled had one or more True Findings. For all offenses, over one-third (37.1%) resulted in a True Finding. The average Seriousness Score was 4.98, and the average number of offenses was 3.97. For the last offense only, almost half (45.8%) resulted in a True Finding. For the last offense for the total sample, almost one-fifth (17.4%) were detained for an average of 12.8 days.

Comparing this sample with the other data collected, the data appear to be quite consistent in most areas (within about 2%). The only place where there is a greater difference is in the percent detained. The sample's rate of detention is lower than annual data suggest (i.e., about 40%, compared to the samples rate of 17.4%).

For the latest offense, the data were analyzed to see if offender seriousness was related to the decision to detain or not to detain (Exhibit 5.6). Although slightly more serious offenders were detained than less serious offenders (11% to 6%, respectively), no statistically significant difference was found. The slight variations noted are attributable to chance fluctuations.

For the latest offense, the length of detention was related to offender seriousness. Exhibit 5.7 indicates that there is no statistical difference between less and more serious offenders and the length of detention. Because the number was relatively small for this analysis, another analysis was performed for all offenses that resulted in detention. The findings of this analysis are presented in Exhibit 5.8. Again, in this analysis, there was no relationship between offender seriousness and the length of detention.

EXHIBIT 5.4

SEVERITY OF OFFENSE SCORING
(Adapted from Sellin and Wolfgang's
Method of Weighting Crime^a)

<u>Part I - Violent</u>	<u>Rating Score</u>
Homicide.....	26
Rape.....	12
Robbery.....	9
Aggravated Assault.....	8
<u>Part I - Property</u>	
Burglary.....	5
Larceny.....	5
Auto Theft.....	5
<u>Part II: Predatory</u>	
Other Assaults.....	4
Arson.....	4
Forgery.....	3
Fraud/Embezzlement.....	3
Stolen Property (possession, received, buy).....	3
Vandalism.....	3
Weapons (possession).....	3
Petty Theft.....	3
<u>Other Part II: Non-Predatory</u>	
Vice (prostitution, sex, gambling).....	2
Nuisance (vagrancy, malicious mischief, disorderly conduct).....	2
Drunk Driving.....	2
Other.....	2
<u>Alcohol/Drugs</u>	2
Status Offenses (601).....	1

a. Sellin and Wolfgang (1971).

EXHIBIT 5.5

PROBATION DEPARTMENT
CASE FILE ANALYSIS

(N = 155)

General Offense Profile

- * 67.1%: Cases with 1 or more True Findings
- * 37.1%: True Findings out of all Offenses
- * 4.98: Average Seriousness Score
- * 3.97: Average Number of Offenses

For Last Offense Only

- * 45.8%: True Findings on Last Offense
- * 17.4%: Detained
- * 12.8 Days: Average Time Detained

EXHIBIT 5.6

CASE FILE ANALYSIS

FOR LATEST OFFENSE, IS DETENTION RELATED TO SERIOUSNESS
OF THE OFFENDER? NO

		Detention ^a	
		Yes	No
SERIOUSNESS SCORE ^b	Less (0-3)	6%	45%
	More (4-23+)	11%	39%

$\chi^2 = 2.37$, Not significant
N = 155

-
- a. Percentages may not add to 100% due to rounding.
b. Since there is no absolute definition of what is a less or more serious total rating score, a median break of the offender seriousness scores was used. This median break will differ among the various numbers for each Chi Square contingency table.

EXHIBIT 5.7

CASE FILE ANALYSIS

FOR LATEST OFFENSE, IS LENGTH OF DETENTION RELATED TO
SERIOUSNESS OF THE OFFENDER? NO

		Detention Days	
		1-8	9-52
SERIOUSNESS SCORE ^a	Less (1-8)	27%	23%
	More (9-23+)	27%	23%

$\chi^2 = .15$, Not Significant

N = 26

-
- a. Since there is no absolute definition of what is a less or more serious total rating score, a median break of the offender seriousness scores was used. This median break will differ among the various numbers for each Chi Square contingency table.

EXHIBIT 5.8

CASE FILE ANALYSIS

FOR ALL OFFENSES RESULTING IN DETENTION, IS OFFENDER
SERIOUSNESS RELATED TO LENGTH OF DETENTION? NO

		Detention Days ^a	
		1-5	6-52
SERIOUSNESS SCORE ^b	Less (1-2)	20%	24%
	More (3-9+)	24%	33%

$\chi^2 = .11$, Not Significant

N = 101

-
- a. Percentages may not add to 100% due to rounding.
b. Since there is no absolute definition of what is a less or more serious total rating score, a median break of the offender seriousness scores was used. This median break will differ among the various numbers for each Chi Square contingency table.

All of these analyses of this limited sample indicate that potential "seriousness" is not significantly related to the decision to detain. Nor is it related to the length of detention. Although the Detention Control Unit says that seriousness is a major factor considered in the decision to detain and in length of detention, the three above analyses indicate that offender seriousness is not significantly related to San Diego's detention practices. A followup study using a larger sample is being conducted to further examine this finding.

The lack of a consistent relationship between offender seriousness and detention practices is not unique to San Diego, as the following research findings indicate.

II. Relevant Research

The sections below will highlight major research findings related to detention and intake practices, the effectiveness of detention practices, the consequences of secure confinement, and how detention decisions influence subsequent system processing.

A. Detention and Intake Practices

1. Study of Denver's Detention Practices¹

A detailed study of Denver's detention practices was undertaken a few years ago. Exhibit 5.9 shows the results of the study of these detention practices on over 4,700 offenders. As the exhibit shows, there is no relationship between severity of offense and the decision to detain. If anything, there is a tendency for some offense categories to treat lesser offenders more severely than the more serious violent or property offenders.

The report concludes:

"Surprisingly, because of the importance ascribed to this variable by department guidelines, the severity of offense,...appears to play a rather negligible part in this decision...

"...We did find, however, that some offense types rated as relatively 'less serious' by Denver Court functionaries, had higher detention rates than did those rated as 'most serious,' and these differences exceeded our criteria of 10 percent (National Criminal Justice Information and Statistics Service. Who Gets Detained?, 1976, p. 22)."

1. National Criminal Justice Information and Statistics Service. Who Gets Detained?, 1976.

EXHIBIT 5.9

DETENTION DECISION OUTCOME
BY SEVERITY OF OFFENSE
(Denver, 1976)

	PERCENTAGES								
	Offense Type								
	Alcohol	Misc.	Status	Drugs	Auto	Sex	Property	Violent	TOTAL
Not Detained	71%	80%	78%	70%	78%	50%	78%	73%	76%
Detained	29%	20%	22%	30%	22%	50%	22%	27%	24%
Total <u>N</u>	82	824	596	504	622	36	1,573	508	4,745
Percentage of Total	2%	17%	12%	11%	13%	1%	33%	11%	100%

2. National Study of Juvenile Detention

According to this recent National Study of Juvenile Detention by Pappenfort and Young (1977), the data collected and research studies reviewed support the following statements regarding Probation intake and detention.

- a. "Detention facilities receive a flood of inappropriate referrals from police, parents and other adults.
- b. "Some courts have no detention criteria at all, merely accepting the cases referred by police.
- c. "Other courts have verbal standards but leave intake decisions to employees who may introduce additional criteria, which may not be the same from employee to employee.
- d. "Detention officials in many areas yield to the demands of police, parents and social agencies for detention, even if criteria are violated.
- e. "Even when court officials screen referrals conscientiously, youths referred for status offense behavior are often detained securely and retained for extended periods because appropriate services and alternative placements in the community are not available...
- f. "Decisions are too infrequently monitored, so judges and court personnel often do not know what is going on.
- g. "Detention practice has low visibility, except during moments of publicized scandals. (pp. 45-46)."

In discussing detention rates, Pappenforth and Young (1977) further note that "high rates are generally symptomatic of a poorly organized intake process or an unexamined judicial philosophy regarding the proper use of secure detention, or both...We do know from studies...that variations in rates often appear strongly related to nonlegal factors such as age, race, sex, attitude of youth, presence and attitude of parents, and time of day or week when youths are presented for admission. Our experience in conducting site visits tends to support this view (p. 40)."

3. National Assessment of Juvenile Corrections

The National Assessment of Juvenile Corrections was a large-scale, 5-year research and evaluation effort by the University of Michigan to assess current juvenile corrections practices (Sarri and Hasenfeld, 1976; Vinter, 1976). As shown in Exhibit 5.10, this research study found that intake decisions nationally were not related to the seriousness of the offense.

Sarri and Hasenfeld (1976) conclude:

"The findings from this study suggest that detention should be used with great discretion... if the most negative consequences of detention are to be avoided.

"...Too often detention facilities are misused for administrative convenience and when another form of care would be more appropriate...

"...[The] idea of reducing penetration into the system is being attempted in several states. Research has indicated that apprehension and incarceration of youth at early ages increases rather than decreases the likelihood of subsequent delinquency and crime (pp. 173-174)."

Given that detention practices are not related to seriousness, and given the high costs of detention, what is known about the effectiveness of detention?

B. Effectiveness of Detention Practices

1. Massachusetts Correctional Evaluation

The Massachusetts Correctional Evaluation, headed by Lloyd Ohlin of the Harvard Law School, is the most comprehensive study ever done of detention and correctional practices on a statewide basis. It is a 7-year, \$10 million dollar research effort, which was funded by the Law Enforcement Assistance Administration, when Massachusetts closed down all of its large juvenile institutions in 1972.

Some of the major findings, as they relate to detention practices, are illustrated in Exhibit 5.11. The data in the exhibit clearly show the highly significant negative impact of detention on recidivism. Over twice as many people recidivated who were detained, compared to those who were not detained

EXHIBIT 5.10

NATIONAL ASSESSMENT OF JUVENILE CORRECTIONS (1976)

INTAKE DECISIONS BY TYPE OF
OFFENSE CHARGEDPERCENTAGES^a

Offense	Dismiss	Informal Handling	Formal Handling
Status	26%	36%	38%
Misdemeanor	33%	34%	33%
Property	29%	34%	35%
Person	16%	32%	51%

a. Percentages may not add to 100% due to rounding.

EXHIBIT 5.11

MASSACHUSETTS CORRECTIONAL EVALUATION

RECIDIVISM RATES BY DETENTION
STATUS (6 Months)

Detention Status	% Recidivating
<u>Detained/Non-Detained^a</u>	
Detained	43%
Non-Detained	19%
<u>Where Detained^b</u>	
Custodial	59%
Treatment	32%
Shelter Care	40%

Regression AnalysisSignificance^c^aNon-Detained: $-.1725$

.001

^bSequence Secure: $-.4160$

.05

ALSO:

- * Detention had the most significant and most consistent negative impact on all variables studied.
- * Detention was more related to availability of beds than to seriousness.

^cSignificance Levels:

.05: 5 in 100 times chance is operating.

.001: 1 in 1,000 times chance is operating.

(.001 level of significance). The place of detention also had a significant impact on recidivism. Secure custodial facilities had significantly higher recidivism rates than non-secure detention alternatives.

Ohlin also found that detention had the most significant and most consistently negative effect of all variables studied. In addition, detention was more related to the availability of beds than to the seriousness of the offender (this latter finding has been corroborated in other research; see Wheeler, 1976).

Given the comprehensiveness of this research and its statewide scope, these findings cannot be considered spurious, as evidenced by the extremely high statistical levels of significance.

With respect to the impact of detention, Ohlin, et al., (1977) conclude:

"The inordinate long-run impact of early decisions, particularly detention decisions, is very suggestive. Decisions made early in the process tend to restrict a youth's program options. For some youth this may be justifiable, but long-run consequences are so significant that the decisions to detain and where to detain require careful monitoring...The data reported here certainly indicate that detention in units that are a part of the juvenile justice system should be avoided whenever possible. The data would also tend to support the notion of developing outside the criminal justice system short-term emergency shelter care programs or youth hostels as alternatives to the customary detention units with their implicit and explicit stigmatization (p. 79)."

2. National Assessment of Juvenile Corrections

As noted before (Sarri and Hasenfeld, 1976), and based on a national research endeavor, detention increases the likelihood of subsequent crime, rather than reducing it.

C. The Consequences of Secure Confinement

1. Zimbardo's Stanford Prison Simulation Experiment

This experiment might help to explain the negative consequences of secure confinement in detention facilities. Several years ago, Philip Zimbardo

(1978) conducted a prison simulation experiment at Stanford University, which was designed to run for two weeks. The 24 participating college students were purposefully screened as "mature, emotionally stable, normal, intelligent...They appeared to represent the 'cream of the crop' of this generation. None had any criminal record (p. 203)."

One-half of the participants were randomly assigned as "prisoners" and the other half as "guards." Zimbardo then videotaped the results (which have been shown on NBC).

Zimbardo (1978) described what happened:¹

"At the end of only six days we had to close down our mock prison because what we saw was frightening. It was no longer apparent to us or most of the subjects where they ended and their roles began...There were dramatic changes in virtually every aspect of their behavior, thinking, and feeling. In less than a week, the experience of imprisonment undid (temporarily) a lifetime of learning; human values were suspended; self-concepts were challenged; and the ugliest, most base, pathological side of human nature surfaced. We were horrified because we saw some boys ("guards") treat other boys as if they were despicable criminals, taking pleasure in cruelty, while other boys ("prisoners") became servile, dehumanized robots who thought only of escape, of their own survival and of their mounting hatred of the guards."

"We had to release three 'prisoners' in the first four days because they had such acute situational traumatic reactions as hysterical crying, confusion in thinking, and severe depression (p. 204)."

"With regard to prisons, we can state that the mere act of assigning labels to people, such as 'prisoners' and 'guards,' and putting them into a situation where those labels acquire validity and meaning, is sufficient to elicit

1. From testimony for the U.S. House of Representatives Committee on the Judiciary (Subcommittee No. 3, Robert Kastenmeir, Chairman, Hearings on Prison Reform), 1973.

pathological behavior...The prison situation, as presently arranged, is guaranteed to generate severe enough pathological reactions...as to debase their humanity, lower their feelings of self-worth, and make it difficult for them to be part of a society outside their prison (p. 206)."

It must be remembered that the subjects in the experiment were non-criminal. They represented the "cream of the crop" of male youth, yet, despite this, they were impacted in negative and pathological ways by the "secure confinement" situation. The impact on an immature or unstable juvenile would likely be even greater than the extreme pathological behaviors observed at Stanford.

D. Influences on Later System Processing

1. Massachusetts Correctional Evaluation

In Exhibit 5.12, the Massachusetts study shows how the Probation Officer's decision to detain initially affects later system processing, regardless of offender seriousness. Detention in custody tends to limit later treatment to secure care. Non-detained and detained in treatment are most likely to get a non-residential disposition. It should be noted that all of these findings are highly significant statistically--at the .001 level of significance.

2. Several Research Studies Underscore the Great Influence of Probation Officer Assessments on Judges' Dispositional Decisions

These studies of the juvenile courts nationally and in the District of Columbia revealed Probation Officers were more influential with the court than were defense attorneys (Sarri and Hasenfeld, 1976; Carney, 1977), prosecuting attorneys (Sarri and Hasenfeld, 1976), or referring agencies (Sarri and Hasenfeld, 1976).

The tremendous influence of the Probation Officer on the courts dispositional decisions has been documented by Axelrod (1952), Cohn (1963), Gross (1967), and most recently by the Office of Juvenile Justice and Delinquency Prevention in Diversion of Youth from the Juvenile Justice System (1976).

EXHIBIT 5.12

RESEARCH ON HOW DETENTION
INFLUENCES FURTHER SYSTEM PROCESSINGMassachusetts Study: Regression Analysis

	Later Disposition			
	Secure Care	Group Home	Foster Home	Non- Residential
Non-Detained	-.1976*			.5246*
Detained in Custody	.3358*	-.3132*		
Detained in Treatment		-.3884*		3.1713*

*All analyses significant at .001 level.

A 1974 study of a California juvenile court helps to explain the great influence of the Probation Officer on the Court's decisions. In this study, Carney (1977) found the court's average time per case was less than 12 minutes. Because of high court volume and lack of time, judges had no other option except to rely heavily on Probation Officer recommendations.

A recent study (National Criminal Justice Information and Statistics Service, Delinquency Dispositions: An Empirical Analysis, 1976) ties the probation department's early actions of detention and deciding to file a formal petition with their later disposition recommendations. The report concludes:

"Therefore, it is possible that the mutual dependency between agencies may greatly affect the manner in which a child's case is treated. Various functionaries of the system we studied may respond toward youths on the basis of judgments that have been made at prior stages of processing by other functionaries with whom cooperative working relationships are necessary. If it is the case in other juvenile justice systems¹ that, as we have found here, early or prior decisions in the process substantially affect or determine decisions made at later, more visible stages in the process, attention to procedural rights for juveniles only at the most visible stage (the courts), and not at the more crucial or more determinative, less visible stages, is unfortunate. Perhaps it is at these less visible stages where the greatest attention to procedural rights is needed (p. 53)."

Thus, as the findings of these several research endeavors indicate, the initial decision to detain will insure both more system processing and more limited later alternatives for corrections. In sum, these research studies all underscore the negative impact of detention. No rigorous research could be found to support any positive consequences of detention. The major findings of this review of detention research can be summarized as follows:

1. See Ohlin, et al., (1977).

- a. In San Diego County, the decision to detain and the length of detention are not related to offender seriousness. (This is supported by other research.)
- b. Secure detention is not effective:
 - It increases recidivism significantly.
 - It generates pathological behavior.
 - It limits later correctional alternatives significantly.
- c. As noted earlier, secure detention is very costly (in San Diego the costs are \$17,233 per bed per year or \$47.21 per bed per day).

Given these facts about detention, especially secure detention, what about the effectiveness and costs of other alternatives?

III. Alternatives to Secure Detention: Effectiveness and Costs

There are a range of detention alternatives, which include both non-residential and residential care.

As part of the National Evaluation Program, the National Institute of Law Enforcement and Criminal Justice conducted a national evaluation of 14 alternative detention programs. The major findings of the evaluation are highlighted in Exhibit 5.13. Most of the programs had low recidivism rates for alleged new offenses. In addition, for most programs, running away was not a significant problem. In terms of these two relevant measures, these non-secure, community-based programs were quite effective.

Given the apparent effectiveness of these programs, what are the costs of various programs, which provide non-secure alternatives to detention?

The costs of the various residential and non-residential alternatives vary greatly. Exhibit 5.14 presents the estimated annual unit costs of major pre-adjudication alternatives by generic type on a national and selected local basis. The cost of residential care is less than half the cost of Juvenile Hall.

San Diego presently uses home detention on a limited basis (primarily to relieve overcrowding at Juvenile Hall), at an estimated annual unit cost of about \$4,000.

EXHIBIT 5.13

PERCENTAGES OF YOUTHS WHO RAN AWAY OR ALLEGEDLY COMMITTED NEW OFFENSES,
FOR 14 ALTERNATIVE PROGRAMS

<u>Type of Program</u>	<u>Percent</u>		
	<u>Interim Offenses</u> %	<u>Running Away</u> %	<u>Total</u> %
Home Detention Programs:			
Program A.....	4.5%	3.0%	7.5%
Program B.....	4.4	8.4	12.8
Program C.....	2.4	0.0	2.4
Program D.....	5.2	0.0	5.2
Program E.....	2.4	1.9	4.3
Program F.....	10.1 ^{ab}	... ^{ab}	10.1 ^{ab}
Program G.....	5.5	0.0	5.5
Attention Homes:			
Anaconda.....	NA	NA	NA
Boulder.....	2.6 ^a	2.6 ^a	5.2 ^a
Helena.....	NA	NA	NA
Programs for Runaways:			
Jacksonville.....	... ^c	4.1	4.1
Pittsburgh.....	0.0 ^{ad}	7.8 ^d	7.8 ^{ad}
Private Residential Foster Homes:			
New Bedford.....	0.0	10.0	10.0
Springfield.....	1.2	6.8	8.0

^a Information based on interview only.

^b Runaways may not be included.

^c Not applicable.

^d Includes youths not within court jurisdiction.

NA Information not available.

Source: National Institute of Law Enforcement and Criminal
Justice: National Evaluation Program Secure Detention
and Alternatives to Its Use, 1977

EXHIBIT 5.14

ESTIMATED ANNUAL UNIT COSTS OF MAJOR
PRE-ADJUDICATION DETENTION ALTERNATIVES^a
(1978 DOLLARS)

Detention Alternatives	Estimated Cost	
	Low	High
<u>I. Residential</u>		
1. Drug Program	\$6,573	\$8,005
2. Attention Homes ^b	5,439	8,753
3. Home Detention ^b	2,399	4,543
4. Foster Care ^d	2,657 ^c	
<u>II. Non-Residential</u>		
1. Day Care (Drug Program)	3,520 ^c	
2. Drug Program	1,704	2,103
3. Other Type of Program	N/A	N/A
<u>III. External Costs per Client</u>		
1. Psychological Testing	96 ^c	
2. Legal Assistance	32	96

a. National Institute of Law Enforcement and Criminal Justice. Cost Analysis of Correctional Standards: Pre-Trial Diversion. Washington, D.C.: GPO, 1975. Vols. I & II. (Cost figures adjusted to 1978 dollars.)

b. National Institute of Law Enforcement and Criminal Justice. Secure Detention of Juveniles and Alternatives to its Use. Washington, D.C.: GPO, 1977.

c. High-low ranges not available.

d. Office of Juvenile Justice and Delinquency Prevention. Responses to Angry Youth. Washington, D.C.: GPO, 1977.

San Diego presently uses non-secure, residential detention on a limited basis, primarily for status offenders. These projects range from a low of \$7,800 per bed per year for The Bridge to a high of almost \$20,000 for East County Crisis Resolution Services. As noted before, costs will vary with management practices, types of services offered, and utilization rates. In most cases, detention alternatives are less expensive than secure confinement. Also, national data indicate they are effective alternatives in terms of low recidivism rates and running away problems.

Given these findings, how does San Diego County compare in its detention facilities and practices with other larger California Counties and the nation?

IV. Comparisons of Detention Facilities and Practices: California and National Data

As a part of an Interjurisdictional Survey of eight larger California Counties, data were collected on detention facilities (secure) and correctional facilities (non-secure), costs, and average lengths of stay. Exhibit 5.15 presents data on bed capacities. To account for different population sizes, a bed rate per 100,000 youth population (ages 10-17) was computed. Compared with 8 other California Counties, San Diego has fewer secure detention and non-secure corrections beds on a per capita basis. San Diego also has a low per capita number of jail beds for juveniles remanded to adult court.

The data on costs and lengths of stay are presented in Exhibit 5.16. For Juvenile Hall, the daily cost of a bed is below the 8-County average. San Diego's average length of stay is slightly longer than the other Counties that were able to provide data. For San Diego's corrections camps, the daily bed costs are also below the mean for the 8 Counties. San Diego's length of stay in corrections camps is the lowest length reported. It should be noted that these figures do not include any alternatives to detention or correctional incarceration.

Although San Diego appears to be low when compared with other larger California Counties, all of California differs markedly from other larger states and the nation. Exhibit 5.17 shows how California compares with larger states and national averages. California has over 3 times more facilities and over 8 times more detained juveniles than other larger states. New York, the closest to California in population, has only 9 facilities, housing 290 juveniles on a given day. The uniqueness of California is even more marked on the 49 state comparison. California has over 6 times more facilities and over 22 times more juveniles detained, than the average for all other states. For reasons not documented, California, with about 10% of the population, detains almost one-third of all juveniles detained in the United States on any given day.

EXHIBIT 5.15

DETENTION/CORRECTION BEDS
PER 100,000 JUVENILE 1977 POPULATION

COUNTY	DETENTION (SECURE) BEDS ^a	DETENTION (SECURE) BEDS/ 100,000 POPULATION	JAIL SPACE FOR REMANDS TO ADULT COURT	JAIL SPACE/ 100,000 POPULATION	CORRECTION (NON SECURE) BEDS ^b	CORRECTION (NON SECURE) BEDS/ 100,000
Alameda	340	232	0	0	190	130
Contra Costa	140	146	0	0	104	109
Los Angeles	1331	137	120	12	1116	115
Orange	272	102	25	9	254	96
Riverside	157	195	19	24	116	145
Sacramento	213	204	2	2	110	105
<u>SAN DIEGO</u>	<u>217</u>	<u>100</u>	<u>8</u>	<u>4</u>	<u>150^c</u>	<u>74</u>
San Mateo	169	216	0	0	64	82
Santa Clara	308	160	N/A	N/A	240	124
EIGHT-COUNTY WEIGHTED AVERAGE	---	151	---	9 ^d	---	114

Source: California Youth Authority statistics and telephone survey of County Probation Departments.

- CYA Figures for maximum capacity; does not include jail space that may be used to house remands to adult court.
- Estimates from County Probation Departments; does not include community-based agencies who may provide residential services
- As of April, 1979, 15 additional non-secure beds for juveniles will be available, bringing the total to 165, and rate per 100,000 population in San Diego to 81.
- Seven-county weighted average.

EXHIBIT 5.16

OPERATIONAL CHARACTERISTICS
-JUVENILE POPULATION-
NINE CALIFORNIA COUNTIES

COUNTY	JUVENILE HALL - SECURE DETENTION			CORRECTION CAMPS - NON-SECURE DETENTION		
	BEDS ^a	COST \$/BED-DAY	MEANS LENGTH OF STAY (DAYS)	BEDS	COSTS \$/BED-DAY	MEAN LENGTH OF STAY (DAYS)
Alameda	340	\$ 20.30	N/A	190	\$ 25.2	N/A
Contra Costa	140	54.30	12 (est.)	104	43.3	120
Los Angeles	1331	62.20	12 (est.)	1116	58.0	N/A
Orange	272	48.00	13	224	28.0	88.6
Riverside	157	38.20	11.2	116	36.5	90
Sacramento	213	40.60	N/A	110	33.3	150
<u>SAN DIEGO</u>	<u>217</u>	<u>42.40</u>	<u>13.2</u>	<u>150</u>	<u>39.4</u>	<u>85</u>
San Mateo	169	52.30	12.5 (est.)	60	23.4	180
Santa Clara	308	30.20	12	240	22.8	N/A
EIGHT-COUNTY WEIGHTED AVERAGE	---	48.90	12.1 ^b (est.)	---	44.0	108 ^c (est.)

Source: Telephone survey of Probation Departments - December-January, 1979.

a. California Youth Authority estimated capacity.

b. Six-County weighted average.

c. Five-County weighted average.

EXHIBIT 5.17

DETENTION FACILITIES AND POPULATIONS:
NATIONAL CENSUS ON 6/30/75

Larger States	Number Facilities		Populations	
	Number	%	Number	%
<u>California</u>	<u>45</u>	<u>13.0%</u>	<u>3,484</u>	<u>31.4%</u>
Illinois	10	2.9%	373	3.4%
Indiana	8	2.3%	260	2.3%
Massachusetts	2	.6%	41	.4%
Michigan	16	4.6%	755	6.8%
New Jersey	18	5.2%	496	4.5%
New York	9	2.6%	290	2.6%
Ohio	25	7.2%	652	5.9%
Pennsylvania	21	6.1%	439	4.0%
Texas	13	3.7%	268	2.4%
Larger State Average	13.56		397	
49 State Average (excluding California)	7.08		155	

Larger State Comparisons:

Facilities: California has over 3 times more facilities than the average for the larger states.

Populations: California has over 8-1/2 times more juveniles detained than the average for the larger states.

National Comparisons:

Facilities: California has over 6 times more facilities than the average for all other states.

Populations: California has over 22 times more juveniles detained than the average for all other states.

With about 10% of the total population, California accounts for almost one-third of all juveniles detained nationally.

Source: Law Enforcement Assistance Administration, Children in Custody (1977)

With these large differences, especially in terms of California's deviation from the norm, are there any recommended standards to determine detention capacities?

The National Council on Crime and Delinquency (NCCD) and the California Youth Authority have both proposed detention standards, which are illustrated in Exhibit 5.18. Although the National Council on Crime and Delinquency Standards were developed several years ago, they are still being used in current architectural planning by the National Clearinghouse for Criminal Justice Planning and Architecture at the University of Illinois.

According to the National Council on Crime and Delinquency Standard, San Diego should have 75 secure detention beds. San Diego presently has 225 secure beds, with plans to add 42 more beds to Juvenile Hall this year. At present, with 225 beds, San Diego has three times more beds than the recommended Standard. The California Youth Authority-recommended Standard for number of secure beds is similar to the National Council on Crime and Delinquency's. In addition, for non-secure beds, 76 are recommended. At present, San Diego has 166 non-secure beds that could be used for pre-adjudication processing. This is over two times the recommended Standard. However, when it comes to length of stay, San Diego is in the recommended range of between 10-14 days. When it comes to annual admissions, San Diego's admissions are over two times the recommended Standard.

Although the data presented in this report suggest that San Diego is using detention too much, at high County costs, some questions remain unanswered. OPE is presently initiating a follow-on study of utilization patterns and feasible, available alternatives.

V. Summary

The fact that there is a significant problem related to the overcrowding at Juvenile Hall is underscored by the following documented findings:

1. For almost half of 1978, Juvenile Hall exceeded its California Youth Authority capacity limits. Detention placements have been increasing, despite declining arrest rates.
2. About 40% of all referrals to Probation, including paper referrals, are detained at Juvenile Hall.
3. A limited sample of Probation cases indicates that San Diego's detention practices do not significantly relate to the "seriousness score" of the offender. (San Diego is similar in this regard to other research studies). A followup study, using a larger sample, is being conducted to further examine this finding.

EXHIBIT 5.18

RECOMMENDED NATIONAL STANDARDS
FOR DETERMINING DETENTION CAPACITIES,
LENGTH OF DETENTION, AND ANNUAL ADMISSIONS

Source	# Secure Beds	# Non- Secure Beds	Length of Stay	# Annual Admissions
National Council on Crime and Delinquency (NCCD) a,c - Based on Juvenile Population	75		10-14 days	2,536
California Youth Authority (CYA) c - Based on Juvenile Population	76	76	10-15 days	
San Diego (Juvenile Hall) (Jail)	225 (217) (8)	166	13.2 days	5,557

NCCD Bed Total : 75 (secure)

CYA Bed Total : 152 (secure and non-secure)

a. National Clearinghouse for Criminal Justice Planning and Architecture, Total Systems Planning. Urbana: University of Illinois, 1978 (unpublished report).

b. Saleebey, G. Hidden Closets: A Study of Detention Practices in California. Sacramento: California Youth Authority, 1975.

c. All large California Counties exceeded NCCD's recommended number of secure beds: At the low end of the range, Orange County has over three times more beds (297) than the recommended 90 beds. At the high end of the range, Riverside County has almost 7 times more beds (176) than the recommended 26 beds.

4. According to extensive and comprehensive research, detention, especially in a secure facility, is significantly related to increased recidivism, pathological behavior, and limited later correctional alternatives.
5. Secure detention is very costly (\$47.21 per day and \$17,233 per year).
6. National data show that there are effective alternative, pre-adjudication programs that are substantially less costly.
7. Although San Diego's directly operated bed capacities are low compared to other larger California Counties, California has several times more facilities and people detained than the rest of the country.
8. San Diego presently exceeds recommended National Standards for detention capacities and annual admissions. San Diego, however, is within these standards for length of detention.

Although this overview evaluation of the juvenile justice system has identified and documented the existence of this major problem area, the scope and time limits of this study did not allow a detailed study of facilities requirements. To develop substantive recommendations, the following areas must be evaluated further:

1. The proportion of serious offenders requiring secure detention must be determined by further study, as well as the proportion of minor offenders, who may be candidates for non-secure detention alternatives.
2. Present facilities' requirements and utilization patterns must be studied in greater detail. As a part of this study (or as a follow-on study), the feasibility and cost-effectiveness of major detention alternatives must also be explored.
3. Further study is also required to develop and test reliable and acceptable detention criteria, so that the decisions to detain juveniles are more related to potential offender seriousness.

CHAPTER 6

PROBLEM AREA III:
LACK OF A RANGE OF CORRECTIONAL ALTERNATIVES

This chapter discusses the third major problem area identified, the lack of a range of correctional alternatives in the post-adjudication phases of system processing. The first section will present an overview analysis of the problem, focusing primarily on San Diego County data. The second section will highlight the major findings of relevant research, concentrating particularly on the effectiveness of various correctional alternatives. The third section will discuss the costs of the various correctional alternatives. And, the final section will summarize the major documented findings, as well as outline areas requiring further study.

I. Overview Analysis of Problem

"...To be more effective in dealing with youth crime, judges desperately need a broader range of sentencing options than they now have. In particular, they need an array of noncustodial punishments--ways of responding to delinquent or criminal behavior that make it clear that sanctions are being imposed, without incarcerating or otherwise damaging the youngsters in the process. As things now stand, judges generally face a Hobson's choice between dispositions that are either too lenient or too harsh. In big cities, in particular, it is rare for there to be anything between probation and incarceration. The latter is harsh and may be damaging; the former hardly differs from dismissal (Silberman, 1978, p. 359)."

Consistent with the above quote, the correctional alternatives in use in San Diego County are presently quite limited. For the largest percentages of juveniles, the choices tend to fall on the extreme ends of a possible correctional continuum, representing in overly simplistic terms, "institutionalizing them" at one extreme, or virtually "letting them go" at the other extreme. Few alternatives between these two extremes are presently used to any great extent in San Diego County.¹

1. Although the County Camps are "non-secure" facilities in the technical sense, they do represent "quasi-secure" facilities for the incarcerated juveniles, since they are so geographically isolated, separated by substantial distances from populated areas and the offenders' homes.

The correctional alternatives available fall into two major categories: residential and non-residential. The data for San Diego County for 1977 are presented in Exhibit 6.1. About one-quarter (25.9%) of all true finding dispositions with corrective action involve residential care.¹ The great majority (93.4%) of this residential care involves institutionalization. Only about 7% of the residential placements are in non-institutional foster care. San Diego County uses no group homes, halfway houses or the like. These represent some alternatives between institutionalization and foster care. As will be noted later, these types of alternatives are much less costly than institutionalization. The most striking data in the exhibit are related to San Diego's seemingly high rates of residential care--one-quarter of all dispositions, of which 93.4% were institutionalized.

How do these seemingly high residential and institutional placement rates compare with national data?²

Exhibit 6.2 shows how San Diego compares in its incarceration practices with the nation. Based on national averages, 1.5% of juvenile arrests get placed in County or State institutions. San Diego places 4.2% of its juvenile arrests in County Camps or the California Youth Authority. This is almost three times the national average. These data represent 1977 figures only for San Diego County. With the plans for expanding facility capacities in 1979, San Diego County will exceed the national average by even more.

It should also be noted that Westfork represents an anomaly in the State of California. With Westfork, San Diego County will be the only County in the State with a "California Youth Authority-type" of correctional program. This fact is important to note for several reasons. First, Westfork's cost will be paid by the County; California Youth Authority placements are paid by the state. Second, serious Part I offenders are not counted against California Youth Authority's placement limits for the County (also, it should be noted that San Diego County is not using all of its State placement slots for Part II offenders at present). Finally, no research could be found to support any superiority in terms of cost-effectiveness of incarceration in a County-operated facility versus incarceration in a State-operated facility.

As noted before, the County operates several correctional camps, including Rancho del Campo, Rancho del Rayo, the Lightning Unit (at Rayo), the Girls Rehabilitation Unit (at Juvenile Hall), and Camp Westfork (to be opened shortly). Exhibit 6.3 presents data on the County's camps for 1977 and

1. All references to "residential" placements here will refer to placements outside the juveniles' own home or with relatives.

2. Whenever possible, comparisons will be made with other larger California Counties. When comparative data on California Counties are lacking, national data will be used for comparisons.

EXHIBIT 6.1

SUMMARY OF
TRUE FINDING DISPOSITIONS
RESULTING IN CORRECTIVE ACTION
1977

ESTIMATED TOTALS

	<u>N</u>	<u>% of Total True Finding Dispositions</u>	<u>% of Total Residential</u>
<u>Residential^a</u>			
California Youth Authority ^b	60	1.1%	
County Camps ^b	999	19.0%	
Other Institutions	217	4.1%	
Non-Institutional (Foster Care)	<u>90</u>	1.7%	
<u>Total Residential</u>	<u>1,366</u>	<u>25.9%</u>	
Institutional	1,276	24.2%	93.4%
Non-Institutional	90	1.7%	6.6%
<u>Non-Residential Only^c</u>			
<u>Total Non-Residential</u>	<u>3,898</u>	<u>74.1%</u>	

a. Approximately 175 held in Juvenile Hall, while waiting for other residential placement.

b. Actual numbers.

c. Juveniles stay in own home or with family.

Source: Probation Department Monthly Reports and Bureau of Criminal Statistics data for 1977.

EXHIBIT 6.2

COMPARISON OF SAN DIEGO COUNTY'S
INCARCERATION PRACTICES WITH
NATIONAL AVERAGESNationally^a

1.5% of juvenile arrests are placed in County and State correctional facilities.

San Diego

4.2% of juvenile arrests in 1977 were placed in County camps or California Youth Authority.

San Diego County is 2.8 times the national average.

a. Law Enforcement Assistance Administration, Children in Custody, 1977, and FBI-Uniform Crime Reports, 1977.

EXHIBIT 6.3

DATA ON COUNTY CAMPS
1977-1978

	1977					1978 ^a					
	Campo	Rayo	Lightning	Girls	Total	Campo	Rayo	Lightning	Girls	Total	
<u>INTAKES</u>											
- Number	350	178	409	62	999	355	187	572	72	1,186	
- Average/Month	29.2	14.8	34.1	5.2	83.3	29.6	15.6	47.7	6.0	98.8	
<u>AVERAGE DAILY ATTENDANCE</u>	74.8	34.2	20.0	17.5	146.5	74.6	36.0	29.5	19.3	159.4	
<u>AVERAGE END OF MONTH POPULATIONS</u>	85.0	37.2	22.2	18.1	162.5	85.1	43.3	28.9	18.9	176.2	
<u>% UTILIZATION</u>											
- Average Daily Attendance	96%	86.0%	87%	91.0%	67%	88%	96%	97.0%	103%	73%	95%
<u>% OF DISPOSITIONS INVOLVING FORMAL PROBATION RE: COUNTY CAMPS</u>											
- Intakes					39.5%					N/A	
<u>SENT TO CALIFORNIA YOUTH AUTHORITY</u>											
- Number					60					N/A	

a. Westfork not included.

Source: Probation Department Monthly Reports to the Board of Supervisors.

1978. These figures do not include Westfork's use last Summer, since no data were available. For almost all data shown, the figures for 1978 exceed those of 1977. These data in aggregate also show a high utilization rate. Individually, however, whereas Campo is operating at 96% of capacity, the Girls Rehabilitation Unit is operating at about three-quarters capacity. It should also be noted that for all dispositions involving "Formal Probation" in 1977, almost 40% were incarcerated in County camps. Finally, in 1977, 60 juveniles were sent to the California Youth Authority. For these last two findings, no comparable data were available as yet for 1978.

Other residential and non-residential placements are presented in Exhibit 6.4. Under a disposition of Formal Probation, most juveniles remain in their own home or a relative's home. About 95 are placed in a foster home per month. About 170 in 1978 and about 200 in 1977 were placed in private institutions. A relatively small number (11.8 per month in 1977 and 16.4 per month in 1978) are placed on other residential, special care services (e.g., drug abuse residential care).

The non-residential alternatives that are most frequently used include placement in a work program (usually for a few days of work), restitution or fines, probation supervision only, and, in a few cases, some specialized care (e.g., non-residential drug program). Although comparatively few juveniles are placed in special education programs on a non-residential basis, no evidence could be found of referrals to a broad range of community-based services. These services could include vocational training, job placement, recreation programs, "Big Brothers/Sisters," community development programs, and other similar types of direct service or responsibility-building type programs.

It should be noted that the figures in this exhibit should be viewed with caution, since monthly intake data are not readily available from the Probation Department to determine new placements each year. Also, some of the data received from Probation were inconsistent and contradictory. In some cases, data on the monthly Board of Supervisors reports differed from the monthly computer printouts by as much as 15%. Given this type of disparity, it was difficult to determine which numbers were the "real" numbers (when no cross-validation or verification of data was possible, the most conservative--generally lower--numbers were used). Also, the figures for restitution and other non-residential dispositions represent estimates, based on our limited case file analysis. Finally, it should be noted that many juveniles receive multiple dispositions, so some individuals may be counted under more than one disposition category.

EXHIBIT 6.4

OTHER COUNTY DISPOSITIONAL ALTERNATES USED

RESIDENTIAL PLACEMENT TYPES ^{a,b,c}	1977	1978
	Average/ Month	Average/ Month
Foster Home	94.5	96.3
Private Institution	204.7	172.2
Other Residential (Special Case Services)	11.8	16.4
Total Average/Month	311.0	284.9
<u>NON-RESIDENTIAL</u>		
<u>Work Project</u>		
- Total Active Average	230.2	213.8
- Total Intake [N] Average/Month	[747] 62.3	[642] 53.5
<u>Restitution (est.)^d</u>		
- [Total Number per Year]	[498.8]	N/A
- Average/Month	41.6	N/A
<u>Other (est.)^d</u>		
- [Total Number per Year]	[177.2]	
- Average/Month	14.8	

- a. Since intake data are not available from Probation for most data here, it is not possible to separate new placements in a given year from carry over placement from the prior year. Also, some juveniles have multiple dispositions, so some individuals are counted under several dispositional categories.
- b. Source: Probation Department Computer Report - Monthly Juvenile Caseload Statistical Summary.
- c. Own Home placements averaged 1,685.8 per month in 1977 and 1,798.3 per month in 1978. Placements in relatives homes in 1977 averaged 74.8 per month and in 1978 averaged 66.8 per month.
- d. Source: OPE case file analysis.

Most true finding dispositions include Probation Supervision as a part of the sentence. Exhibit 6.5 presents the data for Probation Supervision. The average length of time spent under Probation Supervision, by those juveniles currently on Probation, is shown for 1977 and 1978. It should be noted that the time on Probation includes time spent in residential placement.

The analysis of average length of time on Probation yielded some interesting findings. For both males and females, status offenders (601) spend significantly more time on probation than criminal (602) offenders. The significance of these findings exceeded the .001 level of significance. However, Probation staff indicate that only a small number of status offenders are on Probation, and that some of these cases are in 24-hour school placements, which impact the overall average of a small sample.

The dispositional alternatives were also examined for the case file analysis. The dispositional "profile" is shown in Exhibit 6.6. Only dispositional alternatives for the last offense were analysed for all True Findings. Of all the cases, 45.8% had a True Finding, 3.2% were remanded to the Adult Court, and 51% had no True Finding. For all True Findings, about 40% received residential placements (8.5% in California Youth Authority, 21.1% in County Camps, 9.9% in other institutions, and 0% in foster care). Conversely, about 60% received non-residential placements (11.3% to work projects, 19.7% paid restitution/fines, 7% to other, and 22.5% received Supervision only). It should be noted that because of a comparatively small number of cases (71) at this stage of system processing, the findings here differ from the other annual data presented by about 10%. This sample will be enlarged in a follow-on study.

Dispositional severity and offender seriousness were also analyzed. Exhibit 6.7 presents the results of this analysis. Here residential placements were considered a more severe disposition than non-residential placements. As noted in the exhibit, a highly significant relationship was found, with a significance level greater than .001. The more serious offenders were more likely to be sent to residential alternatives. Less serious offenders were more likely to get a non-residential alternative. It should be noted that this is the only decision point in system processing that is significantly related to offender seriousness.

The lack of dispositional alternatives is also indirectly reflected in these data. According to Vinter (1976), the "rational" cells in this figure are the lower left and upper right cells; the "irrational" cells are the upper left

EXHIBIT 6.5

PROBATION SUPERVISION DATA^a

NOTE: MOST TRUE FINDING DISPOSITIONS INCLUDE PROBATION SUPERVISION AS A PART OF THE SENTENCE.

<u>Average Length on Probation^b</u>	<u>1977 Average</u>	<u>1978 Average</u>
Criminal Offenses (602)		
Male	9.4 months	9.1 months
Female	9.2 months	8.2 months
(Average N)	(2,163)	(2,278)
Status Offenses (601)		
Male	16.2 months	19.4 months
Female	12.4 months	11.0 months
(Average N)	(63)	(27)

Sign Tests on 601 and 602 Comparisons:

Males: Status offenders spend significantly more time on probation than criminal offenders.
(Significance Level: .001)

Females: Status offenders spend significantly more time on probation than criminal offenders.
(Significance Level: .001)

- a. Data on new placements on an annualized basis were not available.
- b. Length of stay data based on monthly Probation report, which shows average length of stay on probation of current placements.

Source: Probation Department Monthly Computer Reports

EXHIBIT 6.6

CASE FILE ANALYSIS: LAST OFFENSE
(N = 155)Dispositions Profile:

- * 45.8%: True Finding
- * 3.2%: Remanded to Adult Court
- * 51.0%: No True Finding

Dispositional Alternatives Used for All True FindingsResidential: % of True Findings = 39.5%

- * California Youth Authority : 8.5%
- * County Institutions : 21.1%
- * Other Institutions : 9.9%
- * Foster Care : 0.0%

Non-Residential: % of True Findings = 60.5%

- * Work Projects : 11.3%
- * Restitution/Fines : 19.7%
- * Other : 7.0%
- * Supervision Only : 22.5%

EXHIBIT 6.7

CASE FILE ANALYSIS

FOR LATEST OFFENSE, IS THE COURT'S DISPOSITION RELATED
TO OFFENDER SERIOUSNESS? YES

	Disposition ^a	
	Residential	Non-Residential
Less (1-5)	11%	46%
SERIOUSNESS SCORE ^b		
More (6+)	28%	14%

$\chi^2 = 14.21, p = .001$
Highly Significant

N = 71

FINDINGS: More serious offenders more likely to be
sent to residential alternatives.

Less serious offenders more likely to
get non-residential alternative.

-
- a. Total percentage may not add to 100% due to rounding.
b. Since there is no absolute definition of what is a less
or more serious total rating score, a median break of
the offender seriousness scores was used.

and lower right cells. As shown in Exhibit 6.7, similar percentages are noted in the "irrational" cells (11% for less serious-residential and 14% for more serious-non-residential). These "irrational" cells, accounting for 25% of all dispositions, indicate a lack of dispositional alternatives available to the Court for post-adjudication processing. If more dispositional alternatives were available, most of these cases could be dealt with more "rationally" (see Vinter, 1976, pp. 51-53).

Given these findings on San Diego, what is known about the effectiveness and costs of the various correctional alternatives?

II. Relevant Research

The research outlined below will center on the major effectiveness indicator used in corrections research, namely, recidivism as it relates to prior program interventions.

A. Massachusetts Correctional Evaluation

As noted before, this is the most comprehensive, statewide and rigorous research effort that has been undertaken to date. Earlier in this report, recidivism rates related to pre-adjudication processing were presented. This section will outline recidivism rates, as they relate to post-adjudication correctional programs. Exhibit 6.8 presents recidivism rates for major program characteristics and types. The findings presented here are all highly significant in statistical terms. The major findings are as follows:

1. If a region had many correctional alternatives, it had significantly lower recidivism rates than regions with few alternatives.
2. Those juveniles with a prior commitment or referral had higher recidivism rates than those with none.
3. Detention, again, had a highly significant effect. Not only did detention result in significantly higher recidivism rates, but also it limited significantly the alternatives for later treatment. Detained juveniles, especially those in custodial facilities, were most likely to get secure care later, regardless of offense seriousness.
4. In terms of final placement, secure care resulted in recidivism rates that were almost three times higher than the non-residential alternatives. Of all the placement types, foster care had the lowest

EXHIBIT 6.8

MASSACHUSETTS CORRECTIONAL EVALUATION

RECIDIVISM RATES BY SELECTED CHARACTERISTICS
(6 Months After Release)

Background Characteristic	% Recidivating
<u>Regions</u>	
Few Alternatives	High
Many Alternatives	Low
<u>Prior Commitment or Referral</u>	
Yes	46%
No	26%
<u>Detained/Non-Detained</u>	
Detained	43%
Non-Detained	19%
<u>Where Detained</u>	
Custodial	59%
Treatment	32%
Shelter Care	40%
<u>Final Placement</u>	
Secure Care	60%
Group Home	27%
Foster Care	19%
Non-Residential	23%
No Program	48%

Regression Analysis:Significance^a

Region	.1525 to .3673	.05 - .001
Non-Detained	-.1725	.001
Final Secure	.6175	.001
Sequence Secure	-.4160	.05

a. Significance Level:

.05 : 5 in 100 times chance is operating.

.001: 1 in 1,000 times chance is operating.

recidivism rates, with only 19% recidivating. Non-residential programs had the second lowest recidivism rates (23%), followed by Group Homes (27%). Secure care had the highest recidivism rates (60%), followed by no program¹ (48%).

These results are highly significant statistically, exceeding the .001 level of significance in most cases. Because of the exceptionally high levels of statistical significance, these results cannot be viewed as spurious. Since this is the most comprehensive research effort ever done in this area, and since these results are statewide in scope, these results are highly meaningful and generalizable.

Ohlin, et al. (1977) conclude:

"...The ramifications of secure care programs are too profound to be handled without vigilance...

"Clearly, the type of program placement is related to a youth's chances of recidivating within the first six months of exposure to the community. Although youth in foster care do best, followed by youth in non-residential programs and youth in group homes, the differences between these program types are not particularly significant. But youth in these programs do far better than youth in secure programs. That the youth in secure care are most likely to recidivate seems reasonable because of a tendency for the secure care units to work with higher risk youth. Given the analysis to date, however, it seems likely that the higher recidivism of secure care youth is not solely related to youth characteristics. Instead, their failure appears partially a result of experiences they have within secure care programs and the attached negative labels which restrict their program alternatives and influence future decision makers.

"...It is clear from the present analysis that the great majority of DYS youth do well in non-secure settings without presenting an inordinate danger to the public. Some critics claim that the new nonsecure programs have constituted a revolving door. That happens to be true of the

1. Many of the "no program" people had run away or otherwise exited other correctional programs.

secure programs, which have high recidivism rates and are much like the more secure among the old institutions in this respect. It is clearly not true of the more open programs. At this point it seems reasonable both to restrict secure care only to those youth who cannot be handled in a less secure program and to improve the quality of secure care (pp. 78-79)."

B. Academy for Contemporary Problems (1978): 5-Year Study of 1,138 Violent Juvenile Offenders

This comprehensive study found:

1. Institutionalizing offenders speeded up the time of next arrest. Informal supervision outside of an institution slowed it the most.
2. Dispositions of cases by the courts could not be accurately predicted. Delinquents with similar histories and offenses received different penalties.

Based on their findings, the researchers make several recommendations:

First, they recommend early intervention in the repeat offender's criminal career. When a youth commits a first violent offense, he should be made aware that penalties will follow. The authors note that too often "the juvenile operates under the assumption that even if apprehended, there is a good chance that penalties will not be imposed (p. 12)." The authors emphasize that this assumption must be reversed, and predictable penalties should result from every serious offense. They further state, "The system can never predict a youth's future behavior, but the youth should be able to predict the system's response (p. 12)."

"Second, graduated penalties for antisocial behavior should make it clear to the offender that certain actions will not be tolerated by the community...interventions should respond with increasing severity to the seriousness of the juvenile's offense and the length of his record (p. 12)."

Third, they argue, rehabilitation should meet rigorously enforced standards allowing some flexibility in the process. They caution that control and treatment can be simultaneously administered, "but not by the same agency." The controlling agency should pay for services, provided "treatment agencies meet minimum standards of performance (p. 12)."

C. National Recidivism Studies

Carney (1977) reports the major findings of national recidivism studies:

1. 75% of all adult offenders have spent time in a juvenile institution.
2. Recidivism among institutionalized juveniles runs from 50%-80% nationally.

These comprehensive and recent research efforts provide additional support for the negative impact of institutionalization on recidivism. The negative impact of institutionalization has been heavily documented for years. Based on the data that were available by the early 1970s, the National Advisory Commission on Criminal Justice Standards and Goals made the following comments and recommendations:

"The failure of major institutions to reduce crime is incontestable. Recidivism rates are notoriously high. Institutions do succeed in punishing, but they do not deter. They protect the community, but that protection is only temporary. They relieve the community of responsibility by removing the offender, but they make successful reintegration into the community 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, Corrections, 1973, p. 1).

"In January, 1973, the National Advisory Commission on Criminal Justice Standards and Goals published its report. In regard to juvenile offenders the report stated in its standards that 'Each correctional agency administering state institutions for juvenile offenders should immediately adopt a policy of not building new major institutions for juveniles under any circumstances...' and 'All major institutions for juveniles should be phased out over the five year period.' There are few indications that the Commission's five year deadline for juvenile institutions is being taken seriously anywhere in the United States. The National Assessment of Juvenile Corrections finds that 'traditional training school or public institution continues to be the dominant choice for disposition of juvenile offenders (National Institute of Law Enforcement and Criminal Justice, National Evaluation Program: Community-Based Alternatives to Juvenile Incarceration, 1976, p. 3)."

Since the 1973 National Advisory Commission on Criminal Justice Standards and Goals report, the evidence of the negative impact of institutionalization on recidivism has been mounting. The Massachusetts Correctional Evaluation is undoubtedly the best research to date, for it includes a statewide range of correctional alternatives. Yet, despite all of this empirical evidence, traditional practices of institutionalization seem quite resistant to change, as noted above.

Given the ineffectiveness of institutionalization, and the greater effectiveness of alternatives, what is known about the costs of these other alternatives?

III. Alternatives to Institutionalization: Costs

"A number of reasons make community treatment projects an attractive alternative to institutionalization. One has to do with cost...The Governor of Massachusetts has said, 'Under the old system, we found ourselves supporting an entire system at a level that only a small minority of the population needed...If we invest in a community treatment program, we can provide individual service, personal counseling, job training,... for about half the cost.' (Dixon and Wright, 1975, pp. 67-68)."

As noted in Exhibit 6.9, the estimated annual unit costs of a range of correctional alternatives, based on national data, are low, when compared with the County Camp's annual unit costs (about \$16,000 per bed per year). Most alternatives cost close to half or less the County's costs for institutionalization. The annual unit costs for residential alternatives range from a low of about \$2,200 to a high of almost \$13,000. Non-residential programs are about a third or less than the County's camp costs. In fact, restitution and fines programs can generate more value and revenue than their costs. The external costs for services vary greatly, depending upon the nature and intensity of treatment. These figures indicate that, generally, alternatives to incarceration in County Camps are substantially less costly.

In addition to cost savings, the National Institute of Law Enforcement and Criminal Justice's National Evaluation Program: Community-Based Alternatives to Juvenile Incarceration (1976) emphasizes the flexibility and advantages of contracting with the private sector for community-based services:

"...Privately operated programs appear to provide a certain flexibility lacking in publicly operated programs. This flexibility is particularly apparent in their ability to maintain staff on rigorous and unorthodox schedules.

EXHIBIT 6.9

ESTIMATED ANNUAL UNIT COSTS OF MAJOR
POST-ADJUDICATION CORRECTIONAL ALTERNATIVES^a
(1978 DOLLARS)

Correctional Alternatives	Estimated Cost	
	Low	High
<u>I. Residential</u>		
1. Comprehensive In-House Services	\$8,096	\$12,509
2. Basic In-House Services and Community Resource Referral	6,623	10,397
3. Basic In-House Services and Community Resource Referral (using volunteers)	5,887	9,174
4. Basic In-House Services	5,885	9,404
5. Foster Care ^c	2,245 ^b	
<u>II. Non-Residential</u>		
1. Employment Program ^d	4,073	5,527
2. Educational Program	N/A	N/A
3. Restitution (Fines and Community Service) ^e	15	
. Revenue Generated: \$179,040- \$238,712		
. Value of Services: \$146,607- \$156,686		
4. Other Type of Program	N/A	N/A
<u>III. External Costs per Client</u>		
1. Education	692	
2. Vocational Training	1,152	
3. Drug Treatment	1,636	8,005
4. Mental Health Treatment	1,603	3,786

a. NILECJ. Cost Analysis of Correctional Standards: Halfway Houses. Washington, D.C.: GPO, 1975, Vols. I & II. (Cost figures adjusted to 1978 dollars.)

b. High-low ranges not available.

c. Office of Juvenile Justice and Delinquency Prevention. Responses to Angry Youth. Washington, D.C.: GPO, 1977.

d. NILECJ. Cost Analysis of Correctional Standards: Pre-Trial Diversion. Op. cit. (Only cost data available on employment programs.)

e. Yaryan, R. B. Project 20: Cost Effectiveness. 1977. (Unpublished report.)

"Another area in which a privately operated program is seen as advantageous is when it is associated with a well respected local organization. As illustrated in a number of site visits, such relationships enable a program to become established and maintain considerable community support.¹

"Juvenile justice officials in one state cited other positive aspects of privately operated programs: a) they allow more innovation as they do not have to contend with a state bureaucracy; b) they can hire and fire personnel on the basis of ability, obviating state civil service requirements; c) programs that do not work can be more easily closed or changed. This is more difficult with public programs which often continue, regardless of their effectiveness, for years (p. 23)."

"A disadvantage of the public-private liaison is... some privately operated programs become tied to the funding requirements of state agencies...As such, they can be forced to make substantive changes in programmatic content and/or intake policies to conform to these other funding agencies' demands (p. 24)."

It is interesting to note that contractor compliance was not listed as a problem area. The report does stress throughout the need for minimum performance standards, quality control through careful monitoring, contracts with "tight provisions" for performance and output, and periodic evaluations. These types of tight management controls will insure high degrees of accountability on the part of private contractors.

IV. Summary

The fact that there is a significant problem related to the lack of a range of correctional alternatives in the post-adjudication phases of system processing has been underscored by the following documented findings:

A. Findings Regarding San Diego County:

1. San Diego uses a very limited range of residential placement alternatives outside of institutional placements. It has no group homes, halfway houses or other group community-based alternatives for residential care.

1. The Massachusetts Correctional Evaluation has done considerable research on this topic, identifying how and why community-based efforts succeed or fail.

2. About one-quarter of all true finding dispositions result in residential placement¹ (of these, 93% are institutionalized).
3. San Diego incarcerates almost 3 times the national average for institutionalization.
4. Existing County Camps are operating at a high utilization level. Utilization is at 95% (excluding Westfork, since no data were available).
5. Placement in County Camps is costly (\$15,850 per bed per year or \$43.42 per bed per day).
6. About three-quarters of all true finding dispositions result in non-residential placement.
7. San Diego uses a limited range of non-residential alternatives, including a work program, restitution/fines, probation only and specialized care for a few cases. No evidence was found of referrals to a broad range of community-based family and youth services.
8. If residential placements are decreased, there will be a need to expand non-residential alternatives.
9. Status offenders spend a significantly longer time on probation than criminal offenders. However, only a small number of status offenders are on probation, and Probation staff indicate that some of these cases are 24-hour school placements, which impact the overall average of a small sample.
10. For the latest offense, the Court's disposition is significantly related to offender "seriousness score" (the only significant finding observed related to offender seriousness at major system decision points). The Court, however, has only a limited number of dispositional alternatives available at present (compared to types of alternatives suggested from national research).

B. Major Research Findings on Effectiveness and Costs:

1. High recidivism rates are significantly related to few dispositional alternatives, whereas low recidivism rates are significantly related to many dispositional alternatives.
2. Prior commitments or referrals are associated with higher recidivism rates than those without a prior commitment or referral.
3. Detention is significantly related to both a reduced number of dispositional alternatives and to the effectiveness of the dispositional alternatives (regardless of offense seriousness).

1. Excluding placements in own home or with relatives, which occurs with the non-residential dispositions.

4. Final placement in secure care is significantly related to higher recidivism rates than the other dispositional alternatives. Foster care and non-residential placements are associated with the lowest recidivism rates.
5. Institutionalizing offenders is related to speeding up recidivism, whereas informal supervision is associated with slowing it the most.
6. Nationally, 75% of all adult offenders have spent time in a juvenile institution. Recidivism among institutionalized juveniles runs from 50%-80% nationally.
7. The costs of both residential and non-residential alternatives are less than County camp costs.

Although this overview evaluation of the juvenile justice system has identified and documented the existence of this major problem area, the scope and time limits of this study did not allow a detailed examination of several cogent issues. To develop substantive recommendations, the following areas must be evaluated further:

1. In terms of the present County camps, present facilities requirements and utilization patterns must be studied in greater detail. As a part of this study (or as a follow-on study), the feasibility and cost-effectiveness of major correctional alternatives must also be explored.
2. The issue of Camp Westfork needs further study. Specifically, offender characteristics, utilization patterns and types of treatment must be examined. Alternatives to Westfork also require evaluation, including (a) a comparative analysis of the County's serious offender profiles with California Youth Authority population profiles and (b) an examination of the cost-effectiveness of other alternatives that are available to the County.
3. How community-based resources can be better utilized for both residential and non-residential services requires further study. The cost-effectiveness and the feasibility or acceptability of these services will also be examined.
4. Issues related to contractors' accountability will require further evaluation, identifying ways and contract provisions which allow sufficient management control to insure high program accountability.

5. At this point, the County has practically no measures available to assess program effectiveness or efficiency. Needed effectiveness and efficiency measures should be developed (within the constraints of existing resources, if possible).
6. The reported uneven flow of workload into the juvenile court requires further study, identifying systems improvements that can be made to even out the workload.

CHAPTER 7

PROBLEM AREA IV:
LACK OF EFFECTIVE AND EFFICIENT
COORDINATION OF COMPONENT PARTS OF
THE JUVENILE JUSTICE SYSTEM

This chapter will begin with an overview analysis of the fourth problem area, the lack of effective and efficient coordination of the component parts of the juvenile justice system. The chapter will end with a summary of major findings and an outline of areas requiring further study.

I. Overview Analysis of Problem

"What is commonly referred to as the juvenile justice system is a key part of the social context which bears directly upon how we define and intervene with young people in conflict with the law. The suggestion that the system is a 'non-system' is now generally accepted but commonly forgotten. Different actors responsible for dealing with the young offender do not share the same assumptions nor agree upon the same established facts, nor do they commonly converse so as to at least begin to establish some common perspective as to what it is they are all about (Hudson and Mach, 1978, p. 176)."

This statement about the lack of coordination of the juvenile justice system nationally, applies equally to San Diego County, as underscored in the 1977 Comprehensive Juvenile Justice Plan for San Diego County:

"In the juvenile justice field in San Diego County there are twelve (12) separate planning, advisory and/or review groups, each with their own view of the problem, each with their own jurisdiction...as noted in the California Council on Criminal Justice Region U Plan (San Diego County) a major barrier to coordinated planning is the lack of a common vision among these diverse groups (p. 9)."

Lack of coordination among the various planning, advisory and/or review groups, as well as the operating entities of the juvenile justice system, is, perhaps, the greatest problem in the present juvenile justice "non-system." Most of the data presented in this report point directly and indirectly to this major problem area. With no effective coordination, the actions of one component can have negative and costly consequences on the other components. In addition, the formal justice components do not fully utilize the resources of the informal components, namely the broad range of youth and family services in the community. This inadequate utilization was illustrated

recently, when the Office of Criminal Justice Planning threatened to withdraw Comprehensive Juvenile Justice Program funds, because the projects were not serving delinquents and did not get enough referrals from juvenile justice agencies. The failure to take full advantage of community resources merely adds to the County's program costs. It also creates unnecessary duplications.

In terms of the formal juvenile justice operating agencies, the lack of coordination exists at almost all levels--from making referrals, sharing information, and developing consonant decision criteria to executing the most cost-effective programs (as documented in earlier chapters of this report). The symptoms of this lack of coordination are reflected in major data disparities between the major formal juvenile justice components. Exhibit 7.1 shows the information missing between the major referring agencies in 1977. Between law enforcement referrals and probation intake, 2,690 referrals could not be fully accounted for. The disparities in the data between Probation's referrals to the Court and the Court's statistics on cases received amounted to 122 cases. In the post-adjudication process, no information could be identified for 465 cases; the largest percentage of these were in the Formal Probation category (322).

Out of all arrests, data could not be identified for about 13% of the cases. This percentage is even higher, if the missing information is computed as a percentage of all law enforcement referrals. Using this percentage, about one-quarter (24.4%) of the referrals cannot be accounted for in the data systems. What factors account for these substantial disparities between major system components cannot be identified at this time.

These basic problems with juvenile justice system data were emphasized in the 1977 Comprehensive Juvenile Justice Plan:

"There are several problems connected with data collection and reporting involving law enforcement agencies, probation and the public schools which greatly impede efforts to plan services for juveniles. Among these problems are the following:

- "a) There is an absence of a uniform data collection system for the eleven police jurisdictions...
- "b) There is incompleteness of some law enforcement data collected.
- "c) The differing data collection and reporting processes used by police departments and the probation department complicates efforts to trace the flow of youth from police to probation...

EXHIBIT 7.1

PROCESSING COMPARISONS FOR THREE
OFFENSE CATEGORIES
1977

	Total		Serious Crime		Lesser Crime		Status		Info. Not Available
	N	%	N	%	N	%	N	%	
Arrests	25,364	100%	5,844	100%	14,389	100%	5,131	100%	-2,690
Referred to Probation	13,405								
Probation Intake	10,715	42	5,367	92	3,596	25	1,752	34	
Released	6,406	25	2,149	37	2,544	18	1,713	33	
Informal Probation	162	1	112	.2	40	.3	10	.2	
Referred to Court	4,147	16	3,106	53	1,012	7	29	1	-122
Court-Received	4,025	16	2,560	44	963	7	37	1	-465
Dismissed/									
Transferred/	1,288	5	714	12	446	3	14	.3	(-114)
Remanded to									
Adult Court									
To California	60	.2	54	1	2	.01	0	0	(-4)
Youth Authority									
Non-Ward Probation	145	1	85	1	35	.2	0	0	(-25)
Formal Probation	2,532	10	1,707	29	480	3	23	.4	(-322)

Total: Information Not Available	3,277
% Out of Total Arrests	12.9%
% Out of Law Enforcement Referrals	24.4%

- "d) At present, petition dispositional data do not distinguish placement for youth who are declared court wards, so that it is not reported how many are placed at home, in 24 hour schools, or in institutions.
- "e) There is inadequate data collection in the public schools regarding drop outs, truancy and other factors relevant to analyzing juvenile needs (pp. 102-104)."

San Diego is not alone in its data problems and lack of coordination. As noted before, the juvenile justice system nationally functions as a "non-system." This endemic problem has been underscored by both the 1967 President's Commission on Law Enforcement and Administration of Justice and the 1973 National Advisory Commission on Criminal Justice Standards and Goals. Of the two Commission efforts, the 1973 National Advisory Commission addressed the problem more specifically in its A National Strategy to Reduce Crime:

"'Fragmented,' 'divided,' 'splintered,' and 'decentralized' are the adjectives most commonly used to describe the American system of criminal justice..."

"Words such as fragmented and divided, however, refer not only to demarkations of authority, but to differences in states of mind, and not only to physical distances, but to distances in philosophy and outlook (p. 41)."

"Lack of agreement on answers to...basic questions presents criminal justice with its most difficult dilemma. If criminal justice professionals cannot reach consensus on what to do about crime and criminals, it is unrealistic to expect the public and political leaders to do so. The most enduring problems facing the criminal justice system are not technical or financial--they are political. The consequences of lack of professional agreement are deadlock, inaction, and confusion in making public policy (p. 43, emphasis added)."

To bring greater rationality and coherency to the "non-system," the National Advisory Commission on Criminal Justice Standards and Goals recommended two major areas for concentrated efforts:

1. Planning (and policy development as a part of the planning process).
2. Development of better and more comprehensive, integrated information systems (including Offender Based Transactional Statistics, where a criminal can be tracked through the system).

As noted earlier (and in Exhibit 7.2), San Diego County has and is affected by a number of separate planning, advisory and/or review groups in the juvenile justice area. Although a Comprehensive Needs Assessment (1977) has been done and a Comprehensive Juvenile Justice Plan (1977) has been developed, effective and efficient coordination has not resulted. This lack of coordination is evidenced by the following:

1. There are no formal, written, agreed upon policy directives to shape programmatic initiatives.
2. For the entire juvenile justice system, there are no measurable objectives for what is to be accomplished by whom within specified time frames.
3. According to the Comprehensive Juvenile Justice Plan (1977), there is an inadequate, inequitable geographic distribution of juvenile justice programs.
4. There is an underutilization of a broad range of community-based family and youth services (as noted before and in the Comprehensive Juvenile Justice Plan, 1977).

Although San Diego County has made some strides in its information systems since the 1973 National Advisory Commission on Criminal Justice Standards and Goals effort (e.g., the mandated Offender Based Transactional Statistics), major data problems still exist, as noted before:

1. There are substantial disparities in the data collected by the formal agencies of the juvenile justice system.
2. As noted by the Comprehensive Juvenile Justice Plan (1977), the County's information and referral systems to support youth and family access to appropriate services are inadequate and fragmented (resulting in costly duplications and confusion to the public).

Given these fundamental coordination problems, what can the County do to improve coordination?

As noted before in Exhibit 7.2, San Diego County presently has several potential vehicles for coordination. With all of these potential coordination mechanisms, effective and efficient coordination has not been truly accomplished. Otherwise, the juvenile justice system would be functioning more effectively as a "system."

Based on national efforts to coordinate juvenile delinquency programs (Yaryan, 1972), several crucial ingredients are

EXHIBIT 7.2

MAJOR POLICY AND REVIEW BODIES

FEDERAL: Law Enforcement Assistance Administration
(LEAA)
Office of Juvenile Justice and Delinquency
Prevention

STATE: California Council on Criminal Justice
(CCCJ)
Office of Criminal Justice Planning

COUNTY^a: Regional Criminal Justice Planning Board
(RCJPB)
Prevention of Juvenile Crime and Delinquency
Sub-Committee
Human Resources Agency Advisory Board (HRAAB)
Juvenile Justice Planning Advisory Committee
(JJPAC)
Juvenile Justice and Delinquency Prevention
Commission (JJ&DP Commission)
Joint (JJPAC and JJ&DP Commission) Committee
County Justice System Advisory Group
(recently created A.B. 90 review body)

OTHER
LOCAL: Comprehensive Planning Organization

a. Some County Boards may be changed, as a result of the County Reorganization.

CONTINUED

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required for effective coordination to take place. These crucial ingredients include:

1. The active participation and support of the principals of juvenile justice system agencies (not designees) and significant involved others (e.g., Board of Supervisors, major youth service agencies, etc.), so that the coordination body will be able to get the job done. This group should be large enough to reflect the major interests, yet small enough to be manageable.
2. Clear, agreed upon policy directives must be developed to direct the development of new program initiatives. These policy directives (a) should be concerned with accomplishing clearly defined ends, (b) should underscore priority areas of concern, and (c) should realistically reflect the resources and constraints of the membership. Once juvenile justice policy directives have been developed, the following types of measureable objectives should be developed:
 - a. Measureable program objectives stating what is to be accomplished by whom within specified time frames (e.g., diverting "X" percent of "Y" offenders to Youth Service Bureaus during the next 6 months, etc.).
 - b. Measureable management objectives, focusing on how program objectives can be accomplished most effectively and efficiently by whom, within specific time frames (e.g., "X" works with "Y" in specified ways, with responsibilities clearly delineated, to accomplish "Z" during the next 6 months).
3. Accurate data systems must be established, both to guide program planning and implementation and to evaluate objective attainment and program effectiveness. Without accurate information, the efforts of coordination are merely "guessing games." Also, without accurate information, accountability cannot be established and ineffective programs cannot be corrected.

With clear, agreed upon policy directives, measureable program and management objectives, accurate juvenile justice system information, coupled with the "clout" (membership) to get the job done, far better coordination should be possible. At this point, the "best mechanism" for the effective and

efficient coordination of the juvenile justice system in San Diego County has yet to be identified. If the juvenile justice system is to address serious juvenile crime in San Diego County more effectively, an effective and efficient coordination mechanism must be established.

II. Summary

The fact that there is a significant problem related to the lack of effective and efficient coordination is underscored by the following findings:

1. Lack of coordination is an endemic problem in the juvenile justice system nationally.
2. In San Diego County there are no formal, written, agreed upon policy directives to shape programmatic initiatives in juvenile justice.
3. In terms of the entire juvenile justice system, there are no measureable objectives, either management or programmatic, delineating the responsibilities and accomplishments to be expected.
4. There is an inadequate, inequitable distribution geographically of juvenile justice programs in the County.
5. There is an underutilization of a broad range of community-based family and youth services.
6. There are substantial disparities and inconsistencies in the data collected by the formal agencies of the juvenile justice system.
7. The County's information and referral systems to support youth and family access to appropriate services are inadequate and fragmented.
8. Existing potential coordination mechanisms (planning, advisory and/or review groups) are not accomplishing effective and efficient coordination.
9. The County needs an efficient and effective coordination mechanism, which:
 - a. Has the participation and support of all major principals and the "clout" to get the job done.
 - b. Has clear, agreed upon policy directives, supplemented with measureable program and management objectives.

- c. Has accurate data systems to guide planning and to evaluate objective attainment and program effectiveness.

Although this overview evaluation of the juvenile justice system has identified and documented the existence of the major problem area, the scope and time limits of this study precluded a more detailed analysis of the area. In order to develop substantive recommendations, the following areas must be evaluated further:

1. The feasibility of establishing a more efficient and effective coordination mechanism needs to be studied further (e.g., a Blue Ribbon Committee).
 - a. Phase one should include only County-operated juvenile justice programs.
 - b. Phase two should include other juvenile justice programs and agencies.
2. To correct disparities in data, the reasons for the disparities need to be identified and a program of corrective action should be established. This should provide a more reliable data base in the future for further analysis and evaluation.
3. The feasibility of consolidating the County's fragmented information and referral systems requires additional study. This is currently being accomplished by various groups under the direction of the Assistant Chief Administrative Officer for human and health care programs.

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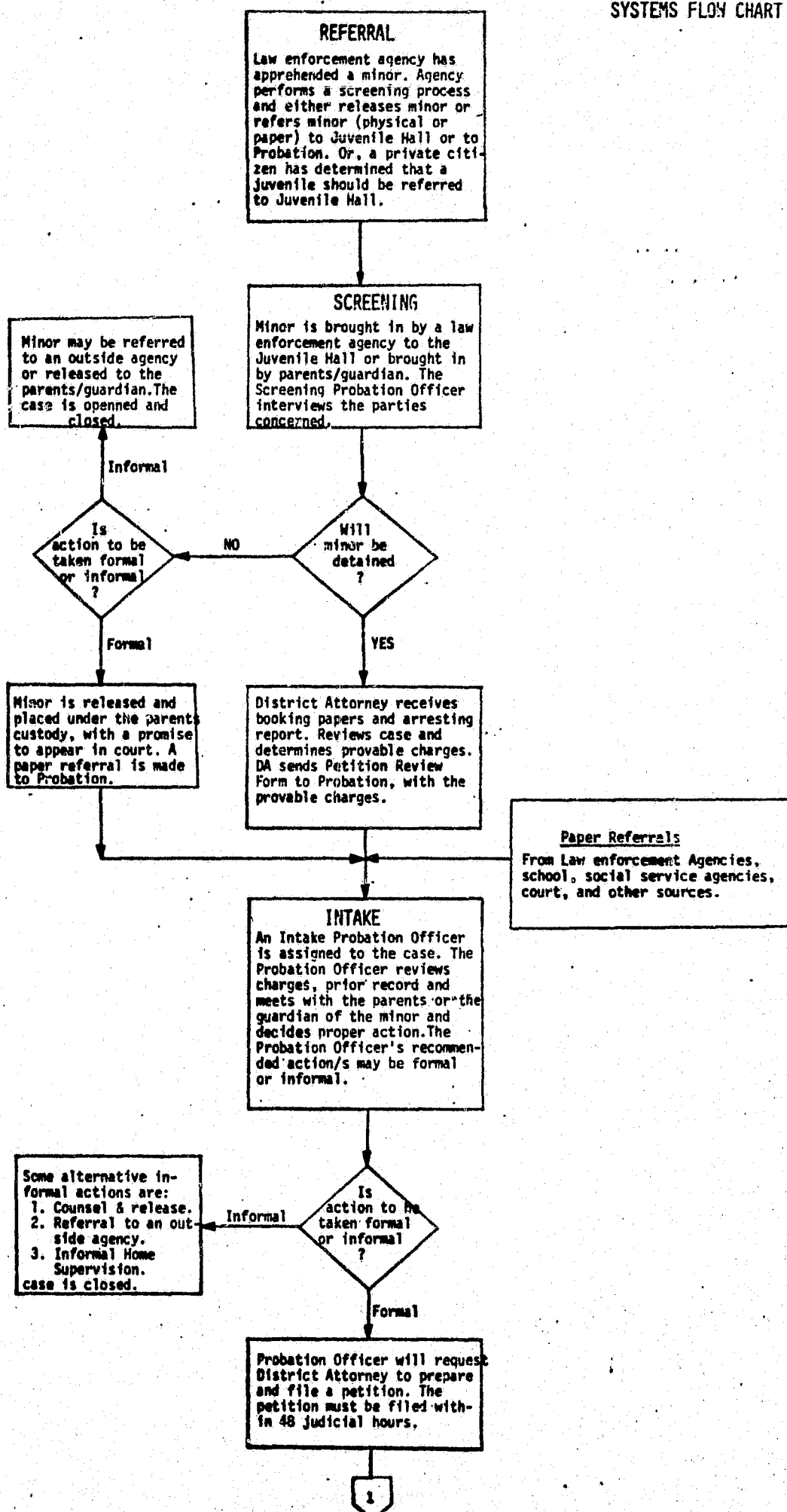
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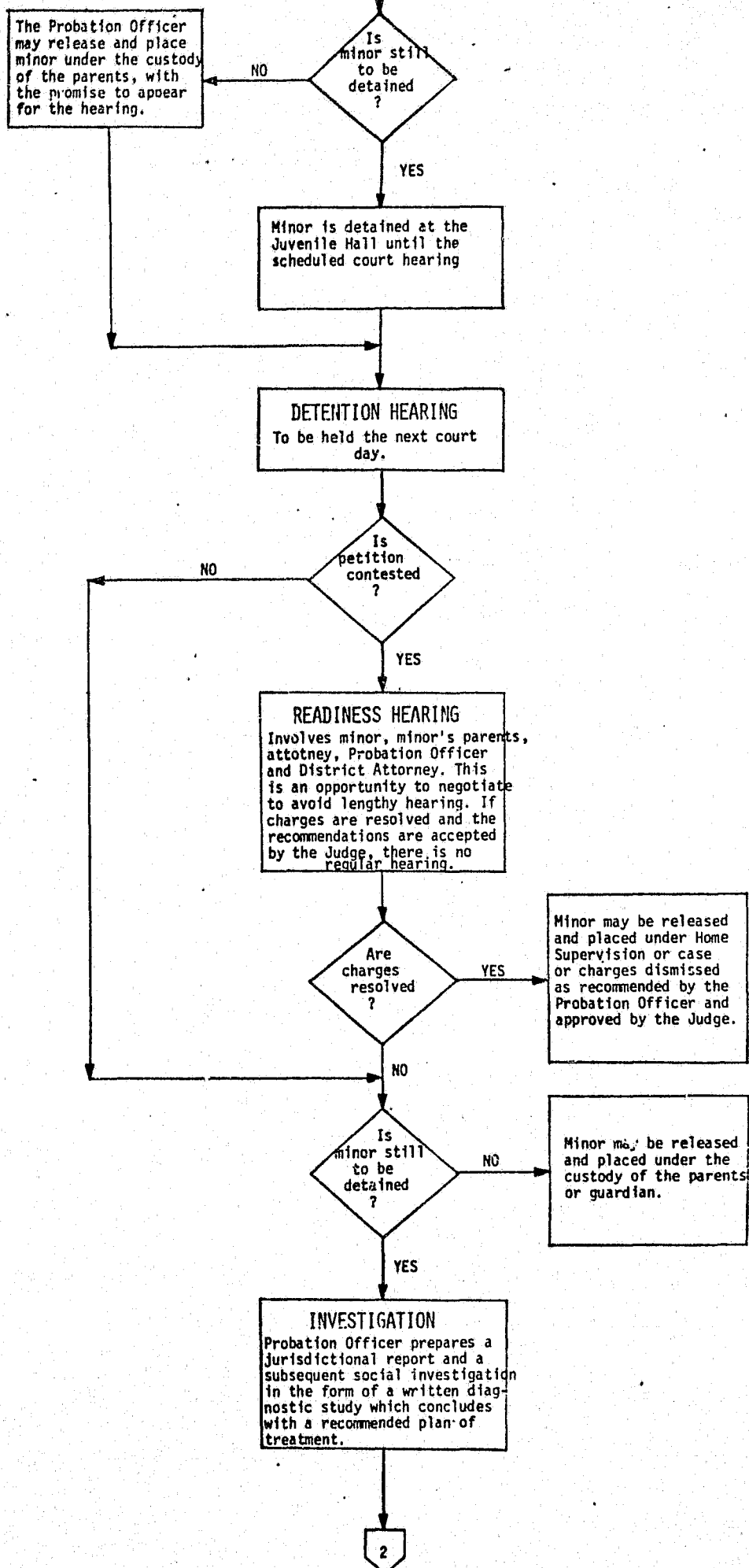
A P P E N D I X A

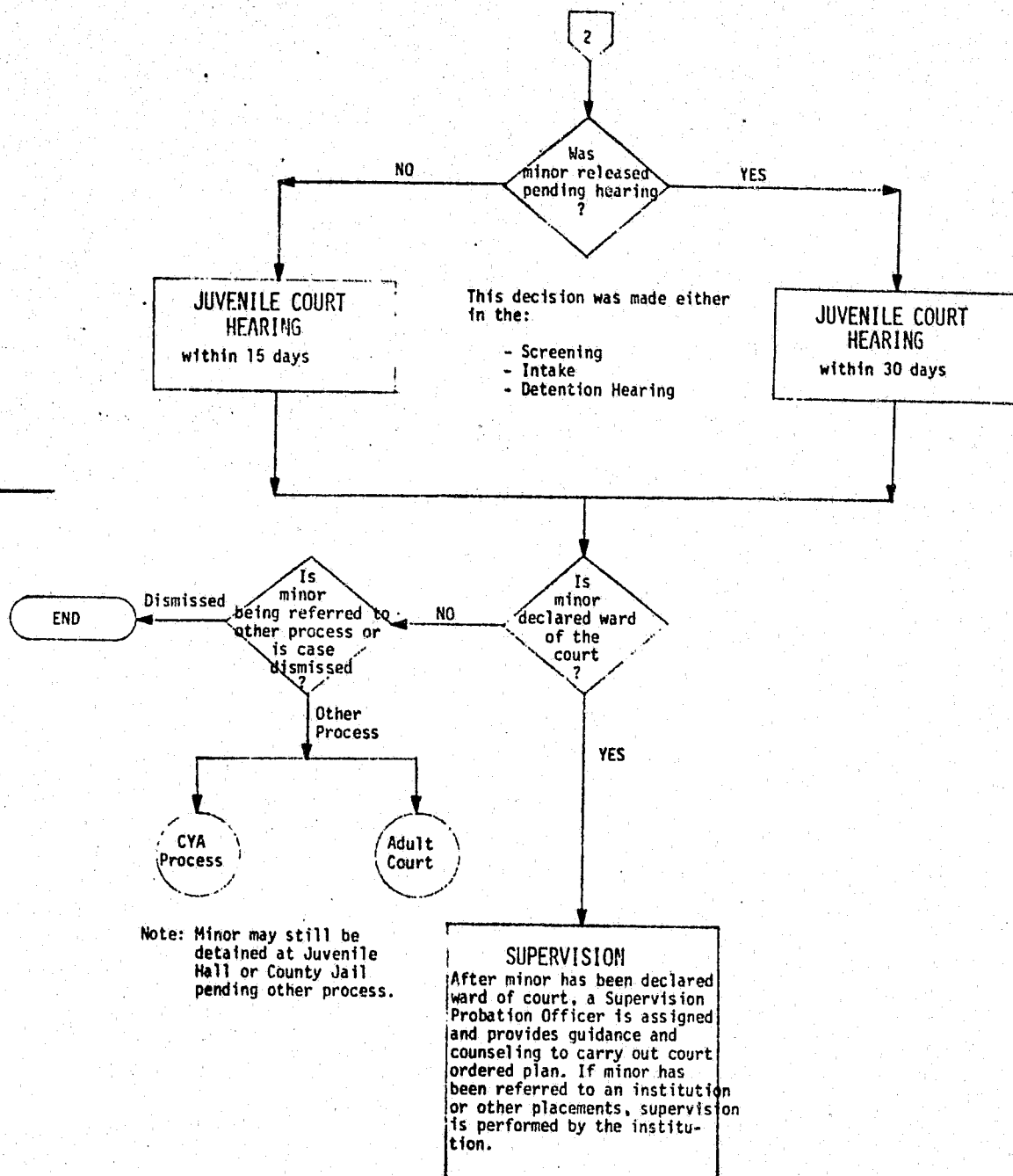
JUVENILE JUSTICE SYSTEM
PROCESSING FLOWCHART

PRE - ADJUDICATION STAGE



ADJUDICATION STAGE





A P P E N D I X B

A.B. 958 CRITERIA

A.B. 958 CRITERIA

With the enactment of A.B. 3121 in 1977, the law prohibited status offenders from being detained in a secure facility. However, the passage of A.B. 958 in 1978 prescribed certain situations in which a status offender could be detained in a secure facility. These circumstances include the following:

1. The minor may be detained for up to 12 hours while determining whether there are any outstanding warrants or holds against the minor, when the arresting or Probation Officer has cause to believe so.
2. The minor may be detained for up to 24 hours in order to locate the minor's parent or guardian for the minor's return.
3. The minor may be detained for up to 72 hours in order to locate the minor's parent or guardian, when the parent or guardian resides outside of the state where the minor was taken into custody, and the return of the minor is not arranged within the 24-hour period, described above, because of distance or difficulty in locating the parent or guardian.

A P P E N D I X C

CAREER DELINQUENT PROGRAM:RACINE, WISCONSIN

CAREER DELINQUENT PROGRAM
RACINE, WISCONSIN

Program Defined

A Career Delinquent Program (CDP) is simply a systematic and uniform procedure whereby juvenile recidivists who pose an on-going threat to the community are identified as early as possible, and subsequently afforded priority over other offenders by the police, the prosecutor, the court, and all after-care agencies.

Program Goals and Objectives

The adoption of such a program would provide several advantages:

- A. Provide early and needed identification of serious, habitual juvenile offenders.
- B. Concentrate the resources of the juvenile justice system in a united effort to deal swiftly and efficiently with serious juvenile recidivists.
- C. Eliminate or reduce pre-trial delays, case dismissals, plea bargaining, sentence reduction, etc., when dealing with serious recidivists.
- D. Remove from the community and/or rehabilitate the juvenile offender whose conduct demonstrates that he/she has become, or is becoming a career delinquent.
- E. Set an example for, and act as a deterrent to, other would-be delinquents by demonstrating the swift consequences of repeated criminal behavior.
- F. Reduce juvenile crime, and subsequently adult crime, by more efficiently and effectively dealing with serious, habitual juvenile offenders prior to their becoming adult criminals.

Selection Criteria

Selection of cases for the Career Delinquent Program shall be based on the assignment of points to all juveniles who are apprehended and charged with offenses. No case shall be accepted into the program unless it first accrues a minimum of 12 points based on the following criteria.

- | | |
|---|--------|
| I. Felony Apprehensions | Points |
| A. Single felony apprehensions | |
| 1. The juvenile has been apprehended for, and there appears to be sufficient evidence to prove, that he/she committed an act that if committed by an adult would be a felony. | 4 |

B. Multiple felony apprehensions Points

1. The juvenile has been apprehended for committing multiple felonies and there appears to be sufficient evidence to prove the cases without the aid of and prior to any confession. The points assigned shall be for each separate offense. 4
2. The juvenile has been apprehended for a single felony, there is insufficient evidence to prove that he/she also committed other offenses, but the suspect subsequently confesses to having committed prior or concurrent additional felonies. The points to be assigned shall be for each separate offense. 1/2

II. Misdemeanor Apprehensions

A. Single misdemeanor apprehensions

1. The juvenile has been apprehended for a single misdemeanor violation and there appears to be sufficient evidence to prove that he/she committed the alleged offense. 2

B. Multiple misdemeanor apprehensions

1. The juvenile has been apprehended for multiple misdemeanor violations and there appears to be sufficient evidence to prove that he/she committed the offenses without the aid of and prior to any confessions. The points assigned shall be for each separate offense. 2
2. The juvenile has been apprehended for a single misdemeanor violation, there is insufficient evidence to prove that he/she committed other offenses, but the suspect subsequently confesses to having committed prior or concurrent additional misdemeanors. The points to be assigned shall be for each separate offense. 1/4

III. Additional Assigned Points

- A. When a juvenile has been apprehended for committing an act that if committed by an adult would be a felony or a misdemeanor, and any of the following factors are present said case shall be assigned additional points for each offense.

Points

1. The juvenile has been apprehended for a felony and said juvenile already has felony charges pending against him/her for previously committed offenses. 2
 2. The apprehended juvenile has misdemeanor charges pending against him/her for previously committed offenses. 1
 3. The apprehended juvenile was on parole, probation or supervision for previously committed offenses at the time of his/her apprehension. 1
 4. There is evidence to show that the apprehended juvenile used a weapon during the execution of the offense. 1
 5. The victim of the offense for which the juvenile was apprehended sustained injury during the execution of the offense. 1
- B. Upon notification of a juvenile apprehension, the commanding officer of that division shall cause a record search to be made to determine any, as well as the number of prior apprehensions, where the offender was found to be guilty. Points shall be assessed according to criteria established when first taking an offender into custody.

Operational Guidelines

The career Delinquent Program shall be monitored by the Commander of the Police Juvenile Division as follows:

I. Records

A. Name card files

1. A name card file shall be kept on each juvenile offender, and said card shall contain a record of the CDP points accrued by each offender.
2. When the number of accrued points totals 12 or more, the name card shall be placed in a separate CDP file, and a replacement card of a different color bearing the juvenile's name will be placed in the original file.

B. CDP file

1. The CDP file shall contain a complete record of the progress of the case, its final disposition, its success or failure in terms of new offenses committed after entry into the program, and any other pertinent data.

C. Statistical data

1. A statistics file shall be maintained wherein is recorded (without names) the following information:
 - a. The number of first entry participants in a given year.
 - b. The number of second and subsequent entry participants in a given year.
 - c. The age, sex and race of the participants in first and subsequent entry levels within a given year.
 - d. The overall success rate of the program in terms of additional offenses committed by participants after entry into the program.

II. Juvenile Apprehensions

A. In-custody apprehensions

1. When a juvenile is taken into custody for an offense during operational hours of the Juvenile Division, the division commander or his designated subordinate shall be contacted.
 - a. The Juvenile Division personnel shall check the CDP points accrued by the apprehended juvenile.
 - b. If the apprehended offender's accrued points (including the present apprehension) total 12 or more, Juvenile Division personnel will seek immediate incarceration of the subject through a juvenile court intake worker.
 - c. The Juvenile Division commander will then contact the juvenile prosecutor, apprise him/her of the facts of the case and provide said prosecutor with all documentary information, such as arrest sheets, supplementary reports, etc., that pertain to the case.
2. When a juvenile is taken into custody for an offense during non-operational hours of the Juvenile Division, the apprehending officers shall follow the normal procedure of handling juvenile offenders without benefit of checking the offender's CDP points.
 - a. The Juvenile Division commander will later review the offender's CDP points.

- b. If the offender's points total 12 or more, and the offender has been released, the division commander will seek an apprehension and detention order for the subject's immediate incarceration through a juvenile court intake worker.
- c. The division commander will then contact and apprise the juvenile prosecutor of the facts of the case and provide him/her with all necessary documentary information on the case.

B. Non-custody apprehensions

- 1. When a juvenile is apprehended for and charged with an offense but not taken into custody, the following shall prevail.
 - a. The Juvenile Division commander will review the offender's CDP points.
 - b. If the offender's points total 12 or more, the commander will seek an apprehension and detention order for the subject's immediate incarceration through the juvenile court intake worker.
 - c. The commander will then contact and apprise the juvenile prosecutor of the facts of the case and provide him/her with all necessary documentary information on the case.

III. Juvenile Court Intake Workers

- A. Upon being notified by the commander of the Police Juvenile Division or his designated subordinate that a juvenile has been taken into custody for and/or charged with a provable offense that brings his/her accrued CDP points to a total of 12 or more, the intake worker shall, unless it is legally impossible, do the following:
 - 1. If the juvenile offender is already in custody, order his/her incarceration in the Racine County Detention Home or the Racine City Jail.
 - 2. If the offender is not in custody, issue an order for his/her apprehension and incarceration.
 - 3. Bring the matter to the attention of the juvenile court judge and the juvenile prosecutor.
 - 4. Recommend to the court that the offender be kept under incarceration until his/her case has been disposed of in court.

IV. Juvenile Prosecutor

- A. When the juvenile prosecutor is notified by the Police Juvenile Division commander that a juvenile has been apprehended for an offense, and that said juvenile has now accrued 12 or more CDP points, the juvenile prosecutor shall do as follows:
1. He shall immediately or as soon as possible file a delinquency petition on the apprehended juvenile.
 2. He shall afford the case priority over cases with less than 12 CDP points.
 3. He shall recommend that the offender be incarcerated until his case is disposed of in court.
 4. He shall see that the case is prosecuted to the fullest extent of the law and shall not engage in pre-trial dismissals, plea bargaining, reduced sentence recommendations, etc.
 5. He shall make every effort to expedite the case through the court system as swiftly as is legally possible.
 6. He shall keep the Police Juvenile Division commander apprised of the progress of the case through the court system, including the final disposition.

A P P E N D I X D

RECOMMENDED DETENTION STANDARDS:
NATIONAL ADVISORY COMMITTEE ON
JUVENILE JUSTICE AND DELINQUENCY PREVENTION (1976)
AND
A COMPARATIVE ANALYSIS OF STANDARDS
AND STATE PRACTICES: PRE-ADJUDICATION
AND ADJUDICATION PROCESSES (1977)

REFERENCE: Report of the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice, 1976, pp. 79-94.

3.15

Detention, Release, and Emergency Custody

3.151

Purpose and Criteria for Detention and Conditioned Release—Delinquency

WRITTEN RULES AND GUIDELINES SHOULD BE DEVELOPED BY THE AGENCY RESPONSIBLE FOR INTAKE SERVICES TO GOVERN DETENTION DECISIONS IN MATTERS SUBJECT TO THE JURISDICTION OF THE FAMILY COURT OVER DELINQUENCY.

A JUVENILE ACCUSED OF A DELINQUENCY OFFENSE SHOULD BE UNCONDITIONALLY RELEASED UNLESS DETENTION IN A SECURE OR NONSECURE FACILITY OR IMPOSITION OF CONDITIONS ON RELEASE IS NECESSARY TO PROTECT THE JURISDICTION OR PROCESS OF THE FAMILY COURT; TO PREVENT THE JUVENILE FROM INFLECTING SERIOUS BODILY HARM ON OTHERS OR COMMITTING A SERIOUS PROPERTY OFFENSE PRIOR TO ADJUDICATION, DISPOSITION, OR APPEAL; OR TO PROTECT THE JUVENILE FROM IMMINENT BODILY HARM.

IN DETERMINING WHETHER DETENTION OR CONDITIONED RELEASE IS REQUIRED, AN INTAKE OFFICER SHOULD CONSIDER:

- a. THE NATURE AND SERIOUSNESS OF THE ALLEGED OFFENSE;
- b. THE JUVENILE'S RECORD OF DELINQUENCY OFFENSES, INCLUDING WHETHER THE JUVENILE IS CURRENTLY SUBJECT TO THE DISPOSITIONAL AUTHORITY OF THE FAMILY COURT OR RELEASED PENDING ADJUDICATION, DISPOSITION, OR APPEAL;
- c. THE JUVENILE'S RECORD OF WILLFUL FAILURES TO APPEAR AT FAMILY COURT PROCEEDINGS; AND
- d. THE AVAILABILITY OF NONCUSTODIAL ALTERNATIVES, INCLUDING THE

PRESENCE OF A PARENT, GUARDIAN, OR OTHER SUITABLE PERSON ABLE AND WILLING TO PROVIDE SUPERVISION AND CARE FOR THE JUVENILE AND TO ASSURE HIS OR HER PRESENCE AT SUBSEQUENT PROCEEDINGS.

IF UNCONDITIONAL RELEASE IS NOT DETERMINED TO BE APPROPRIATE, THE LEAST RESTRICTIVE ALTERNATIVE SHOULD BE SELECTED. RELEASE SHOULD NOT BE CONDITIONED ON THE POSTING OF A BAIL BOND BY THE JUVENILE OR BY THE JUVENILE'S FAMILY, OR ON ANY OTHER FINANCIAL CONDITION. A JUVENILE SHOULD NOT BE DETAINED IN A SECURE FACILITY UNLESS THE CRITERIA SET FORTH IN STANDARD 3.152 ARE MET.

Sources

See generally, Daniel Freed, Timothy Terrell, J. Lawrence Schultz, Proposed Standards Relating to Interim Status, Standards 3.2 and 4.6. (IJA/ABA, Draft, September 1975); National Advisory Commission on Criminal Justice Standards and Goals, Corrections Section 8.2(7)(b) (U.S. Government Printing Office, Washington, D.C., 1973).

Commentary

Although exact figures are not yet available, it is estimated that over 15,000 juveniles are held in American jails and detention centers on any given day. See Children in Custody: Advance Report on the Juvenile Detention and Correctional Facility Census of 1972-1973 (LEAA, Washington, D.C., May 1975); Rosemary Sarri, Under Lock and Key: Juveniles in Jails and Detention (National Assessments of Juvenile Corrections, Ann Arbor, Michigan, 1974). Recent studies have shown that the rate of detention, the person making and reviewing the initial decision to detain or release a juvenile, and the reasons for detention vary greatly from jurisdiction to jurisdiction. Standards 3.151 to 3.158 seek to define and limit the purposes for

holding juveniles in custody or conditioning their release pending adjudication, disposition, and appeal to clarify the responsibility for making and reviewing custodial decisions and to specify the criteria on which such decisions should be based. It is the intent of these standards that most juveniles subject to the jurisdiction of the family court over delinquency, noncriminal misbehavior, and neglect and abuse be released to the custody of their parents, guardian, or primary caretaker without imposition of any substantial restraints on liberty and, when this is not possible, that the least restrictive alternative be employed.

This standard, together with Standard 3.152, sets out the purposes for which restraints may be imposed on the liberty of a juvenile subject to the jurisdiction of the family court over delinquency and recommends criteria to be employed in determining whether such restraints are necessary. The term "detention" is intended to refer to placement of a juvenile in a facility or residence other than his home pending adjudication, disposition, or appeal. A secure facility is intended to denote a facility "characterized by physically restrictive construction with procedures designed to prevent the juveniles from departing at will." Freed, Terrell and Schultz, supra, Standard 2.10. A single family foster home is an example of a nonsecure facility. More precise definitions will be included in subsequent standards.

The initial recommendation in Standard 3.151 is that written rules and guidelines be developed in order to promote consistency in detention and release decisions. See e.g., Florida Department of Health and Rehabilitative Services, Manual: Intake for Delinquency and Dependency Juvenile Programs, sections 5.4-5.4.8 and 5.5-5.5.1 (Tallahassee, 1976). The

Advisory Committee on Standards recommends the development of rules and guidelines governing decisions regarding detention and release of juveniles in delinquency cases as an action that States can take immediately, without a major reallocation of resources, to improve the administration of juvenile justice. Although the guidelines are to be promulgated by the agency responsible for intake services of the family court, the police and other affected components of the juvenile justice system should participate in their development. Cf. Standards 3.143 to 3.145. Consolidation of administrative control over the intake and detention decisionmaking in one agency is recommended to enhance accountability and reduce the confusion and inconsistency that have occurred when several agencies, departments, or units have been authorized to make initial detention/release decisions. However, decisions to detain should be subject to mandatory review by a family court judge within 24 hours and the terms of release should be subject to judicial review on the request of the juvenile or the juvenile's family. See Standards 3.155 and 3.156.

Although emphasizing that most juveniles should be released without the imposition of substantial restraints on their liberty, the standard indicates that such restraints may be imposed to prevent a juvenile from fleeing or being taken out of the jurisdiction or to protect the juvenile or the community. See, e.g., Standards and Guides for Detention of Children and Youth, (National Council on Crime and Delinquency, 1961); Uniform Juvenile Court Act, Section 14 (National Conference of Commissioners on Uniform State Laws, 1968); Model Act for Family Courts, Section 20 (U.S. Department of Health, Education, and Welfare, Washington, D.C., 1975); Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 12.7

(July 1976); Freed, Terrell and Schultz, supra. The criteria set forth in Standard 3.152 are intended to limit the circumstances in which juveniles may, in furtherance of these purposes, be placed in secure detention.

Although preventive detention has been a highly controversial issue in adult criminal cases, the imposition of high bail has often been used to achieve the same purpose. Preventive detention of juveniles, in one form or another, is allowable under the juvenile codes of a substantial number of States and has been approved by the National Advisory Committee, Courts, supra, 298-299 (to protect person or properties of others); the Model Act for Family Courts, supra (release presents a clear and substantial threat of a serious nature to the person or property of others); the Uniform Juvenile Court Act (to protect the person and property of others); Standards and Goals Task Force for Juvenile Justice, supra (to prevent infliction of bodily harm on others or intimidation of any witness); and the IJA/ABA Joint Commission, Freed, Terrell and Schultz, supra (prevent infliction of serious bodily harm on others). But see National Advisory Commission on Criminal Justice Standards and Goals, Corrections, Section 8.2(7) (1973). Because of the difficulty of predicting future conduct, the adverse impact of incarceration on a juvenile, and the cost of detention, the standard recommends that secure detention should be an available alternative in only certain specified situations. In addition, juveniles can only be confined for their own protection in a secure facility if they request such confinement in writing "in circumstances that present an immediate danger of serious physical injury." See Freed, Terrell and Schultz, supra, Standard 6.7(a).

To provide further guidance, the standard suggests four sets of considerations relevant to the decision regarding what, if any, restraints should be imposed. These relate directly to the purposes enumerated above and to the criteria for secure detention discussed in Standard 3.152. See also Standard 3.143. In order to assure that the juvenile's rights are protected, Standard 3.155 provides that the detention hearing must include a judicial determination of probable cause, and Standard 3.158 recommends weekly review of decisions to continue detention to assure that confinement is still necessary.

Finally, the standard, in accordance with the position adopted by the President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Juvenile Delinquency and Youth Crime, 36 (U.S. Government Printing Office, Washington D.C., 1967); the Standards and Goals Task Force on Juvenile Justice, supra, Standard 12.12; and the IJA/ABA Joint Commission, Freed, Terrell, and Schultz supra, recommends that a juvenile's release not be conditioned on the posting of a bail bond or any other financial condition. As stated in the commentary to the Task Force provision:

A juvenile is unlikely to have independent financial resources which he could use to post bail. Even if he did have such resources, he could not sign a binding bail bond because a minor is not ordinarily liable on a contract. Consequently, the youth would have to depend on his parents or other interested adults to post bond in his behalf. If an adult posted bond, the youth's incentive to appear would arguably be defeated, since he would not personally forfeit anything upon non-appearance. On the other hand, a parent might refuse to post

bail and force the youth to remain in detention. Finally, financial conditions discriminate against indigent juveniles and their families.

State practices with regard to bail vary widely. A substantial number, however, by statute or decision, provide accused delinquents with a right to bail. It was the conclusion of the Advisory Committee on Standards that the recommended procedures are more in keeping with the purposes of the family court than bail, will more adequately protect juveniles against unwarranted restraints on their liberty, and will not be subject to the abuses and injustices that have occurred in the adult criminal justice system as a result of reliance on bail and other financial conditions for release. See National Advisory Commission, Courts, supra, Section 4.6; ABA, Standards Relating to Pretrial Release, Section 1.2(c) (Approved Draft, 1969).

Related Standards

3.152
3.153
3.154
3.155
3.156
3.157
3.158
3.171

3.152

Criteria for Detention in Secure Facilities—Delinquency

JUVENILES SUBJECT TO THE JURISDICTION OF THE FAMILY COURT OVER DELINQUENCY SHOULD NOT BE DETAINED IN A SECURE FACILITY UNLESS:

a. THEY ARE FUGITIVES FROM ANOTHER JURISDICTION;

b. THEY REQUEST PROTECTION IN WRITING IN CIRCUMSTANCES THAT PRESENT AN IMMEDIATE THREAT OF SERIOUS PHYSICAL INJURY;

c. THEY ARE CHARGED WITH MURDER IN THE FIRST OR SECOND DEGREE;

d. THEY ARE CHARGED WITH A SERIOUS PROPERTY CRIME OR A CRIME OF VIOLENCE OTHER THAN FIRST OR SECOND DEGREE MURDER WHICH IF COMMITTED BY AN ADULT WOULD BE A FELONY, AND:

i) THEY ARE ALREADY DETAINED OR ON CONDITIONED RELEASE IN CONNECTION WITH ANOTHER DELINQUENCY PROCEEDING;

ii) THEY HAVE A DEMONSTRABLE RECENT RECORD OF WILLFUL FAILURES TO APPEAR AT FAMILY COURT PROCEEDINGS;

iii) THEY HAVE A DEMONSTRABLE RECENT RECORD OF VIOLENT CONDUCT RESULTING IN PHYSICAL INJURY TO OTHERS; OR

iv) THEY HAVE A DEMONSTRABLE RECENT RECORD OF ADJUDICATIONS FOR SERIOUS PROPERTY OFFENSES; AND

e. THERE IS NO LESS RESTRICTIVE ALTERNATIVE THAT WILL REDUCE THE RISK OF FLIGHT, OR OF SERIOUS HARM TO PROPERTY OR TO THE PHYSICAL SAFETY OF THE JUVENILE OR OTHERS.

Source

See generally, Daniel Freed, Timothy Terrell, J. Lawrence Schultz, Proposed Standards Relating to Interim Status, Standards 6.6 and 6.7 (IJA/ABA, Draft, September 1975).

Commentary

This standard describes the circumstances in which a juvenile subject to the jurisdiction of the family court over delinquency may be detained in a secure facility. It is intended to limit secure detention to those instances in which no less restrictive alternative is sufficient to protect the juvenile, the community, or the jurisdiction of a family court.

Under subparagraph (a), juveniles who have fled from a jurisdiction in which a delinquency complaint or petition is pending against them may be detained in a secure facility unless nonsecure detention, conditioned or unconditioned release would be sufficient to significantly reduce the risk of flight.

Subparagraph (b) recommends that protective custody be permitted only on the juvenile's written request coupled with circumstances that

indicate that the juvenile is in immediate danger of serious physical injury. Such danger is intended to be more than being on the streets at night or the possibility that the juvenile may be harmed if he/she continues to get into trouble. See Freed, Terrell and Schultz, supra, Commentary to Standard 5.7. Protective custody provisions have sometimes functioned as convenient excuses for holding a child in custody because of other reasons or the lack of less restrictive facilities. Such a practice would not be authorized under the standard. If the juvenile is endangered by his parents, guardian, or primary caretaker in one of the ways set forth in Standard 3.113, a neglect or abuse action may be appropriate.

Subparagraph (c) recommends that secure detention be permitted but not required when a juvenile is charged with first or second degree murder. This provision is somewhat analogous to the statutes in some States prohibiting adults charged with a capital offense from being released on bail.

Under subparagraph (d), commission of a crime of violence short of murder but still equivalent to a felony, e.g., manslaughter, rape, or aggravated assault, is not in itself sufficient to detain a juvenile. The juvenile must also have, for example, a demonstrable record of committing violent offenses that result in physical injury to others or be on conditioned release or in detention pending adjudication, disposition, or appeal of another delinquency matter. Similarly, being charged with a serious property offense, e.g., burglary in the first degree or arson, must be coupled with a demonstrable record of adjudications for serious property offenses. The term "demonstrable record" is not intended to require introduction of a certified copy of a prior adjudication order, but should include more than allegations of prior misconduct. In order to protect the juvenile's

rights and to assure that the decision to detain a juvenile in a secure facility was made in accordance with this standard and Standard 3.151, related standards recommend that a detention hearing be held before a family court judge within 24 hours and, if detention is continued, that it be subject to judicial review every 7 days. See Standards 3.155 and 3.158.

The standard differs significantly from the Freed, Terrell, and Schultz provisions on which it is based in four ways. First, it urges that the proposed strict criteria be limited to detention in secure facilities. Second, in view of the large number of burglaries and other serious property offenses committed by some juveniles, it does not restrict detention to juveniles accused of committing violent crimes. Third, the Freed, Terrell, and Schultz provision would limit the violent felonies other than murder, which would warrant secure detention, to those for which commitment to a secure correctional institution is likely. This added factor is omitted because it involves the type of prediction that the other criteria seek to avoid and because it may have a tendency to become a self-fulfilling prophecy. Fourth, the standard does not restrict the violent or serious property offenses, which would make a juvenile eligible for secure detention, to those occurring while the juvenile is subject to the jurisdiction or dispositional authority of the family court. However, the standard, like those approved by the IJA/ABA Joint Commission, is intended to prevent detention of juveniles in secure facilities because of the lack of less restrictive alternatives; because of the unavailability of a parent, relative, or other adult with substantial ties to the juvenile who is willing and able to provide supervision and care; or in order to provide "treatment." See also Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency, Standard 12.7 (July 1976).

3.155

Initial Review of
Detention Decisions

UPON DETERMINING THAT THE SUBJECT OF A DELINQUENCY COMPLAINT SHOULD BE DETAINED, THE INTAKE OFFICER SHOULD FILE A WRITTEN NOTICE WITH THE FAMILY COURT TOGETHER WITH A COPY OF THE COMPLAINT. THE NOTICE SHOULD SPECIFY THE TERMS OF DETENTION, THE BASIS FOR IMPOSING SUCH TERMS, AND THE LESS RESTRICTIVE ALTERNATIVES, IF ANY, THAT MAY BE AVAILABLE. A COPY OF THE NOTICE SHOULD BE GIVEN TO THE FAMILY COURT SECTION OF THE PROSECUTOR'S OFFICE, THE JUVENILE, AND THE JUVENILE'S ATTORNEY AND PARENTS, GUARDIAN, OR PRIMARY CARETAKER.

UNLESS THE JUVENILE IS RELEASED EARLIER, A DETENTION HEARING SHOULD BE HELD BEFORE A FAMILY COURT JUDGE NO MORE THAN 24 HOURS AFTER THE JUVENILE HAS BEEN TAKEN INTO CUSTODY. AT THAT HEARING, THE STATE SHOULD BE REQUIRED TO ESTABLISH THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT A DELINQUENT OFFENSE WAS COMMITTED AND THAT THE ACCUSED JUVENILE COMMITTED IT. IF PROBABLE CAUSE IS ESTABLISHED, THE COURT SHOULD REVIEW THE NECESSITY FOR CONTINUED DETENTION. UNLESS THE STATE DEMONSTRATES BY CLEAR AND CONVINCING EVIDENCE THAT CONTINUED SECURE OR NONSECURE DETENTION IS WARRANTED, THE COURT SHOULD PLACE THE JUVENILE IN THE LEAST RESTRICTIVE FORM OF RELEASE CONSISTENT WITH THE PURPOSES AND FACTORS SET FORTH IN STANDARD 3.151.

AT THE INCEPTION OF THE DETENTION HEARING, THE JUDGE SHOULD ASSURE THAT THE JUVENILE UNDERSTANDS HIS OR HER RIGHT TO COUNSEL, SHOULD APPOINT AN

ATTORNEY TO REPRESENT THE JUVENILE IF THE JUVENILE IS NOT ALREADY REPRESENTED BY COUNSEL, AND MEETS THE ELIGIBILITY REQUIREMENTS SET FORTH IN STANDARD 3.132.

IF DETENTION IS CONTINUED, THE FAMILY COURT JUDGE SHOULD EXPLAIN, ON THE RECORD, THE TERMS OF DETENTION AND THE REASONS FOR REJECTING LESS RESTRICTIVE ALTERNATIVES. IF THE TERMS DIFFER FROM THOSE IMPOSED BY THE INTAKE OFFICER, A WRITTEN COPY OF THOSE TERMS SHOULD BE GIVEN TO THE JUVENILE AND THE JUVENILE'S ATTORNEY AND PARENTS, GUARDIAN, OR CUSTODIAN.

NO DETENTION DECISION SHOULD BE MADE ON THE BASIS OF A FACT OR OPINION THAT HAS NOT BEEN DISCLOSED TO COUNSEL FOR THE STATE AND FOR THE JUVENILE.

THE SAME PROCEDURES AND TIME LIMITS SHOULD APPLY TO THE MATTERS UNDER THE JURISDICTION OF THE FAMILY COURT OVER NONCRIMINAL MISBEHAVIOR,* EXCEPT THAT THE TERMS OF DETENTION IN NONCRIMINAL MISBEHAVIOR CASES SHOULD BE ASSESSED AGAINST THE CRITERIA SET FORTH IN STANDARD 3.153.

*The National Advisory Committee on Juvenile Justice and Delinquency Prevention does not concur with the recommendation of the Advisory Committee on Standards regarding jurisdiction over noncriminal misbehavior. See Commentary to Standard 3.112.

Sources

See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 12.11 (July 1976); see also Daniel Freed, Timothy Terrell, J. Lawrence Schultz, Proposed Standards Relating to Interim Status, Standard 4.3, 7.7-7.8 (IJA/ABA, Draft, September 1975), Fred Cohen, Proposed Standards Relating to Dispositional Procedures, Standard 2.4(a) (IJA/ABA, Draft, May 1975).

Commentary

This standard recommends that the decision to detain the subject of a complaint filed pursuant to the jurisdiction of the family court over delinquency and noncriminal misbehavior should be judicially reviewed within 24 hours of the time at which the subject of the complaint was taken into custody. It recommends further that this review take place during a hearing at which the detained person is entitled to counsel and at which the State is required to prove that there is probable cause to believe the allegations in the complaint are true.

All of the recent national standards-setting or model legislative efforts recommend that there be an opportunity for judicial review of detention decisions. The Model Act for Family Courts, Section 23 (U.S. Department of Health, Education, and Welfare, Washington, D.C., 1975); the Uniform Juvenile Court Act, Section 17 (National Conference of Commissioners for Uniform State Laws, 1968); the President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Juvenile Delinquency and Youth Crime, 37 (U.S. Government Printing Office, Washington, D.C., 1967); and the National Advisory Commission on Criminal Justice Standards and Goals, Courts, Section 14.2 (U.S. Government Printing Office, Washington, D.C., 1973), as well as

the IJA/ABA Joint Commission, Freed, Terrell and Schultz, supra, and the Standards and Goals Task Force on Juvenile Justice, supra, recommend that such hearings be mandatory. Most States provide for and many require a detention hearing.

Provisions regarding the time period in which such hearings should be held vary. All but one of the groups recommending a mandatory detention hearing propose that such hearings be held within 48 hours of arrest. The Uniform Juvenile Court Act, supra, sets a 72-hour limit. State provisions range from no specifications as to time, to the requirements in Texas and in the District of Columbia that detention hearings be held within 24 hours.

Determining what time limit should be applied involves balancing two sets of competing interests. On the one hand, the intake officer needs time to gather the information necessary to make the intake and detention decisions and to prepare the necessary paper work, see Standards 3.143, 3.144 and 3.151, and the family court section of the prosecutor's office must have some opportunity to prepare the evidence and contact the witnesses for the probable cause determination at the detention hearing. On the other hand, there is the harsh impact that even brief detention may have on a juvenile, especially when he/she is placed in a secure facility, and the corresponding need to assure as quickly as possible that such detention is necessary. Although it is recognized that the 24-hour period (including holidays and weekends) proposed in this standard will cause some difficulty in those few cases in which it is necessary to detain a juvenile, especially in rural areas, the cost of detention both to the juvenile and the taxpayers warrants such a stringent prescription.

Procedurally, the standard proposes that intake officers prepare a notice as soon as possible after making the decision to detain that explains the restraints imposed, the less restrictive alternatives that were rejected, and the reasons for rejecting them. This explanation should be in terms of the purposes and criteria set forth in Standard 3.151. Together with the similar explanation to be provided by the judge in the event detention is continued, it is part of the effort throughout these standards to make discretionary decisions more consistent and open to review. See e.g., 3.143-3.145, 3.182-3.184, and 3.188. The notice, together with a copy of the complaint, are to be filed with the family court in order to provide a basis for the hearing and given to the parties in order to provide each side at least some opportunity to prepare. This procedure is comparable to that recommended by the IJA/ABA Joint Commission. Freed, Terrell and Schultz, supra.

As noted earlier, the standard recommends that the judge must find that there is a legally sufficient basis on which to hold the juvenile before reviewing whether detention is necessary. This is consistent with the Supreme Court's recent decision in Gerstein vs. Pugh, 420 U.S. 103 (1975). Unlike the Task Force provision, the standard does not bar the use of hearsay to show probable cause. This follows the majority view in Gerstein, supra, that the full panoply of adversary procedures need not apply to most probable cause determinations. Moreover, given the brief time available, it would be impractical to require the State to present a full slate of witnesses. However, the standard, together with Standard 3.171, goes beyond Gerstein in recommending that the subject of the delinquency or noncriminal misbehavior complaint be afforded the right

to counsel, to be present at the detention hearing, to present evidence, and to call and cross-examine witnesses. Although these procedures do "freight" juvenile proceedings with "trial-type procedures," Moss vs. Weaver, 525 F.2d 1258 (5th Cir., 1976), the significance of the detention decision for the juvenile makes such safeguards essential. The standard provides further that no information relied upon in deciding whether detention is to be continued should be withheld from the attorney for the State, the attorney for the juvenile, and in noncriminal misbehavior proceedings the attorney for the juvenile's parents, guardian, or primary caretaker. See Standards 3.131-3.133. This is in keeping with the recommendations for broad disclosure by all participants of the proceedings throughout these standards. See Standards 3.167 and 3.187. Whether potentially harmful information should be revealed to the juvenile or the juvenile's parents or parental surrogate, is left to discretion of counsel.

The procedures for review of decisions to place juveniles alleged to have been neglected or abused in emergency custody are discussed in Standard 3.157.

Related Standards

3.151
3.152
3.153
3.156
3.157
3.158
3.161
3.171

1. Issue Title: Pre-trial Detention--Should the functions of pre-trial detention in delinquency cases include "preventive detention," or should detention be used only if necessary to assure the juvenile's presence at future court proceedings? If "preventive detention" is appropriate at the pre-trial stages of delinquency proceedings, for which preventive purposes should it be allowed:

A. "Therapeutic Detention"

1. To protect the person of the juvenile,
2. to protect the property of the juvenile,
3. to protect the moral/education welfare of the juvenile,

B. "Public Protection"

4. to protect the persons of others,
5. to protect the property of others,
6. to protect the moral/educational welfare of others?

2. Description of the Issue

The issue is what criteria should govern detention before trial in delinquency proceedings in the light of the purposes of such detention. These purposes may or may not be the same as the purposes of pre-trial detention of criminal defendants.

3. Summary of Major Positions:

All of the six major standards-promulgating organizations surveyed favor allowing some kinds of preventive detention in delinquency proceedings. All would allow preventive detention to protect the youth's personal safety, but the IJA/ABA Juvenile Justice Standards Project would restrict this power to instances when the youth himself requests it. Only the National Advisory Commission and the Uniform Juvenile Court Act allow preventive detention to protect the youth's property. The H.E.W. Model Act, the National Advisory Commission, the Uniform Juvenile Court Act, and the N.C.C.D. Standard Act would all seem to permit it to protect the youth's moral/educational welfare. Although all the groups approve detention to protect the personal safety of others, the IJA/ABA restricts such detention to cases where "serious bodily harm" is anticipated, and both HEW and NCCD similarly qualify the standard. The President's Task Force, the National Advisory Commission, the H.E.W. Model Act, and the Uniform Juvenile Court Act allow preventive detention to protect property of others--the IJA/ABA clearly would not. It is not clear whether any of the groups would permit detention to protect the community from "moral injury."

Of the thirteen jurisdictions surveyed, eleven (California, Colorado, District of Columbia, Minnesota, Mississippi, North Dakota, New York, Ohio, Pennsylvania, Tennessee and Texas) permit preventive detention while Maine and Massachusetts do not define the reasons for pre-trial detention. Since the latter two jurisdictions do not limit the purpose of detention to insuring the youth's appearance before the court, they probably do permit preventive detention.

4. Summary of Surveyed State Statutes:

Statutory Approach	Number of States	Names of States
I. Allows preventive detention		
A. To protect the person of the juvenile;	10	CA, CO, DC, MN, MS, ND, OH, PA, TN, TX
B. to protect the property of the juvenile;	5	ND, OH, PA, TN, TX
C. to protect the moral/educational welfare of the juvenile;	8	CA, CO, DC, ND, OH, PA, TN, TX
D. to protect the persons of others;	11	CA, CO, DC, MN, MS, NY, ND, OH, PA, TN, TX
E. to protect the property of others;	10	CA, CO, DC, MN, NY, ND, OH, PA, TN, TX
F. to protect the moral/educational welfare of others.	Not clear, subject to varying interpretation.	
II. Does not specify reasons for pre-trial detention	2	ME, MA

5. Summary of Positions of Standards Groups:

NAC (1973)	NCCD Standard Act (1959)	HEW Model Act (1974)	Recommended IJA/ABA (1975)	Uniform Juvenile Court Act (1968)
<p>The <u>Courts</u> volume declines to recommend detention criteria, but suggests in commentary: "Such detention is necessary to protect the person or property of others, or to protect the person or property of the child himself; to provide supervision and care for the child when there is no other feasible way of providing it...."</p> <p>The <u>Corrections</u> volume says detention should be considered a last resort, and used only where the juvenile has no parent or other person able to provide supervision and care for him and able to assure his presence at subsequent judicial hearings.</p>	<p>Permits preventive detention.</p> <p>"Children apprehended for delinquency should be detained for the juvenile court when after proper intake interviews, it appears that case work by a probation officer would not enable the parents to maintain custody and control, or would not enable the child to control his own behavior."</p> <p>Recommends detaining "children who are almost certain to commit an offense dangerous to themselves or to the community before court disposition...."</p>	<p>Recommends preventive detention when:</p> <p>"(1) The child has no parent, guardian, custodian, or other suitable person able and willing to provide supervision and care for such child; or</p> <p>(2) The release of the child would present a clear and substantial threat of a serious nature to the person or property of others ... or,</p> <p>(3) The release of such child would present a serious threat of substantial harm to such child."</p>	<p>Allows preventive detention for the purposes of "preventing the juvenile from inflicting serious bodily harm on others during the interim period and protecting the accused juvenile from imminent bodily harm upon his or her request...."</p> <p>(Standards on Interim Status, Draft 1974).</p>	<p>Recommends preventive detention "to protect the person or property of others or of the child.... or because he has no parent, guardian, or custodian, or other person able to provide supervision and care for him...."</p>

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Summary of Positions:

I. To protect the person of the juvenile - 5	IV. To protect the persons of others - 5
II. To protect the property of the juvenile - 2	V. To protect the property of others - 3
III. To protect the moral/educational welfare of the juvenile - 4	VI. To protect the moral/educational welfare of others - subject to interpretation.

6. Analysis of the Issue:

In debates on the criminal justice system, the issue of "preventive detention" has been most controversial. The Eighth Amendment, and similar provisions in every state constitution, have generally been regarded as restricting the legal use of pre-trial detention to the single purpose of ensuring the accused's presence at the trial; if (in noncapital cases) release on bail or other conditions will ensure the accused's presence, he may not be kept in detention. Although the law and practice of juvenile justice have long approved the "preventive detention" of youths, that issue has generated little controversy. As the above comparative analysis shows, legislatures and standard-setting groups have unanimously approved the practice of incarcerating youths charged with the commission of criminal delinquent acts, on the ground that detention is necessary to prevent the youth from committing other harmful acts. As discussed by Levin and Sarri (p. 25), detention is authorized not only to "prevent escape," but for "public protection" and "therapy." Under "therapy" should be included the prevention of harm to the juvenile's property and person, including his moral and psychological welfare.

Recently, several courts have had to judge the argument that to deny juveniles the right to release on bail constitutes a denial of Equal Protection under the Fifth and Fourteenth Amendments, because similarly situated criminal defendants are given the right to pre-trial release. Under pressure of such arguments, some courts have construed the detention criteria of their juvenile court legislation as substantially "equivalent" to criminal procedure laws which afford the right to release on bail. They have accordingly disapproved the use of preventive detention. /See Doe v. State, 487 P.2d 47 (Alas 1971)/.

The arguments in favor of pre-trial detention on grounds of public protection and protection of the youth are not identical. "Therapeutic detention" is grounded in the theory of parens patriae: the state has the power and responsibility to detain a youth whose predicted conduct or environment threatens his own physical, psychological and moral well-being. Preventive detention based on "protection of the public" is based primarily on the adversary notion that the state must be permitted to protect its citizens against the predicted conduct of the youth. But, it can be connected to the theory of parens patriae by the argument that it endangers the youth's own welfare to engage in anti-social conduct for which he may incur various kinds of liabilities.

The opposing arguments must also distinguish between preventive detention for purposes of public protection, and for purposes of "therapy." The arguments against incarcerating juveniles expected to commit future acts harmful to the public are essentially the

same as those articulated by opponents of preventive detention in the criminal process. (See, e.g., N.A.C. Corr. Std. 4.5, and Commentary at p. 125). These principally focus on our inability to make reliable predictions of future conduct, and the very high individual and social costs of preventive incarceration based on erroneous predictions. These difficulties apply to predictive decisions about juveniles as well as adults.

The arguments against preventive detention in order to protect the youth against himself or his environment are more complex. A major problem is that "therapeutic detention" may be used as a disguise for detention actually motivated by public protection. In order to discourage this abuse, it might be appropriate to prohibit "therapeutic detention" in delinquency proceedings, and to restrict the detention criteria in delinquency cases to those applicable in criminal cases--i.e., no detention unless necessary to ensure the youth's appearance for trial. (See, e.g., N.A.C. Corr. Std. 4.5, and Commentary at p. 125). If a youth's anticipated conduct upon release would endanger his physical, moral or psychological well-being, it might be sounder to proceed against him as a neglected child or one in need of supervision. A similar argument applies to therapeutic detention grounded not in the anticipated fear of the youth's own conduct, but out of apprehension for the dangers posed by the environment to which he would be released--e.g., if he were released to a parent who was threatening him. Such situations arguably justify only shelter care, not detention.

If therapeutic detention is approved in delinquency cases, consideration might be given to narrowing the scope to exclude detention solely to avoid endangering the youth's own property, as currently permitted in some jurisdictions.

7. Task Force Standards and Rationale:

The Task Force's conclusions as to the appropriate criteria for pre-adjudicatory detention of juveniles in delinquency cases are set forth in Standard 12.7.

A juvenile should not be detained in any residential facility, whether secure or open, prior to a delinquency adjudication unless detention is necessary:

1. To insure the presence of the juvenile at subsequent court proceedings; or
2. To provide physical care for a juvenile who cannot return home because he has no parent or other suitable person able and willing to supervise and care for him adequately; or

3. To prevent the juvenile from harming or intimidating any witness, or otherwise threatening the orderly progress of the court proceedings; or
4. To prevent the juvenile from inflicting bodily harm on others; or
5. To protect the juvenile from bodily harm.

A detained juvenile should be placed in the least restrictive residential setting adequate to serve the purposes of his detention.

The Task Force clearly felt that the state's powers and responsibilities as parens patriae justified the use of such detention in juvenile cases. But it felt these powers could be (and have been) abused and should be subject to clearly defined controls. Therefore, it proposed the five detention criteria outlined above and, e.g., excluded the predicted commission of property offenses as a ground for detention. Moreover, the commentary to the Standard emphasizes that the requirement that detention be found "necessary" to achieve one of these five criteria

implies consideration of alternative arrangements which might be devised to serve the same goals. For example, detention for the purpose of ensuring the youth's presence in court might be avoided if an arrangement for increased supervision by family or community resources could be substituted.

(See also Standard 22.4 which vests responsibility for the detention decision with intake personnel and Standards 12.8 through 12.10 relating to pre-adjudicatory custody in Families with Service Needs and Endangered Child cases.)

END