

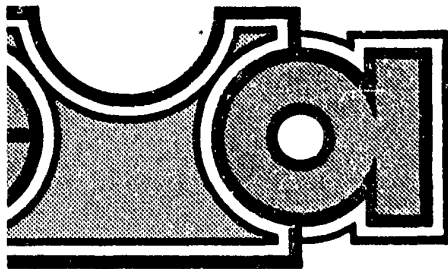
AB 3121 IMPACT EVALUATION

FINAL REPORT

EXECUTIVE SUMMARY

January 1980

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YOUTH AUTHORITY**

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CALIFORNIA YOUTH AUTHORITY

JANUARY 1980

AB 3121 IMPACT EVALUATION

EXECUTIVE SUMMARY

Chapter 1071, Statutes of 1976 (AB 3121) was implemented on January 1, 1977. AB 3121 changed the juvenile court's handling of criminal offenders (602 WIC juvenile offenders) by: (a) introducing a prosecuting attorney to file all 602 petitions and attend all hearings; (b) requiring rules of evidence in juvenile proceedings; and (c) reviewing hearing criteria to ease the movement of 16- and 17-year-old violent offenders to adult court. The law was also designed to encourage an alternative approach to dealing with status offenders (601s) by mandating the deinstitutionalization of 601s and allowing for more probation and community services.

In 1977, the California Youth Authority developed a proposal to study the impact of AB 3121. This two-year project was approved by the Office of Criminal Justice Planning, and began July 1, 1977. Its main goal was to increase agreement among funding agencies, juvenile justice personnel, legislators, and the correctional community concerning the effects of major provisions of AB 3121 on the juvenile justice system and delinquent youth. Three specific objectives were established:

1. Increase knowledge of the impact of AB 3121 on the criminal justice system.
2. Increase knowledge of the impact of AB 3121 on delinquent youth, including serious, as well as minor offenders.
3. Identify model alternative programs that could assist local criminal justice agencies in implementing AB 3121.

To achieve these objectives, four study areas were identified as being of special importance: (a) changes in the processing of youth by police, probation, and the juvenile court; (b) the handling of runaways; (c) the detention process; and (d) the handling of 16- and 17-year-old violent offenders.

Data for this project were collected from four principal sources: (a) a record search of cohorts (study groups) of youth prior to and subsequent to the start of AB 3121; (b) a substudy record search of cohorts of 601 youth from two study counties, prior to and after the start of AB 3121; (c) interviews with selected county personnel; and (d) aggregate data from information systems of state and local agencies.

In the main record search, data were collected on two randomly selected groups, a 1976 and 1977 cohort. This information was gathered from law enforcement files in eight selected California counties. The CYA study, conducted in five northern counties, involved 2,738 youths (1,421 in 1976 and 1,317 in 1977). The University of Southern California study, conducted in three southern counties, involved 1,107 youths (600 in 1976 and 507 in 1977). These cohorts were followed through probation to determine what changes, if any, occurred in the juvenile justice processing of youth as a result of AB 3121. Twelve-month followup data on rearrests and re-referrals were also collected for both cohorts in the northern counties.

In addition to the main cohort study, we selected and studied separate subsamples of subjects referred to each of two probation departments for status offenses during 1976 and 1977. The purpose of this substudy was to focus more closely on the effects of AB 3121 on status offenders.

To assess the perceived effects of AB 3121, 68 interviews were conducted with key justice system and community agency personnel. These

interviews were also aimed at augmenting the cohort data and addressing areas that could not be handled by those data alone.

To describe statewide, pre- and post-AB 3121 differences in numbers and proportions of offenders, we collected data from the Bureau of Criminal Statistics, the Judicial Council, Los Angeles County Probation Department, and the Department of Finance. These data, which covered time-periods before and after implementation of AB 3121, included 601 and 602 WIC arrests, bookings, probation intake, detention intake, detention hearings, length of detention, probation dispositions, petitions filed and sustained, and remands.

The main findings pertaining to criminal offenders (602 WIC) are as follows:

602 Offenders

Law Enforcement Handling

Statewide BCS data indicated that 602 arrests and law enforcement referrals to probation dropped slightly each year from 1974 through 1978. The total drop in 602 arrests from 1974 through 1978 was 15%, and the total drop in law enforcement referrals to probation during that same period was 9%. The drop in law enforcement referrals was more noticeable in Los Angeles County than in the rest of the state (the latter showed a slight increase in 1977).

From our main record search, we found that, overall, there were no differences in the use of dispositional alternatives for the 1977 subjects, as compared to the 1976 cohort, although it was found that slightly longer investigation reports were generated.

Detention Handling

Despite decreasing admissions statewide average daily juvenile hall population dropped only slightly in 1977, and returned to a pre-AB 3121 level in 1978. It seems obvious that the decreasing admissions were largely due to the decline, and then the elimination, of status offenders. Populations were maintained by increased lengths of stay, but we do not know whether AB 3121 was responsible for this. We do know that admissions for serious crimes increased slightly in 1977 and that admissions for court commitment increased rather substantially in 1977.

Interview data indicated that detention hearings were somewhat more formal and legalistic, and that home supervision was used only sparingly in the study counties.

Probation Intake Handling

In the state, less Los Angeles, BCS initial 602 referral to probation data indicated: (a) a slight increase in total referrals and (b) a slight increase in numbers and proportions of 602 petitions filed in the two years following AB 3121. In Los Angeles County the total 602 probation referral data indicated: (a) a slight decrease in 602 referrals over the entire time-period (1974-1978), and (b) very little difference in the proportionate use of dispositional alternatives over the time-period.

From our northern county cohort data we found that severity of offense became a better predictor of probation intake disposition after AB 3121. As the severity of instant offense increased, the use of "dismissal" as a dispositional option decreased. There was an increase in the filing of petitions for the three most serious offense groups and a corresponding decrease in petition filing in the two least serious offense categories.

Southern county cohort data on intake dispositions showed that, overall, 602s were disposed of more severely in 1977 than in 1976. In 1977, 53% of all 602 referrals had a petition filed compared to 37% in 1976. These data suggest some variation in the effects of AB 3121 on the intake dispositions of 602 probation referrals in the state.

Juvenile Court Handling

For the state, less Los Angeles, there was a fairly sharp increase in 602 petitions handled by the juvenile court after AB 3121, but the proportionate use of each dispositional option did not change much. For example, a larger number but about the same proportion of petitions resulted in wardship. In Los Angeles County, on the other hand, 602 petitions handled by juvenile court actually declined a bit in 1977, but a greater proportion of these petitions ended up at a jurisdictional hearing (were not dismissed).

Northern county cohort data on final dispositions indicate that the proportion of subjects who received the most severe disposition (wardship) was more closely related to the severity of offense in 1977 compared to 1976. Southern county cohort data indicated that a slightly lower proportion of petitions were dismissed and a slightly higher proportion of petitions were disposed of with wardship in 1977.

Interview data indicated that the juvenile court setting became more formal, and essentially adversary in nature, as a result of AB 3121. Plea bargaining was far more prevalent than before passage of the Bill.

Subsequent Arrest and Referral

No significant differences were found in the subsequent criminal behavior of the 1976 and 1977 northern 602 cohorts. In 1976, 39% of the

subjects were rearrested; in 1977, the figure was 38%. In 1976, 51% of the 602 northern probation sample were re-referred, while in 1977, the figure was 52%.

We will now summarize the findings for status offenders (601 WIC).

601 Offenders

Law Enforcement Handling

Statewide BCS data indicated a dramatic drop in 601 arrests and law enforcement referrals to probation after passage of AB 3121.

Six of the eight cohort study counties showed a significant decrease in the proportion of 601 arrests in 1977 as compared to 1976.

From our main record search, we found that northern law enforcement dispositions of 601s showed a much larger proportion of cases delivered to nonsecure probation facilities and a much smaller proportion to juvenile halls in 1977 compared to 1976. The southern cohort law enforcement dispositions showed a much larger proportion of 601s released and a much smaller proportion cited to probation in 1977 compared to 1976.

Detention Handling

Statewide BCS and Judicial Council data show an abrupt drop in arrests, law enforcement referrals to probation, secure detentions and in detention hearings for 601s. Secure detention has been all but eliminated, except for 602 probationers who commit 601 violations.¹

¹Since September, 1978, a limited amount of secure detention of 601s has been allowed under subsequent legislation.

Probation Intake Handling

Excluding Los Angeles, statewide initial 601 referrals to probation declined dramatically after passage of AB 3121--from 33,178 in 1976 to 16,600 in 1977. In Los Angeles County, the drop was even sharper--from 7,965 in 1976 to 1,755 in 1977.

Our cohort study showed that law enforcement referrals to probation dropped dramatically, but that intake dispositions were generally similar for those who were referred. However, in the northern counties a greater proportion were referred to probation diversion services in 1977.

Our 601 substudy data from two northern counties indicated that non-law enforcement referrals to probation diversion programs increased in 1977 and that the vast majority of these referrals were handled at the diversion level.

Community Services Handling

In both the main cohort study and the substudies of two northern counties (Sacramento and Placer), it was found that officially processed 601s were rarely referred to community programs by law enforcement and probation. One percent of the 1976 law enforcement cohort and none of the 1977 cohort were referred to community programs as a dispositional alternative. In the five northern study counties, probation referred 1.6% of its study cases to community programs in 1976 and 7.5% in 1977. No 601s were referred to community programs in the Placer County subsample, while 8% of the 1976 Sacramento County subsample and 7% of the 1977 subsample were referred for such service.

Juvenile Court Handling

Statewide data show that 601 petitions decreased steadily since 1974. However, the sharpest decrease (54%) occurred in 1977, the year in which AB 3121 became effective.

Many 601s in the northern study sample who are processed through the justice system and ultimately disposed of in court by placement on probation were also found to have committed 602 offenses before or after referral to probation. In 1976, 31% of the 601 cohort youths placed on probation by the juvenile court were found guilty of a 602 offense; in 1977 45% were found guilty of a 602 offense. These youths would probably have been handled less formally if a 602 offense had not been involved.

Interview data indicate that probation departments are now reluctant to file 601 petitions. Exceptions are sometimes made for cooperative youth who need out-of-home placement.

Subsequent Arrest and Referral

There were no significant differences in rate of subsequent arrests and referrals between the 1976 and 1977 northern county study groups: 47% of the study subjects were rearrested in 1976, compared to 46% in 1977; while, 60% of the 601 northern probation sample in 1976 were re-referred, compared to 59% in 1977.

In summary, since AB 3121 first became law, the provisions of this Bill have been largely implemented. In general, the impact of these provisions has been in the expected direction: arrests of 601s have decreased; 601s have not been housed in secure facilities (during the study period); 602 dispositions have become more severe for the more serious offenses; and the

involvement of the district attorney in the filing of 602 petitions has resulted in a court setting more like that of the adult court. At least three issues remain to be satisfactorily resolved: (a) occasionally insufficient alternative 601 programming and funding; (b) secure versus nonsecure detention of 601s who resist family counseling or foster care; and (c) the remand process, which does not necessarily facilitate the movement of violent offenders to adult court in the manner originally expected.

However, we found no evidence to indicate that these changes have as yet had any effect on arrest rates, the percentage rearrested and/or re-referred before and after the Bill's implementation being virtually identical.

END