

CHAPTER 1

Introduction

A. BACKGROUND AND CHARGE OF THE JUVENILE DELINQUENCY COURT ASSESSMENT

The Family and Juvenile Law Advisory Committee of the Judicial Council of California is charged with advising the Judicial Council on issues related to children and families. The advisory committee identifies issues and concerns confronting judicial administration regarding family and juvenile procedure, practice, and case management and makes recommendations to the Judicial Council for appropriate solutions and responses. On an ongoing basis the advisory committee (1) reviews pending legislation and makes recommendations as to whether the Judicial Council should support or oppose it, (2) reviews suggestions from the public for improving the administration of family and juvenile cases and recommends appropriate action to the Judicial Council or one of its committees, and (3) proposes to the Judicial Council changes in rules, forms, and standards for family and juvenile cases. In the delinquency arena, the advisory committee works to improve the quality of justice and services available to meet the needs of youth and families who appear in delinquency court, the victims of juvenile offenders, and the larger community.

The Juvenile Delinquency Court Assessment (JDCA) is the court's first comprehensive research study of how the superior courts of California handle delinquency matters.¹

Previous efforts related to delinquency in which the Family and Juvenile Law Advisory Committee and the AOC have assisted involved only limited research focused primarily on probation. In 2002, CFCC surveyed California's probation

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departments in an effort to document the prevalence of balanced and restorative justice practices throughout the state.² In 2000 through 2003, the Probation Services Task Force conducted a study of California's probation structure, governance, and funding sources. This effort necessitated retaining consultants to assess key probation measures, both nationally and in select study counties; surveying court and county leaders, chief

¹ This report refers to superior courts handling juvenile delinquency matters as "juvenile delinquency courts."

² The results of this survey are cataloged, and information about available practices provided, in *Balanced and Restorative Justice: An Information Manual for California* (2006), <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/BARJManual3.pdf>.

probation officers, district attorneys, and public defenders on the governance of and services provided by probation; and convening informal focus groups of juvenile and adult probationers.³ As a follow-up, CFCC conducted a survey of chief probation officers, the first of a series of research projects proposed in the *Probation Services Task Force Final Report*. The study quantifies the array of juvenile and adult probation services available across counties, including information on how probation services are staffed and funded, and uses the task force recommendations to identify gaps in services.⁴

In addition, the Family and Juvenile Law Advisory Committee has taken a leadership role in working with local superior courts to improve the handling of dependency cases. These efforts include a major research project that culminated in the 2005 *California Juvenile Dependency Court Improvement Program Reassessment (CIP Reassessment)*.⁵ The federal government required this assessment from all states that receive Court Improvement Program funding from the U.S. Department of Health and Human Services. The assessment is a statewide, comprehensive examination of the juvenile dependency court, with recommendations for system reforms that have been guiding the work of the Family and Juvenile Law Advisory Committee, AOC projects, and juvenile dependency courts since its publication.

The Family and Juvenile Law Advisory Committee recognized the value of conducting an in-depth, research-based assessment and requested a similar study of the delinquency court that would identify the areas that are working well and those issues that pose challenges for the courts and court users. The goal was to collect statewide empirical research to establish a baseline of information for court improvement and develop recommendations for systemic improvements.

This assessment examined the courts' handling of juvenile delinquency cases in a comprehensive manner. To guide the assessment, the Family and Juvenile Law Advisory Committee convened a working group composed of members of the advisory committee, experts drawn from state entities, and the major participants in the juvenile delinquency court: judges, court staff, probation officers, prosecutors, and defense attorneys.⁶ Working group members were selected both for their subject matter expertise and to

³ The AOC, in partnership with the California State Association of Counties, created the Probation Services Task Force in 2000 to study California's probation system. A copy of the final report is available at <http://www2.courtinfo.ca.gov/probation/report.htm>.

⁴ The study quantifies the array of juvenile and adult probation services available across counties, including information on how probation services are staffed and funded, and uses the task force recommendations to identify gaps in services. The report is available at <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/PSTFSurvey2006.pdf>.

⁵ This assessment is available at <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/CIPReassessmentRpt.pdf>.

⁶ A roster of working group members is located on page viii.

ensure representation from a cross-section of the state in terms of geographic location and county size. The working group developed the study plan, guided the research, and interpreted the findings. The committee is grateful for the time and commitment dedicated by working group members in conducting this assessment.

B. REPORT OVERVIEW

This report is divided into two parts. Volume 1 contains the executive summary and a comprehensive final report that brings together the research findings with recommendations. In this volume, chapter 1, the current chapter, provides an introduction to the assessment and the report. Chapter 2 addresses the quality of court hearings and other issues at the court case level. Chapter 3 discusses the availability and quality of services and sanctions available to the court and probation. In chapter 4, managerial and leadership issues central to the functioning of a well-run court are presented, including court accountability, collaboration, and facilities. Chapter 5 describes the background of the key professionals who work in the court system. That chapter also describes how youth, parents, communities, judicial officers, and justice partners⁷ view the juvenile justice system. Chapter 6 summarizes the report and discusses possible next steps in implementing the recommendations.

The final recommendations are presented in chapter 7, and they also appear at the end of the chapter that they best match with. Some recommendations are supported by preexisting AOC or outside research, as noted in the text. Other recommendations are in alignment with existing recommended practices, in particular standard 5.40 of the California Standards of Judicial Administration and the key principles of model juvenile delinquency courts published in *Juvenile Delinquency Guidelines: Improving Court Practice in Juvenile Delinquency Cases*.

Volume 2 contains briefing documents on the various research efforts that informed this work. These documents focus on the methodology of the study; detailed results of the judicial officer, prosecutor, defense attorney, and probation officer surveys and focus groups; a review of juvenile court facilities; and focus groups with court users (youth, parents, victims, and community members). These data sources served as the foundation for the findings and recommendations contained in volume 1, and readers are encouraged to consult these briefing documents for detailed tables and a more in-depth discussion of the findings. In addition, volume 2 contains the survey instruments and facilities checklist.

⁷ Justice partners refers to all professional groups who are involved in the juvenile delinquency system. In this report, it often refers only to the justice partners whom we surveyed or interviewed.

C. UNIQUE NATURE OF JUVENILE COURT

Minors under the jurisdiction of the juvenile court as a consequence of delinquent conduct shall, in conformity with the interests of public safety and protection, receive care, treatment, and guidance that is consistent with their best interest, that holds them accountable for their behavior, and that is appropriate for their circumstances. This guidance may include punishment that is consistent with the rehabilitative objectives of this chapter. . . . When the minor is no longer a ward of the juvenile court, the guidance he or she received should enable him or her to be a law-abiding and productive member of his or her family and the community.⁸

Courts handling juvenile matters within the superior court system, related to either dependency or delinquency, are unique in a variety of ways. Juvenile courts handle cases involving those under age 18, either as alleged victims of abuse or neglect or as alleged offenders, and proceedings are generally confidential.⁹ Juvenile court is the only division of the superior court that is statutorily required to have a presiding judge oversee administrative matters.¹⁰ Importantly, judges hearing juvenile matters are guided by standard 5.40 of the California Standards of Judicial Administration. This standard asks judges to sit in juvenile court for at least three years, both to allow them to gain expertise in this ever-changing and complex area of the law and to strive for continuity as a child or youth's case proceeds through the system. Further, this standard encourages judges to actively engage with the local community to ensure that the purpose of juvenile court is met. Specifically, subsection (e) states that

Judges of the juvenile court, in consultation with the presiding judge of the juvenile court and the presiding judge of the superior court, to the extent that it does not interfere with the adjudication process, are encouraged to

1. Provide active leadership within the community in determining the needs of and obtaining and developing resources and services for at-risk children and families. At-risk children include delinquents, dependents, and status offenders.

⁸ Cal. Welf. & Inst. Code § 202(b). This statute sets forth the purpose of juvenile court.

⁹ Although most juvenile proceedings are confidential, Cal. Welf. & Inst. Code § 676 opens to the public hearings concerning petitions related to specifically enumerated offenses (such as murder, armed robbery, and kidnapping).

¹⁰ Cal. Welf. & Inst. Code § 246.

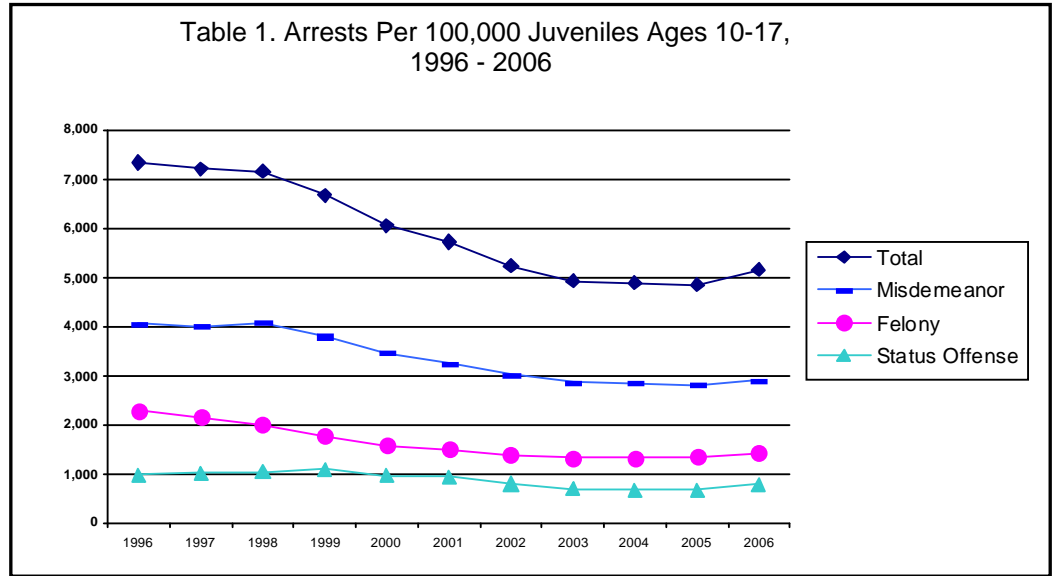
2. Investigate and determine the availability of specific prevention, intervention, and treatment services in the community for at-risk children and their families.
3. Exercise their authority by statute or rule to review, order, and enforce the delivery of specific services and treatment for at-risk children and their families.
4. Exercise a leadership role in the development and maintenance of permanent programs of interagency cooperation and coordination among the court and the various public agencies that serve at-risk children and their families.
5. Take an active part in the formation of a communitywide network to promote and unify private and public sector efforts to focus attention and resources for at-risk children and their families.
6. Maintain close liaison with school authorities and encourage coordination of policies and programs.
7. Educate the community and its institutions through every available means, including the media, concerning the role of the juvenile court in meeting the complex needs of at-risk children and their families.
8. Evaluate the criteria established by child protection agencies for initial removal and reunification decisions and communicate the court's expectations of what constitutes "reasonable efforts" to prevent removal or hasten return of the child.
9. Encourage the development of community services and resources to assist homeless, truant, runaway, and incorrigible children.
10. Be familiar with all detention facilities, placements, and institutions used by the court.
11. Act in all instances consistent with the public safety and welfare.

D. JUVENILE JUSTICE IN CALIFORNIA AND NATIONAL TRENDS

In order to understand California's delinquency system, one must understand both the statewide and national context in which this system operates. This section sets forth a statistical overview of the system, along with current and national trends.

1. Statistical Overview

There were 232,849 juvenile arrests in 2006, or 5,168 per 100,000 youth ages 10–17.¹¹ Twenty-eight percent of arrest charges were felonies, 56 percent were misdemeanors, and 16 percent were status offenses.¹² Girls comprised 26 percent of the juvenile arrestee population in 2006. Fifty percent of arrestees were Hispanic, 27 percent were white, 17 percent were black, and 6 percent were other racial and ethnic groups. Seventy percent were ages 15–17, 28 percent were 12–14, and 2 percent were under 12.



In 1996, there were 7,234 juvenile arrests per 100,000 youth ages 10–17. That population-adjusted arrest rate declined steadily over the decade and ultimately fell by one-third by 2005 (to a rate of 4,869) before reversing itself in 2006. The felony arrest rate declined more sharply over the decade, and its rise in 2006 was somewhat steeper as well. Status offense arrest rates fluctuated slightly over the decade but did not exhibit the same pattern as felony and misdemeanor arrest rate patterns, suggesting that policy decisions, rather than juvenile actions only, affect that rate.

Eighty-nine percent of 2006 juvenile arrest were referred to the probation department (the rest were counseled and released). About three-quarters of the arrests were new for referrals and the rest were for subsequent referrals.¹³ The probation department diverts

¹¹ California Department of Justice, Criminal Justice Statistics Center. *Crime in California, 2006*; available at <http://ag.ca.gov/cjsc/publications/candd/cd06/preface.pdf> (accessed Apr. 9, 2008).

¹² *Ibid.* Status offenses were defined as truancy, incorrigibility, running away, and curfew violations.

¹³ California Department of Justice, Criminal Justice Statistics Center. Data from forthcoming *Juvenile Justice in California, 2006*.

some cases and refers others to the district attorney's office. Of the 232,849 arrests in 2006, 104,059 cases were filed with juvenile court.¹⁴

In juvenile court, if a petition is found to be true, dispositions include having the youth return home under some form of probation supervision; home detention; commitment to a juvenile hall, camp, or other placement options;¹⁵ or commitment to the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities.¹⁶ In 2006, 721 youth¹⁷ were committed to the Division of Juvenile Facilities. The institution's overall population of 2,962 in 2006 marks a steady decrease since 1997, for a total reduction of two-thirds.¹⁸

In 2006, 654 youth had their cases directly filed in (adult) criminal court. Another 374 youth underwent "fitness hearings" and 263 of those were found unfit to have their cases heard in juvenile court and were remanded to criminal court.¹⁹

2. Current Juvenile Justice Efforts, Nationally and in California

Recent events, nationally and in California, highlight the varied efforts to improve the juvenile justice landscape.

In 2005 the National Council of Juvenile and Family Court Judges released *Juvenile Delinquency Guidelines: Improving Court Practice in Juvenile Delinquency Cases* (Delinquency Guidelines).²⁰ This publication is a comprehensive discussion of court procedures and various policy issues and contains recommendations for courts around the country to aspire toward. In fall 2005 it was released to the California courts, in

¹⁴ Delinquency court filings have seen a similar pattern to arrests, with the number decreasing from 1997 until 2003, then reversing to increase by 12 percent from 2003–2006. Status offense filings followed a more volatile pattern, but they account for only about 1–3 percent of the juvenile filings each year.

¹⁵ California Corrections Standards Authority, *Juvenile Detention Profile Survey* (4th Quarter, 2006). On an average day in 2006, 13,804 juveniles were in a secure local detention placement, with 50 percent in juvenile halls, 32 percent in camps, and 18 percent in other placements.

¹⁶ Effective July 1, 2005, Senate Bill 737 (Romero; Stats. 2005, ch. 10) abolished the Youth and Adult Correctional Agency, which consisted, in part, of the Department of Corrections and the Department of the Youth Authority, and created the Department of Corrections and Rehabilitation, which consists, in part, of the Division of Juvenile Facilities, the Division of Juvenile Programs, and the Division of Juvenile Parole. In this report, this entity is referred to as DJJ.

¹⁷ State of California Department of Corrections and Rehabilitation, Juvenile Justice Division. *First Commitment Characteristics: Calendar Year 2006* (n.d.).

¹⁸ *A Comparison of the Division of Juvenile Justice's Institution and Parole Populations: June 30 Each Year, 1997–2006*. (n.d.)

¹⁹ California Department of Justice, Criminal Justice Statistics Center. Data from forthcoming *Juvenile Justice in California, 2006*.

²⁰ National Council of Juvenile and Family Court Judges, *Juvenile Delinquency Guidelines: Improving Court Practice in Juvenile Delinquency Cases* (2005), <http://www.ncjfcj.org/content/view/411/411/> (accessed Apr. 9, 2008).

conjunction with a meeting that all juvenile court presiding judges were invited to attend and a presentation at the annual Beyond the Bench conference.²¹

In 2006, the American Prosecutors Research Institute, in collaboration with the National Center for Juvenile Justice, published the results of a demonstration project designed to show the value of measuring the performance of juvenile justice systems. The *Guide to Developing and Implementing Performance Measures for the Juvenile Justice System* highlights the results obtained by four jurisdictions that collected data across 10 performance measures.²² The project has shown that it is possible and desirable to measure the performance of juvenile justice systems and that doing so is important, not only to report progress to justice partners and the broader community but also to evaluate programs, inform funding decisions, and assist in resource allocation. As an example of this reporting, the probation agency in one jurisdiction publishes an annual report in its local newspaper identifying the percentage of restitution collected from and community service hours completed by youth on probation. Many jurisdictions, including some in California, have looked to this guide as a tool to help improve their local system. Several of the findings and recommendations in this report address the desire by probation and other justice partners to incorporate outcome measures and increased accountability to the public into their systemic improvement efforts.

In addition, the last few years have seen marked changes in the structure of the state-level youth correctional system. As part of the *Farrell v. Hickman*²³ lawsuit, in January

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2005 the state entered into a stipulated agreement in which it agreed to remedy serious, ongoing problems with conditions in juvenile facilities operated by the California Department of

Corrections and Rehabilitation (DJJ) that have been well documented in the media. The consent decree requires DJJ to provide wards with adequate and effective care, treatment, and rehabilitation services, including efforts aimed at reducing violence and the use of force, improving medical and mental health care, reducing the use of lockdown, and providing better education programs. On March 31, 2006, a team of national experts released the first in a series of comprehensive reports describing the

²¹ Beyond the Bench is a conference addressing issues related to both juvenile delinquency and dependency. Typical attendees include judicial officers, court administrators, attorneys, probation officers, social workers, and other professionals and court-related volunteers.

²² American Prosecutors Research Institute, *Guide to Developing and Implementing Performance Measures for the Juvenile Justice System* (2006); available at http://www.ndaa.org/pdf/performance_measures_jj_system_06.pdf (accessed Apr. 9, 2008). Some of those measures include process measures, such as youth participation in probation programs; intermediate outcomes, such as restitution payment, recidivism, and meeting other terms of probation; and long-term impacts, such as employment outcomes for youth and community crime rates.

²³ *Farrell v. Hickman*, no. RG 03079344 (Alameda County Sup. Ct., filed Jan. 16, 2003).

problems in California's DJJ facilities and portraying the system as both overly expensive and ineffective. The report recommended various reforms, including a new management structure, and urged the state to focus its efforts on reducing the level of violence in youth facilities.²⁴

In 2007 Governor Schwarzenegger signed Senate Bill 81 and Assembly Bill 191, a major juvenile justice reform package that shifts nonviolent juvenile offenders out of secure facilities operated by DJJ and into county facilities and programs.²⁵ Courts can now send juveniles to DJJ facilities only if they have committed an offense listed in section 707(b) of the California Welfare and Institutions Code (such as murder or robbery) or a specified sex offense (such as forcible rape), and paroled youth who were sent to DJJ facilities for something other than a section 707(b) offense or specified sex offense will return to the community under the supervision of local probation rather than DJJ parole. Further, youth currently in a DJJ facility who were committed for an offense other than a section 707(b) offense or specified sex offense can be recalled by the committing court and returned to a local program under probation supervision. This legislation will likely reduce the population in DJJ facilities, leaving primarily offenders who committed serious offenses and returning many difficult-to-manage youth with challenging issues to local officials for treatment and supervision. Because of Board of Corrections money made available in the late 1990s to build and remodel juvenile halls, some counties now have expanded or newly built detention facilities with more bed space that can accommodate some of the offenders who cannot be sent to DJJ and will remain under local jurisdiction.

As part of ongoing efforts to reform DJJ and examine youth corrections on a statewide basis, DJJ conducted a study in collaboration with the University of Southern California and the Chief Probation Officers of California. The project included a statewide survey of probation departments to gather information about the juvenile populations they serve, the risk and needs assessment tools being used around the state, and the continuum of services and sanctions available at the local level. The goal of the undertaking was to understand who is currently being served by the juvenile justice system, what services and sanctions they are receiving locally, what gaps in services exist, what populations cannot be served by local probation with current resources, and what the needs are of the youth being committed to state facilities. The final report is being released in phases, and relevant results and information from already published portions are included in this report.²⁶

²⁴ C. Murray, et al., *Safety and Welfare Plan: Implementing Reform in California*,(2006); available at http://www.cdcr.ca.gov/News/docs/DJJ_Safety_and_Welfare%20Plan.pdf (accessed Apr. 9, 2008).

²⁵ See Assem. Bill 81 and Sen. Bill 191, which can be accessed at <http://www.leginfo.ca.gov>.

²⁶ K. Hennigan, et al., *Juvenile Justice Data Project, Phase I: Survey of Interventions and Programs* (2007); available at http://www.cdcr.ca.gov/Reports_Research/docs/JJDPsurveyFinalReport.pdf (accessed Apr. 9, 2008).

At this time of great transition in California, when so much attention is focused on juvenile justice, it is important to take advantage of the opportunity to make recommendations for practical, significant, positive change. The Family and Juvenile Law Advisory Committee was mindful of these efforts and considered state and national reports and materials as appropriate while assessing California's delinquency system. Together, the courts, probation, and other juvenile justice partners can utilize all the various sources of information and research to develop and improve the processes, practices, and resources necessary to serve youth, families, and victims involved in the delinquency system, as well as the larger community.

E. PROJECT OVERVIEW

The JDCA marks the first major assessment of California's delinquency courts. The ultimate goal of the project was to improve both the administration of justice and the lives of youth, victims, and other community members affected by the delinquency system.

Areas of Inquiry

- ***Hearings and court processes***
- ***Court facilities***
- ***Court collaboration with justice partners***
- ***Sanction and service options for youth***
- ***Perspectives of court users***
- ***Education and training***
- ***Court accountability***
- ***Professional background and experience***

This report and its recommendations are the culmination of nearly two years of research focusing on California's delinquency courts. The assessment was designed to gather and provide information to help improve the juvenile delinquency system by making recommendations for changes in laws and rules of court; improvements in hearing management, judicial oversight, court facilities, and other aspects of court operations; caseload changes; and improvements in court services for all court users. The areas of inquiry included hearings and other court processes; court facilities; court

collaboration with justice system partners; sanction and service options for youth; perspectives of involved parties and interested groups (youth, parents, victims, community); education and training; court accountability; and professional background and experience of judicial officers and court professionals.

The assessment collected data at both the statewide and local jurisdiction levels. Statewide surveys were sent to all delinquency court judicial officers,²⁷ court administrators, prosecutors, public defenders, alternate defenders, and contract panel

²⁷ The term "judicial officers" refers to judges, commissioners, and referees.

attorneys²⁸ who were identified as working in juvenile delinquency courts, and to a random 20 percent sample of juvenile probation officers.²⁹

At the local level, the study focused on six study counties. These study counties were Los Angeles, Placer, Riverside, San Francisco, San Joaquin, and Siskiyou. Although research in these specific jurisdictions provided more thorough and nuanced information than the statewide surveys, the unique and diverse nature of the counties and of delinquency court itself means that individual county-level findings cannot be generalized to other California jurisdictions. However, these counties represent a mix of small, medium, and large; north, central, and south; and urban, suburban, and rural, as well as counties with diverse populations, ones experiencing rapid growth, and ones with relatively stable population sizes. Within these study counties, more in-depth interviews and focus groups were conducted with judges, court staff, prosecutors, defense attorneys, probation officers, youth on probation, parents of youth, victims of juvenile crime, and diverse groups of community members.³⁰

One of the first efforts was an examination of caseload practices. This effort, which began in 2006, was modeled after the successful Criminal and Family Caseload Management projects. The Delinquency Court Caseload Management project compiled a manual of effective caseload practices and workshops on court caseload management. The manual served as the curriculum for the workshops as well as a resource for all courts. Part of its content was gathered from a survey that was sent to all 58 courts. Twenty-eight courts provided detailed information about how they manage caseload, with an emphasis on describing practices that have been especially effective in their courts. Forty-seven courts responded to the second half of the survey, a series of multiple-choice questions that describe a variety of court features, such as services (interpreters, for example), access to information (via, for example, case management systems), facilities, and calendar structure. The caseload workshops presented court teams consisting of judicial officers, court staff, probation officers, prosecutors, and defense attorneys from all over the state with the opportunity to learn from one another and evaluate their own processes for managing delinquency cases and court calendars.

The goal of the project was to provide the participants from each county with an opportunity to develop an action plan to take back to their county to help improve their juvenile delinquency caseload management. To assist with this effort, the workshops

²⁸ Attorneys working in public defenders' offices and alternate public defenders' offices are salaried county employees. Contract panel attorneys are either salaried employees of law offices that have contracts with the county to provide these services or are solo practitioners with contracts.

²⁹ A few counties did not submit a list of defense attorneys or juvenile probation officers.

³⁰ Although multiple focus groups were conducted with each group, within each study county only a select number of focus groups were conducted.

aimed to provide participants with an understanding of the principles of caseload management and a knowledge of practices being used in counties of various sizes, as well as to offer an opportunity for participants performing the same role (judges, prosecutors, defenders, probation officers, and court staff) a forum to discuss common problems and identify areas in need of improvement. The caseload project uncovered many promising practices for managing court cases and calendars that are contained throughout this report as well as in the final report, titled *Developing Effective Practices in Juvenile Delinquency Caseload Management*.³¹

F. FUNDAMENTAL PRINCIPLES

Certain beliefs about the juvenile justice system served as the foundation for this project and its recommendations. These fundamental principles serve as core considerations for an effective system that meets the varied purposes of the juvenile court. Key was the belief that the juvenile court presiding judge must work with justice partners to ensure that the following fundamental principles are achieved:

1. The delinquency system must adhere to practices and procedures that comply with the law.
2. The delinquency system must be adequately staffed by judicial officers, attorneys, probation officers, court staff, and other professionals who have the tenure, dedication, education, training, and resources necessary to meet the needs of court users and the public.
3. The delinquency system must recognize that juvenile offenders are different from adult offenders and, while ensuring due process and accountability, must also address the developmental and social factors that contribute to delinquent behavior.
4. The delinquency system must recognize and respect the rights and role of victims.
5. The delinquency system must encourage and value community involvement.
6. The delinquency system must improve its effectiveness and accountability by adopting a practice of continual self-improvement that relies on goals, outcomes, measures, and reporting.

³¹ Greacen Associates, LLC, *Developing Effective Practices in Juvenile Delinquency Caseload Management* (2006); available at <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/Delinq/DevelopingEffective--JDCM.pdf>.

CHAPTER 2

Court Hearings

A. INTRODUCTION

This chapter focuses on the essential components of courtroom proceedings. Indispensable to the fair and appropriate treatment of juvenile delinquency matters are court hearings that are informed by timely, complete, and high-quality probation and assessment reports; are strengthened by knowledgeable and zealous legal advocates; take into account the perspectives of youth, families, and victims; and have sufficient time and staff to allow judicial officers to make informed and effective findings and orders. The data in this chapter come primarily from the survey of judicial officers, with some additional information from focus groups with justice partners and court users.

B. HEARING MANAGEMENT

Hearing continuances and delays can pose problems for the court and court users. They can cause cases to exceed statutory timelines; lead to unnecessary detention; delay accountability, rehabilitation, and victim restoration; waste resources such as the time of paid professionals; and cause youth, parents, and victims to forgo other obligations, such as school and work, while they wait in court, often for one-half or full days. Delays have the advantage, however, of allowing late-arriving information to be considered and enabling required parties to appear in court, thus ensuring that court hearings and orders are based upon full information and that cases are processed fairly. No empirical guidance exists for determining when the number of hearing delays becomes excessive, and assessing whether delays are warranted is a difficult exercise. There is a sense that too many delays may signify justice denied and too few may signify due process denied, but there is no precision to those values that can easily guide an assessment.

The survey data suggest that a minority of judicial officers and attorneys consider hearing delays to be a major problem in the courtroom, although only about one-half of judicial officers reported that they routinely get through their delinquency calendar to their satisfaction. Attorneys concurred, in closed-ended survey questions, that hearing delays are not a major problem in the courts. In focus groups and open-ended survey questions, however, it became clear that delays, continuances, and simply long waits are problematic for attorneys, probation officers, and court users.

Among justice partners, prosecutors expressed the most dissatisfaction with hearing delays. Prosecutors are generally dissatisfied with the number of hours they wait for court hearings in a day and with the number of hearing continuances. When asked to list the

top three ways in which the juvenile delinquency court could help the district attorney's office be more effective, a number of respondents commented that they would like the court to ensure that hearings start on time. Prosecutors also stated that the court should be more cognizant of the amount of wait time and the number of repeat trips to the courthouse experienced by victims and witnesses. Defense attorneys were less likely to indicate that hearing delays are a problem, although they are somewhat dissatisfied with the number of hours spent waiting for court hearings. Most judicial officers think hearing delays, per se, are either not a problem or are only a minor problem; however, there is often not enough time to get through a day's calendar. Probation officers are split in their feelings about continuances and other hearing delays. Forty-five percent think that delays and continuances are not particularly problematic; a similar percentage thinks they are a moderate or major problem.

There are similarities and differences in how judicial officers and justice partners evaluate the reasons for hearing continuances. All agree that delays in receiving information about the youth or case are the primary reason for delay. When asked to choose from a list the top reasons for continuances in uncontested hearings, judicial officers most frequently reported, in descending order, that the attorney is not ready; that other reports, persons, or information is not available; that the youth is not present at the hearing; and that probation reports are not available or filed in a timely way. The reason cited most frequently by prosecutors was that the defense attorney is not ready, followed by reports and other information not being available, other persons or information not being available, and the youth not being present in court. Defense attorneys reported that the most frequent causes of hearing delays and continuances are, in descending order, probation reports not being available, evaluation reports not being available, and other reports or information not being available. Given these responses, it is possible that a failure to receive reports on time may affect judicial officers' and prosecutors' perceptions of defense attorney readiness. Responses to open-ended questions on the surveys tended to indicate that prosecutors are the most disturbed by continuances, which are often granted at the request of defense counsel.

These survey data and the difficulty of appraising delays and continuance at the statewide level suggest that local courts should monitor trends in the frequency of, and stated reasons for, hearing delays and should monitor both how expeditiously hearings are completed and whether either efficiency or fairness is compromised by resource limitations. Judicial officers should also grant continuances only when good cause exists to do so.³² As will be explained later in this chapter and elaborated upon in chapter 5, courts also need to consider how they communicate with court users about hearing

³² Cal. Welf. & Inst. Code § 682.

continuances and delays, since court users often view continuances and poorly explained reasons for delays as a significant affront.

C. QUALITY OF LEGAL WORK

Because attorney advocacy is such an important component of fairness and justice, judicial officers were asked to assess it in their surveys. Attorneys reported on some circumstances that make providing high-quality attorney representation a challenge.

1. General Legal Work

Judicial officers rated their satisfaction with attorney performance on a large number of activities. Overall, judicial officers are satisfied with the performance of prosecutors and defense attorneys, and they do not consistently appraise one type of attorney more highly than another. At least 70 percent were satisfied with attorneys' pre- and postdispositional advocacy, appearance for scheduled hearings, knowledge of the facts of the case, and knowledge of the law. Among the activities that received lower satisfaction ratings, two are worth special mention: Judicial officers are relatively less satisfied with attorneys' knowledge about community resources and with the frequency with which defense attorneys visit with the youth.

Certain constraints make the work of attorneys difficult and could compromise the quality of their work. Although the assessment did not aim to enumerate all such constraints, it did ask attorneys some questions about challenges to the efficient processing of cases.³³ The findings suggest that the working conditions are important to attorneys, as their most frequent responses involved time, space, and caseload. When asked to list the top measures the court could take to improve their working lives, many defense attorneys cited the need to reduce large caseloads. Juvenile prosecutors are dissatisfied with the number of hearing continuances and the number of hours they wait in court every day for court hearings to commence. About one-third are dissatisfied with the timeliness with which cases are referred by probation and with the amount of time they have to prepare cases. In contrast, relatively few defense attorneys are dissatisfied with the number of hearing continuances; they do, however, share prosecutors' dissatisfaction with wait times in court. One-third of defense attorneys are dissatisfied with the timeliness with which they receive reviews and reports from probation. One-third are also dissatisfied with the adequacy of meeting rooms available for meeting with clients.

³³ The attorney surveys did ask respondents to list ways in which the juvenile court could help them do a better job. However, most respondents chose to focus their answers on what the courts could do to improve the juvenile justice system in general.

2. Postdispositional Defense Attorney Representation

The JDCA gathered data about issues involving postdispositional representation by defense attorneys, to determine how rule 5.663 is affecting postdispositional activities. Effective July 1, 2004, rule 5.663 clarified existing rules governing the responsibilities of delinquency defense attorneys, including during a case's postdispositional period.³⁴ These responsibilities include defending against allegations in all petitions filed in delinquency proceedings; representing youth at every stage of the proceedings; and advocating during hearings and after disposition that youth receive care, treatment, and guidance consistent with his or her best interest. Because the Family and Juvenile Law Advisory Committee was interested in whether this rule encourages increased postdispositional attorney representation, the assessment gathered data about these issues via the judicial officer survey, defense attorney survey, interviews with juvenile court presiding judges, and defense attorney focus groups. The aggregate data are somewhat inconsistent, suggesting that there are issues that affect only some jurisdictions or only some attorneys' offices.

Judicial officers expressed moderate satisfaction with the work of attorneys and probation officers during the postdispositional period. More than one-half are satisfied with the postdispositional review hearing process for nonplacement youth and with probation review reports. Fewer are satisfied with defense attorney visits and their requests to modify probation terms during the postdispositional period.

Defense attorneys were asked how frequently they engage in various postdispositional activities. A majority indicated that they always or often appear at review hearings and represent clients at violation of probation hearings. A majority also reported that they represent clients on new petitions.³⁵ Although nearly all attorneys reported that they provide clients with their contact information, only about one-half reported frequently maintaining client contact, and about one-fourth said that they frequently visit clients. Contract attorneys who work in juvenile delinquency half time or more reported similar levels of postdispositional activity, while those with more limited delinquency caseloads reported less frequent postdispositional activity.³⁶

³⁴ Cal. Rules of Court, rule 5.663, Responsibilities of Children's Counsel in Delinquency Proceedings. Also see "Effective Representation of Children in Juvenile Delinquency Court," a publication of the AOC and State Bar of California, at <http://www.courtinfo.ca.gov/programs/cfcc/pdf/effrepchildrenbro.pdf>.

³⁵ This practice seems to occur in an effort to ensure continuity of representation once an attorney has established a relationship with a client. But continued representation occurs only on a voluntary basis, as a minor's Sixth Amendment right to counsel is "offense specific" and applies only to the offense to which the right has attached, unless a new charge or offense is "inextricably intertwined" or "closely related" to the matter in which the right to counsel has attached. (*In re Robert E.* (2000) 77 Cal.App.4th 557, 561.)

³⁶ For the purpose of comparisons in this report, the term "contract attorney" is used to describe contract or panel conflict defenders only, and does not include attorneys who contract as the

The defense attorney survey also asked respondents to indicate, by choosing from a list, what obstacles prevented them from performing more extensive postdispositional representation. The most frequently reported obstacles were lack of time for follow-up, lack of funding for the postdispositional period, and lack of other resources. Attorneys added that they lose contact with clients when they change residences and telephone numbers.

Among the defense attorney survey respondents who have been practicing in the juvenile delinquency court since before the adoption of rule 5.663, approximately one-quarter indicated that they do more postdispositional work now than they did before the rule was adopted. Public defenders were twice as likely as contract attorneys to report that their postdispositional work has increased since the rule's passage (41 percent versus 19 percent). There is no baseline information regarding how many attorneys have needed to increase their postdispositional representation, so it is difficult to evaluate this finding.

Several illustrations from the assessment's interview and focus group data show that there has been a widely varied response to this rule. One public defender's office has hired social workers to follow up with youth, families, and service providers postdispositionally and stated that it is now doing enhanced postdispositional representation as well as filling in gaps in probation's responsibilities. One contract attorney from another office had not heard of rule 5.663 but, based on his description of his postdispositional representation, it seems to fully conform to the rule. Finally, a public defender said that her office is unsure of how to respond to the expectation of enhanced postdispositional representation, from both a substantive perspective and a financial one. Some attorneys are unclear about the circumstances under which they should follow-up with youth (wondering, for example, whether they should randomly check in with youth about their welfare, their legal needs, and whether the terms of probation are effective) and about which youth to attend to (for example, do they follow-up equally with youth who are home on probation, received deferred entry of judgment, and are at DJJ?). In courts where defense attorneys are having difficulty responding to rule 5.663, juvenile court presiding judges should consider outlining their expectations. Knowing the scope of the court's expectations would allow defense attorneys' offices to evaluate their capacity and resource needs.

county's public defender's office. Alternate public defenders and contract public defenders were not included in defense attorney comparison analyses, due to the low numbers of attorneys in these categories.

D. QUALITY OF PROBATION REPORTS

Judicial officers make court findings and orders after considering an array of information on a case, primarily from probation and attorneys, but also from youth, parents, victims, witnesses, service providers, and others. Judicial officers were asked about their satisfaction with the information contained in detention and jurisdiction/disposition reports from probation. They are generally satisfied with the quality of information they receive from probation, with some exceptions.

Judicial officers are generally more satisfied with the quality of information that is relatively easy for probation to obtain by the time of the hearing. For example, three-quarters of the respondents are satisfied with the information in the detention reports regarding prior delinquency record, and a slightly lower number are satisfied with information about alcohol and drug use and parents' feelings about a youth's detention. Judicial officers expressed less satisfaction with the quality of information in these reports regarding school life and adjustment and home life. By the time of the disposition, however, more are satisfied with the quality of information about school, home, drug use, and alcohol use. Dissatisfaction levels are very high regarding the quality of information at disposition about mental health assessments, individualized education programs (IEPs), and special needs.

Probation officers were asked about the challenges involved in writing reports or reviews in the time they are allotted. Among those who write reports or reviews, the most

Top Challenges for Completing Probation Reports and Reviews in the Time Allotted

- ***Cannot interview parents***
- ***Too much time away from other responsibilities***
- ***Cannot obtain school information***
- ***Cannot obtain mental health information***
- ***Cannot interview youth***

frequently cited work-related challenges to writing them in the time allotted were that they cannot interview parents, that report writing takes too much time away from their other responsibilities, and that they cannot obtain information from schools. Each of these reasons was cited by about one-half of respondents. One-third cited an inability to obtain information from mental health providers or an inability to interview youth as impediments to timely completion of reviews and reports. Probation officers and presiding judges of

the juvenile court also commented in focus groups and interviews on the challenges associated with getting information about youth from schools and mental health agencies.

After youth have received their disposition, the court monitors the progress of those who have been placed under probation supervision.³⁷ Although mandated areas of judicial

³⁷ Examples include informal probation, probation without wardship, deferred entry of judgment, and formal wardship.

oversight regarding these youth are fairly limited, the judicial officers were asked in the survey about the quality of information they receive in a broad range of areas, including general welfare, services received, and progress toward meeting the terms of their probation. It is probation's responsibility to provide information about these areas, but they, in turn, must rely on reports from detention facilities when youth have been sent to local institutions, and from service providers when youth are home on probation or in out-of-home placement. (When youth are sent to DJJ facilities, the facilities' staff are required to communicate with the court directly via annual reports.³⁸) Data from the judicial officers' survey show that the quality of postdispositional information depends more on the source of information than on the type of information. Satisfaction is highest with information about youth who are in foster or group homes, followed by information about those who are home on probation, in camps and ranches, and finally, in state facilities. For youth who are home on probation, satisfaction is relatively high with information regarding their progress in performing community service, paying restitution and fines, and meeting other terms of their probation. Judicial officers are less satisfied with information about the youth's general welfare and the provision and effectiveness of services. Dissatisfaction is yet higher with the quality of information received postdispositionally regarding mental health, IEPs, and the special needs of youth who are home on probation.

E. QUALITY OF OTHER INFORMATION

The quality of information that courts receive is of particular importance when the youth's family situation presents crossover needs. Equally important is considering whether the youth is at risk of entering the foster care system.

1. Reports and Recommendations Regarding Crossover Youth

Judicial officers were asked about their satisfaction with various processes involved in determining how best to respond to youth who have come to the attention of both the dependency and the delinquency courts.³⁹ Sixty-two percent are satisfied with the frequency with which probation and child welfare agree on a recommendation about how to treat these cases. (In most courts, this means agreeing on which court should take jurisdiction.) About two-thirds are satisfied with the appropriateness of the recommendations, given the offense and the offender's strengths and challenges. However, only about one-half are satisfied with information sharing between these agencies, and less than one-half are satisfied with the information presented to them when the two agencies' viewpoints diverge.

³⁸ Cal. Welf. & Inst. Code § 1720(e), (f).

³⁹ Cal. Welf. & Inst. Code § 241.1.

The survey of judicial officers asked respondents what considerations, apart from public safety and best interest, they used in deciding whether to move a youth from one part of juvenile court to the other. The two concerns cited most frequently by delinquency judicial officers were that services are not as extensive in juvenile delinquency as they are in juvenile dependency (55 percent reported this as a consideration) and that youth can lose their ability to return to a particular placement after a delinquency adjudication (cited by 42 percent). Although it was not an option offered in the survey item, several respondents wrote in that services for juvenile dependents are less extensive in their counties than are services for juvenile delinquents.

2. Judicial Oversight of Title IV-E Activities

Federal law protects the interests of youth who are both in the delinquency system and in foster care or at risk of being placed in foster care. Under title IV-E of the Social Security Act and the California statutes implementing the federal law, the state is required to provide the same types of services to these youth, as well as their parents, as it does for the children and their families in the dependency system. The underlying purpose of the court review system is to ensure the fulfillment of the original goals of the federal legislation, namely child safety, reunification when feasible, and permanency—a stable home for the child to grow and develop into a happy and productive adult. The court's findings and orders are viewed as "important safeguards(s) against inappropriate agency action" and are to be more than a "mere pro forma exercise in paper shuffling to obtain Federal funding."⁴⁰

Probation reports should describe the activities being undertaken related to federal and state legal requirements for these youth and their families. The affirmative judicial findings and orders required to support title IV-E eligibility cannot be made if the evidence presented to the court is insufficient. The judge needs time to read and evaluate the probation officer's report prepared for each hearing and needs time during the hearing to discuss the contents of the report with the parties. Each report prepared by the probation officer must contain factual information to support the recommended findings and orders so that the court can carry out its responsibility.

Respondents to the judicial officers' survey indicated how often they believe probation is undertaking a number of title IV-E activities. Many judicial officers (averaging one-fourth across the questions) reported that they do not know whether probation officers are involving youth in case planning, trying to locate relatives, helping youth make adult connections, securing Independent Living Program (ILP) services, or notifying tribes when a youth's Indian status is in question. Among those who were aware of probation's efforts regarding these mandated activities, a minority think that many of these activities

⁴⁰ Sen. Report 336, 96th Cong., 2d Sess. (1980).

are nearly always happening for foster youth and those at risk of entering foster care. Judicial officers are largely making the findings and orders required in these cases, but they may need more time to consider probation reports and make inquiries about their content.

F. PROBATION OFFICERS' AND ATTORNEYS' PERSPECTIVES ON THE COURTROOM ENVIRONMENT

Although probation officers reported in surveys that they generally have good relationships with the courts, the public defender's office, and the district attorney's office, they are dissatisfied with how they are treated by the court and by attorneys. A large majority of probation officers are dissatisfied with the weight the court gives to probation's recommendations and with how they are treated in court. Similarly, about 70 percent of probation officers feel dissatisfied with how they are treated by prosecutors when in court, although nearly as many reported having a good relationship with the district attorney's office. Although probation officers' satisfaction with prosecutors is higher than it is with defense attorneys, the pattern there is similar: the majority report having good working relationships with defense counsel yet are dissatisfied with how these attorneys treat them in court.

The disjuncture between reporting good relationships in general and poor experiences when in court may be explained by the fact that in most jurisdictions probation officers (with the exception of court officers) appear in court only when there is a dispute. In contrast, judicial officers, prosecutors, and defense counsel work in the courtroom every day. It is reasonable to surmise, therefore, that probation officers are dissatisfied with how they are treated when issues are being contested.

In addition, probation officers depend on judicial officers and attorneys in important ways, which can lead to dissatisfaction when their actions create challenges for probation's work. Foremost among these is probation officers' reliance on the threat of judicial responses to a youth's actions as one way to encourage good behavior. When judicial officers do not follow through on previous decisions or threats, probation officers feel acutely that they lose leverage, as well as credibility, with the youth.

***“When we’re out there supervising and we say, ‘Remember the judge said if you don’t go to school this is what’s going to happen’ and then [nothing happens], they’re like, ‘See, my PO don’t know what she’s talking about.’”
–Probation officer***

One probation officer explained the youth's thinking process in this way: “When we're out there supervising and we say, ‘Remember the judge said if you don't go to school this is what's going to happen’ and then [nothing happens], they're like, ‘See, my PO don't know what she's talking about.’”

According to the survey results, both prosecutors and defense attorneys feel that they have a good relationship with the court, with probation, and with each other. In general, they do not experience tension in their relationship in general or in their relationship in the courtroom. Of course, these statistical averages mask variations at the county level and even the courtroom level. Focus group discussions underscored that courtroom environments do vary in terms of camaraderie, respect, contentiousness, and juvenile justice philosophy.

G. CASE-LEVEL COMMUNICATION WITH YOUTH, PARENTS, AND VICTIMS

The need to improve communication between professionals (judicial officers, court staff, probation, and attorneys) and nonprofessionals (youth, parents, victims, and community members) is an important finding in this report, as it relates to court accountability and accessibility, attitudes toward the juvenile justice system, and youth's perceptions of their

***“The numbers confuse me; it’s like they have their own language or something.”
–Youth***

probation. Some of the findings are consistent with the AOC’s recent Public Trust and Confidence study, which shows a lower level of trust and confidence in high-volume courts.⁴¹

These issues are explored in depth in chapter 5. This section briefly introduces some findings from the focus groups with youth, parents, and victims regarding court hearings.

- Most youth who spoke about the courtroom experience said that they rarely understood what was being said. As one youth put it, “The numbers confuse me; it’s like they have their own language or something.”
- Youth reported not being adequately prepared before the court hearing and feeling discouraged from participating in court, both by the courtroom environment and sometimes explicitly by their attorney.
- Parents reported that they did not understand much of what was happening in court, and they were too intimidated to ask questions or offer insight to the judicial officer.
- Victims in focus groups reported feeling excluded from the court process as well. They reported that court staff sometimes incorrectly interpreted the laws protecting a youth’s privacy and withheld information to which the victims are legally entitled.⁴² Other times, they received written notice of a hearing but no communication when the hearing date had been changed.

⁴¹ Admin. Office of the Courts, *Trust and Confidence in the California Courts, Phase I and II* (2006); available at http://www.courtinfo.ca.gov/reference/4_37pubtrust.htm.

⁴² See Cal. Penal Code § 679.02 and Cal. Welf. & Inst. Code §§ 656.2 and 676.5.

Several structural, environmental, and social factors can inhibit effective communication with youth, parents, and victims. Large attorney caseloads and inadequate court facilities can compromise the effectiveness of client-attorney conferences in the courthouse. The use of technical language in court by attorneys and judicial officers, which may be expeditious in a rushed courtroom, is often not comprehensible to court users. Defense attorneys must carry out their professional obligation to represent the best interest of the youth regardless of the wishes of the parents, but in the process may sometimes appear not to value the participation of parents. Packed hearing calendars can be incompatible with helping youth, parents, and victims overcome their intimidation and make reasonable inquiries in court that not only would ensure that the best findings and orders are made but also would help augment the understanding of the various parties in court. To protect the legitimacy of the court in the eyes of youth, victims, and the community, it is important that courts consider examining processes that may create problems for court users.

H. CASE-LEVEL COLLABORATION

At the case level, collaboration in a delinquency matter can take several forms: the prosecutor and defense attorney negotiating a plea deal, agreed to by the court, that permits a youth to participate in drug court following his admission to an amended petition; a youth, with the agreement of the probation officer and community prosecutor, performing yard work to repay the victim of an auto burglary for the cost of repairing his car window; a prosecutor agreeing to withdraw a motion for fitness after the defense attorney locates an appropriate juvenile rehabilitation facility in which to place his client. Although these are diverse examples of collaboration, each illustrates the need for people or agencies with sometimes disparate interests to work together for the purpose of appropriately meeting the needs of the offender, victim, and community. At what point in the life of a delinquency case this collaboration should occur is the subject of some debate.

When considering the appropriateness of broadly applying collaborative principles or when contemplating referring a case to a collaborative court,⁴³ both prosecutors and defense attorneys often express a need to retain the adversarial process, particularly at the jurisdictional phase. Defense counsel have a responsibility to zealously defend their clients and protect their due process rights, and that duty will sometimes preclude them from collaborating fully or allowing a client to speak to the judge in open court or to probation prior to jurisdiction being established. However, once jurisdiction over a youth has been established, collaboration among the court, probation, and the attorneys in determining the most appropriate disposition can be beneficial for all parties.

⁴³ Collaborative courts are discussed in Chapter 3.

I. OTHER ISSUES

The juvenile justice system is also confronted by a myriad of specific considerations. This section discusses several of them: the need for interpreters, issues related to Indian children, restitution collection, and appropriate record sealing.

1. Interpreters

Youth in delinquency court have the constitutional right to an interpreter.⁴⁴ Forty-five out of 47 respondents (96 percent) to the survey of court administrators reported that their court provides youth with an interpreter always or nearly always. Although not required by

Top Six Languages Needing Court Interpreters in Juvenile Delinquency Court

- ***Spanish***
- ***Hmong***
- ***Vietnamese***
- ***American Sign Language***
- ***Mixteco***
- ***Tagalog***

law to do so, 42 courts (89 percent) reported providing an interpreter to parents always or nearly always. In addition, approximately three-quarters of courts reported providing interpreters to witnesses, and two-thirds reported providing interpreters to victims always or nearly always. According to the court administrator survey, the most common language needing interpreter service in juvenile delinquency court is Spanish, and nearly three-quarters of courts are able to

provide an interpreter the same day the service is requested. Only one court indicated that it could take more than a week to find a Spanish interpreter. According to survey respondents, the need for a Spanish interpreter rarely causes hearings to be postponed. Following Spanish, the top five languages needing interpreters are Hmong, Vietnamese, American Sign Language, Mixteco, and Tagalog. Approximately a third of courts indicated that it takes one to three days to find an interpreter for these languages, and about 20 percent reported being able to find an interpreter the same day for these languages.

2. Indian Child Welfare Act

Historically, courts in California have tended not to apply the provisions of the Indian Child Welfare Act (ICWA) in delinquency matters.⁴⁵ During the course of the assessment, on January 1, 2007, Senate Bill 678 (Stats. 2006, ch. 838) became effective, followed by new Judicial Council rules and forms implementing SB 678 on January 1, 2008. SB 678 made changes to a number of provisions of the California Welfare and Institutions Code governing delinquency proceedings and clarified the responsibility of probation departments and the courts in delinquency matters involving Indian children. This legislation was passed too recently to be studied in the assessment. The forthcoming

⁴⁴ A person unable to understand English who is charged with a crime has a right to an interpreter throughout the proceedings. Cal. Const., art. I, § 14.

⁴⁵ Indian Child Welfare Act, 25 U.S.C., ch. 21, title 25.

findings and recommendations from the Blue Ribbon Commission on Children in Foster Care concerning the application of ICWA in dependency matters may be useful to juvenile delinquency courts as they consider the bill's content. In addition, the AOC's Indian Child Welfare Initiative, part of the Judicial Review and Technical Assistance program, has developed training programs, resources, and tools to improve compliance with the ICWA and cooperation between tribes and other agencies.

3. Restitution

Courts should consider examining their restitution processes in light of consistent findings in the assessment that there are problems with the collection of restitution.⁴⁶ In the surveys of judicial officers and probation officers, relatively few reported that they are satisfied with restitution collection in their jurisdictions. Judicial officers reported low levels of satisfaction with youth's payment of restitution in each of the supervision settings (informal probation, home, camps, placement, and DJJ), with a satisfaction rate that never exceeded 46 percent. Probation's dissatisfaction is interesting since they are responsible for many aspects of setting and collecting restitution. One-third of the probation officers surveyed are dissatisfied with restitution collection. Further, of the probation officers who reported working with victims, almost one-third indicated that they do not explain the process of restitution collection to victims. In focus groups, probation officers acknowledged that victims are not treated well by the juvenile justice system and, as one officer put it, "A lot of times the victims are put in the backseat to the kid." As will be discussed at greater length later in this report, victims who participated in focus groups were virtually unanimous in their belief that the system is doing a poor job of fulfilling its obligations to them to collect restitution.

***"A lot of times the victims are put in the backseat to the kid."
—Probation officer***

Courts may have any number of problems with setting and collecting restitution. Sometimes judicial officers proceed to the disposition hearing without knowing the exact amount of restitution being requested by the victim and order restitution to be set in an amount to be determined by the probation department. This is sometimes necessary because of delays in probation's communicating with victims or probation's inability to collect the information necessary to recommend a restitution amount in court. But courts then need to monitor whether probation formally requests that the court order and set restitution. Once restitution is set, collecting it can be challenging. Probation officers seem to feel discouraged by their limited success in collecting much restitution. Victims, in turn, reported feeling that unless they are exceptionally persistent, their interest in receiving restitution is neglected, or even discouraged, by probation officers who pass the responsibility on to their colleagues or the collections division. When cases are dismissed

⁴⁶ Cal. Welf. & Inst. Code § 730.7 provides authority for the court to order a minor to pay restitution to a victim; his or her parents are rebuttably presumed to be jointly and severally liable.

without full payment of restitution, it falls to the victims to become acquainted with methods of collecting restitution through civil court, a task that they think is an unjustifiably burdensome.

Judicial officers have the discretion to dismiss a juvenile delinquency court case before the court has collected restitution (because civil court enforcement is available). It is not known how common such dismissals are. During focus groups with probation officers, attorneys, and victims, and in interviews with some study county judicial officers, some expressed the opinion that the system should do more to ensure that victims are fully compensated.

In addition to the negative consequences victims suffer when restitution is not collected, youth (and their jointly and severally liable parents) who do not fulfill their obligation to pay restitution may also be negatively affected. Because restitution orders can be enforced as civil judgments,⁴⁷ failing to enforce orders for the collection of restitution can result in youth being dismissed from probation but suffering the collateral consequences of outstanding civil judgments and wage garnishments long after their probation has been dismissed.

4. Record Sealing

Legislative changes in the last five years have limited the circumstances under which juveniles may have their records sealed. For those who are eligible, it is a very important step to take to ensure that past criminality remains confidential. The procedures for

Even if courts and justice partners explain record sealing at the time of disposition, youth may not recall this information at the time of case dismissal, which is the first opportunity that they have to petition to seal a record.

sealing a record vary by county. In survey data in which defense attorneys and probation officers selected which types of information are conveyed well to the youth, few respondents chose record-sealing information. Even if courts and justice partners explain record sealing at the time of

disposition, youth may not recall this information at the time of case dismissal, which is the first opportunity they have to petition to seal a record.

J. CONCLUSION

As described in chapter 1 and elsewhere in this report, the court has many important roles in the juvenile justice system, but its central role is to conduct court hearings. These hearings should be managed properly and the court given the resources and support that are required for hearings to be informative, productive, and meaningful.

⁴⁷ Cal. Welf. & Inst. Code § 730.7 and Cal. Penal Code § 1214. .

The data in this chapter suggest that attorneys and probation officers are fulfilling their obligations to the court and to their clients in court, and that court hearings benefit from their advocacy and reporting. Judicial officers are relatively less satisfied with the quality and availability of some types of information and attorney work, however. Local court administrators and judicial officers may wish to review in some detail areas where they believe there are gaps in information or in advocacy and then work with their justice partners to improve these shortcomings. Judicial officers may also wish to review whether they have the time to make the proper judicial inquiries that help ensure that cases are processed fairly and that the court is monitoring the various factors it needs to consider, such as the provision and effectiveness of court-ordered services and sanctions.

Courts may also want to consider examining their hearing management, caseload, and workload for managerial and resource issues that negatively affect the fair and expeditious processing of cases on the one hand, and the treatment of court users, probation, and attorneys on the other. Findings in this chapter suggest that wait time for hearings and hearing delays and, to a lesser extent, hearing continuances, are problematic for attorneys, probation officers, and court users. Youth and parents reported feeling rushed and excluded in court hearings and often received the impression that nobody had the time to explain court events to them. Victims should be welcome participants in the court system. The data suggest, however, that victims do not always receive notification of court hearings or hearing delays, and that they are not always given the opportunity to exercise their right to address the court, seek restitution, and receive updates about restitution collection.

K. RECOMMENDATIONS

1. Courts should protect the rights and interests of youth, parents, victims, and the community.
2. Judicial officers should ensure the welfare of youth by inquiring about their health, safety, and education; the effectiveness of court-ordered services, restitution, and community service; and other matters regarding their general welfare and the terms of their probation.
3. Judicial officers should ensure that hearings are completed within statutory deadlines, granting continuances only for good cause while recognizing that continuances may be necessary to protect the right to due process and the opportunity to fully defend against the allegations in a petition.

4. Judicial officers, court staff, attorneys, and probation officers should monitor their practices and procedures to ensure that they meet statutory requirements regarding confidentiality and open public hearings.
5. Courts should support victims by ordering restitution in a specific amount, making restitution payment a priority, and encouraging other methods of victim restoration as appropriate.
6. Probation officers, defense counsel, and judicial officers should ensure that youth understand their rights regarding record sealing and should provide them with the information necessary to exercise those rights.
7. The AOC, in conjunction with local courts, should ensure that delinquency court facilities appropriately protect confidentiality and include private meeting spaces for court users and juvenile justice partners.
8. Judicial officers should consider calendar structures and hearing schedules that enable parents and extended family, victims, and witnesses to provide input.
9. Judicial officers should set the day's calendar by prioritizing hearings at which victims or witnesses are present and cases that are short cause matters.
10. When delays are unavoidable, the judicial officer and the attorneys should explain the reasons for them to the parties involved, so as to maintain transparency and confidence in the process.
11. Judicial officers should encourage the use of simple yet legally accurate language so that all parties present for hearings can understand the proceedings.
12. Judicial officers, attorneys, and probation officers should take the time necessary to help youth, parents, and victims understand the court process, the outcomes of court hearings, and the orders of the court.
13. The AOC, in conjunction with the courts, should develop educational materials such as videos and brochures that orient youth and parents to the delinquency court.

CHAPTER 3

System Responses

A. INTRODUCTION

In each of the last few years, more than 200,000 law enforcement arrests of youth under 18 have been made in California.⁴⁸ A large percentage of these youth never make it into the delinquency court system because their cases are diverted, either by law enforcement or through informal handling. Those who do come into the system are offered a continuum of services and sanctions based upon a variety of considerations, such as the availability and perceived effectiveness of the service and sanction options and the individual needs of and risks posed by each offender. Approximately 80 percent of the law enforcement referrals are sent to the juvenile probation department each year. Probation diverts many of the youth referred out of the formal system, but some youth ultimately come under the jurisdiction of the juvenile delinquency court. Of the law enforcement arrests that were referred to probation in 2005, only 51 percent received a juvenile court disposition.⁴⁹ This chapter discusses the various service and sanction options that are available to those youth in California who are formally referred to probation and the court system and the perceptions of juvenile justice system participants regarding those options.

B. SERVICE AND SANCTION OPTIONS

Effective juvenile justice systems have developed an array of services and sanctions available to youth who have come to the attention of law enforcement.⁵⁰ Youthful offender populations present a broad range of risks and needs that must be accompanied by an appropriate range of services, sanctions, and incentives. In matching youth with services, the best choice will depend on the youth's individual mental, educational, and familial strengths and challenges. Sanctions refer to a range of

Example of a Graduated Sanction Continuum

- **Diversion**
- **Home on probation**
- **Electronic monitoring**
- **Juvenile hall**
- **Ranch or camp**
- **Division of Juvenile Justice commitment**

⁴⁸ Cal. Dept. of Justice, Criminal Justice Statistics Center, *Juvenile Justice in California* (2003, 2004, 2005). The actual numbers depend on whether one considers all arrests and referrals as reported by law enforcement agencies or the number of referrals probation has reported receiving from law enforcement and other public agencies. For our purposes, we will include only those referrals reported as received by probation departments.

⁴⁹ Cal. Dept. of Justice, Criminal Justice Statistics Center, *Juvenile Justice in California* (2005).

⁵⁰ Office of Juvenile Justice and Delinquency Prevention, *Comprehensive Responses to Youth at Risk: Interim Findings from the SafeFutures Initiative* (2000).

graduated restrictions or consequences targeted at specific offender profiles or behaviors and used for accountability and behavior modification purposes. They range from less to more severe and can move up or down the continuum depending on the performance and needs of the offender. Incentives are designed to motivate youth to improve their behavior by rewarding them for positive adjustment and reducing the restrictions placed upon them by probation and the court. The primary advantage of a range of sanctions, services, and incentives is that they give probation departments the tools and ability to respond appropriately to a diversity of offenses and offenders.

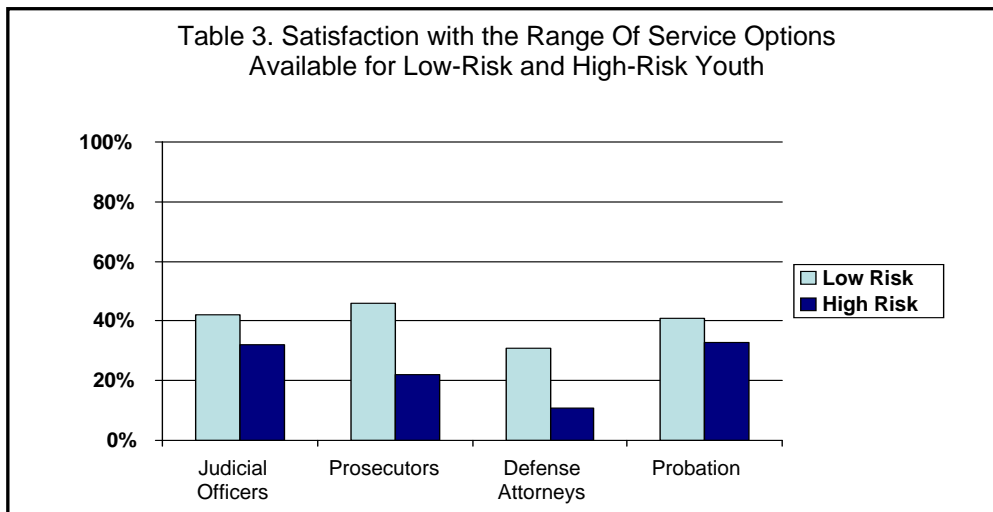
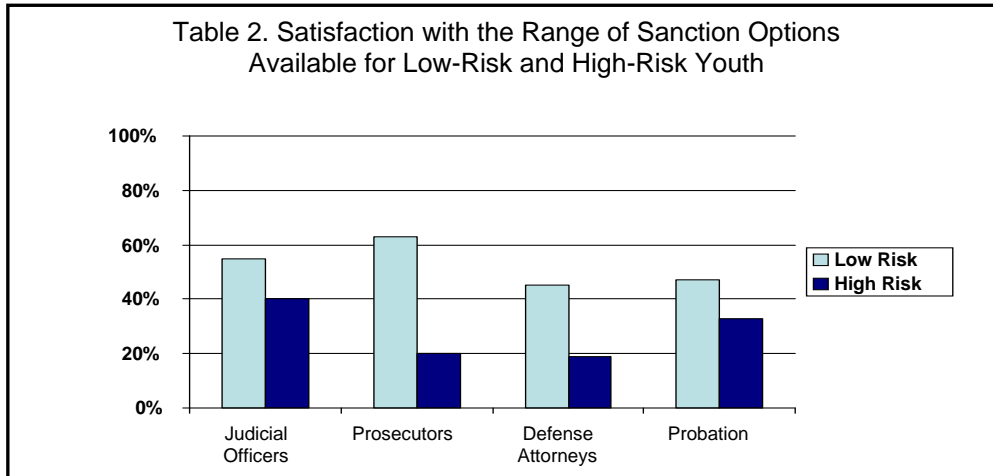
The JDCA survey respondents, interviewees, and focus group participants assessed the quality, availability, and effectiveness of the service and sanction options available in their jurisdictions. Because juvenile justice systems are administered locally, each jurisdiction offers different services and sanctions based upon the available, local continuum of programs. The range of possible sanctions identified in the survey attempted to cover the spectrum of the most common types available, including informally closing out a referral (counsel and dismiss); low-level responses such as informal supervision and diversion; intermediate options such as wardship, electronic monitoring, and intensive supervision; and high-level, restrictive sanctions such as camps, ranches, placement, and commitment to DJJ facilities. The possible services listed in the survey included such options as substance abuse and mental health counseling, parent education, and after-school programs.

1. Availability of Services and Sanctions

In general, probation officers and judicial officers are slightly more satisfied with the available sanctions than with the available services in their jurisdictions. Defense attorneys are less satisfied than either probation officers or prosecutors with the range of available service options. When all attorney types responded to an open-ended question asking them to list the delinquency court's greatest needs, the desire for more quality sanctions and service options for youth was one of the most frequent responses. Judicial officers reported the greatest system needs to be, in order of frequency listed, improvement in probation-supervised services, more probation officers, and improvement in custody options.

Every group of respondents is, on average, more satisfied with the range of services and sanctions available to low-risk youth than with those available to high-risk youth (see tables 1 and 2). Prosecutors are slightly more satisfied than all other groups with the available services and sanctions for low-risk youth. Among all groups surveyed, dissatisfaction with the range of services and sanctions rises as the youth's level of risk increases. Nearly one-half of the judicial officers reported being dissatisfied with the available services for high-risk youth. Intuitively, it makes sense that the more complex a

youth's needs or the greater the risk he or she poses to the community, the more difficult (and arguably the more critical) it becomes to adequately address those needs and risks. A majority in each of the respondent groups surveyed agreed that there is not a sufficient range of options to appropriately manage these more challenging high-risk cases.



One type of service that juvenile justice professionals agree is critical, yet is provided inconsistently, is aftercare or reentry. When a youth is committed to a detention facility or residential placement, the dispositional case plan should include, and probation should immediately begin implementing, a reentry plan. Case planning that prepares a youth to return home and provides early coordination between the youth, his or her family, the treatment facility, and probation is critical to the youth's successful return to his or her

community, Youth returning home from a custodial or out-of-home placement need services during the initial period of adjustment. Making the transition home is difficult; even if the youth has made great progress on the issues that contributed to the offending behavior and resulting placement, he or she is often returning to the same family and community environment, with the same challenges and issues that existed prior to removal. Further, returning youth suddenly have more freedom and opportunity to make for themselves some of the decisions that have largely been made for them while in the custodial setting. If advance planning has not occurred, youth have time on their hands while they wait to enroll in or begin attending school and while they are waiting to begin any counseling or outpatient treatment programs they may have been referred to by their probation officer.

According to the surveys, some of the more common services to which probation officers refer these youth reentering their communities, listed in order by frequency of referral, are substance abuse counseling, anger management, family counseling, and mental health treatment. Almost all placement probation officers reported providing independent living skills referrals in addition to the aforementioned services. Providing services to assist in the transition from foster care to independent living is critically important for placement youth who return to the community but will not be reuniting with their parents. Section 727.2(e)(6) of the California Welfare and Institutions Code mandates that the court must determine what services are needed for each youth making this transition.⁵¹

Some counties provide intensive family-focused, community-based treatment programs that may help meet the needs of youth who are at risk of out-of-home placement due to delinquent behavior or those who are transitioning home from custodial or other out-of-home placements. Although not specifically evaluated in this study, some counties provide intensive family-focused treatment programs, including Functional Family Therapy (FFT), Multisystemic Therapy (MST), and Multidimensional Treatment Foster Care (MTFC).⁵² Some of the primary goals of these family-focused treatment programs are to provide parents with the skills and resources to manage their children's behavior, to help remove youth from delinquent peer groups, and to provide youth with the skills they need to avoid future delinquent behaviors. According to several national best practice lists, these model programs have considerable empirical evidence documenting their effectiveness at improving youth functioning and reducing recidivism rates in

⁵¹ In the case of a minor in foster care "who has reached 16 years of age, the court shall . . . determine the services needed to assist the minor to make the transition from foster care to independent living" (Cal. Welf. & Inst. Code § 727.2(e)(6)).

⁵² These interventions use cognitive and behavioral therapy in a family-based treatment model (or foster home) to improve parent discipline practices, enhance family relations, reduce negative peer associations, increase prosocial peer relationships and activities, improve school performance, and develop a support network of extended family, neighbors, and friends to help the youth and parents maintain changes.

serious, chronic juvenile offenders, including specific delinquent populations such as juvenile sex offenders and substance-abusing youth.⁵³ Other family-based treatment models, such as wraparound services (providing the family with services and assistance for various challenges and issues from multiple agencies at the same time), are used by counties to avoid placing youth out of the home as well as to assist youth who are making the transition home to their families.

The shortage of programs reported by some study participants becomes especially problematic when youth waiting to be placed in an appropriate residential facility are held in juvenile hall for long periods of time. During focus groups, youth discussed this issue; one youth mentioned kids being in juvenile hall for seven to eight months waiting for a placement

One youth talked about kids being in juvenile hall for seven to eight months waiting for a placement agency to come in and screen them.

agency to come in and screen them. Often, this unfortunate situation is due to the lack of appropriate placements, such as those that offer a very particular type of service (such as for youth with severe mental health needs) or those that will accept youth with certain offenses that many placements reject (such as youth adjudicated on arson charges).⁵⁴ Other times, there may simply be a backlog of youth awaiting placement and an overall shortage of placements. In any case in which a youth is detained pending placement for more than 15 days, the court is required to review the case and determine whether the delay is reasonable.⁵⁵ These reviews should continue every 15 days until the youth is placed. A judge in one study county is considering creating a special placement calendar so the court can monitor progress in finding appropriate out-of-home placements.

The importance of expanding the available services and sanctions was discussed during interviews with presiding judges and juvenile probation administrators in the study counties. Many judicial officers expressed a desire to know more about the available programs in their jurisdiction—both those that probation is using and those that are available but that probation is not using. Probation officers expressed frustration over a lack of consistent funding to ensure that a wide array of effective programs is dependably

⁵³ Center for the Study and Prevention of Violence, "Blueprints for Violence Prevention," <http://www.colorado.edu/cspv/blueprints/model/overview.html> (accessed Apr. 9, 2008); Substance Abuse and Mental Health Services Administration (SAMHSA), "SAMHSA Model Programs," <http://modelprograms.samhsa.gov/model.htm> (accessed Apr. 9, 2008); U.S. Dept. of Health and Human Services, "Youth Violence: A Report of the Surgeon General," Appendix 5-B, <http://www.surgeongeneral.gov/library/youthviolence/chapter5/appendix5b.html#ModelProgramsLevel1> (accessed Apr. 9, 2008).

⁵⁴ Sacramento Probation's Project IMPACT (Integrated Model for Placement Assessment, Case Management and Treatment) is a collaborative program, located in Sacramento's juvenile hall and run by probation and a group home provider, that thoroughly assesses the treatment needs of youth in juvenile hall waiting for out-of-home placement. The hope is that adequate assessment of a youth's needs prior to placement will result in more appropriate placements and fewer runaways.

⁵⁵ Cal. Welf. & Inst. Code § 737(b).

available. In one study county, focus groups participants reported disappointment at losing a collaborative court after the funding was cut.

Study county administrators from the court and probation, staff from prosecutors' and defense attorneys' offices, and presiding judges of the juvenile court were asked about the availability of restorative programs and the prevalence of restorative justice practices in each of their jurisdictions. Many delinquency court professionals spoke positively about the concept of restorative justice, which is described as a balanced response from the justice system that gives equal consideration to the victim, community, and offender with a focus on making the victim whole, acknowledging the effect of crime on the community, and building offender competency while providing accountability. Most study participants, however, indicated that in practice much of what happens in their counties juvenile justice systems does not necessarily reflect the application of these concepts and that services related to restorative justice are available on an ad hoc basis at best. Generally, respondents indicated that if restorative justice principles are used, it is usually in the context of low-level offenses such as graffiti, other types of vandalism, and theft. It appears that restorative justice is viewed as a diversion program, used in lieu of petitioning, rather than as a philosophy that gives equal weight to the concerns and needs of the offender, victim, and community and that can be applied in every type of case, regardless of the offense.⁵⁶

Some of the findings and recommendations contained in this report include the use of restorative practices and are simple approaches to be considered in any type of case. They include improving the development of empathy in offenders, increasing victim participation in court when desired, and including the community in court processes when appropriate.

2. Perceived Effectiveness of Services and Sanctions

In addition to having sufficient services and sanctions available, it is also critical that the programs available in a jurisdiction be effective. Although the survey respondents have mixed opinions regarding the effectiveness of the sanctions available, they are generally dissatisfied with the effectiveness of the available services, particularly mental health services.

Probation officers indicated general satisfaction with the effectiveness of the sanction options in their counties, with the exception of DJJ.⁵⁷ They reported more satisfaction

⁵⁶ Examples of restorative practices being used in some California delinquency courts with a variety of case types are victim-offender mediation, neighborhood accountability boards, sentencing circles, restorative-focused deferred entry of judgment, and offense-driven community service.

⁵⁷ Not surprisingly, given DJJ's reported difficulties and ongoing reform efforts, only one-third of the probation respondents reported being satisfied with the effectiveness of DJJ. It should also be noted that nearly one-quarter of probation officers reported that they are neither satisfied nor

with the low-level responses such as community service and home on probation. Prosecutors, although less satisfied overall with the effectiveness of sanctions than probation officers, are more satisfied with the effectiveness of the sanctions available for high-risk youth, such as ranches, camps, placement, and even DJJ. They tend to be less satisfied with the low-end sanctions such as counsel and dismiss and home on probation. Judicial officers also expressed moderate satisfaction with the more restrictive sanction options such as ranches and camps. In complete contrast to the other groups, defense attorneys expressed very low levels of satisfaction with the effectiveness of the more restrictive sanction options. But like probation officers, defense attorneys are more satisfied with lower-level interventions.

Probation officers expressed dissatisfaction with the effectiveness of most service options, including anger management programs, parent education, substance abuse counseling, and particularly mental health services. One probation officer pointed out that “often it’s very difficult to find really good counseling for the kids.” An exception to this was that probation officers and prosecutors are generally satisfied with drug testing, which they seem to perceive as an effective method of preventing illegal substance use. It may not be surprising, then, that probation officers are more satisfied with it than with other programs or services. Drug testing is often done directly by probation; the officers can be confident that it is, in fact, being done; test results make it clear whether the goal of drug abstinence is being met; and it is something over which officers maintain some level of control. In contrast, most of the other aforementioned service options are provided by outside agencies, where probation does not control the quality of service and measures of success and failure are harder to evaluate.

***“Often it’s very difficult to find really good counseling for the kids.”
—Probation officer***

Prosecutors and defense counsel are also generally dissatisfied with the effectiveness of service options, and both are particularly dissatisfied with mental health services. One prosecutor noted, “We have not a lot of dual diagnosis options because there’s a lot of mental health issues in a lot of the juvenile delinquency cases that are long-standing and undiagnosed and untreated.” Both attorney types are also dissatisfied with parent education services and after-school programs.

***“We have not a lot of dual diagnosis options because there’s a lot of mental health issues in a lot of the juvenile delinquency cases that are long-standing and undiagnosed and untreated.”
—Prosecutor***

dissatisfied and another quarter responded that they did not know. This lack of opinion may be due in part to the low numbers of youth sent to DJJ facilities in general, as few probation officers have personal knowledge of DJJ and, after a youth is sent to DJJ, probation does not usually maintain contact with the ward.

C. SUPERVISION PROGRAMS

Judicial officers were surveyed in detail about their satisfaction levels with the performance of youth assigned to various levels of supervision, ranging from informal supervision to commitment to DJJ. Their perception of youth performance was measured along a variety of dimensions, some of which included educational progress, improvement with substance use, payment of restitution, and recidivism.

Judicial officers reported being more satisfied with the performance of youth on the lower end of the supervision continuum—court-ordered informal supervision and deferred entry of judgment—and, somewhat interestingly, also with the performance of those youth who are committed to local ranches, camps, and residential placement. They are least satisfied with the performance of youth at the highest end of the sanction continuum—youth sent to DJJ. Judicial officers reported being more satisfied with the performance of youth who are intensively supervised than with the performance of youth home under regular probation supervision along almost every dimension, including recidivism, educational progress, and abstention from drug use.

It is worth noting that the judicial officers frequently reported not receiving information about the performance of youth committed to DJJ. With regard to youth at DJJ, the percentage of “do not receive information” answers ranged from 31 to 47 percent for each of the six performance dimensions, whereas under any of the lower supervision options the “do not receive information” answer never exceeded 11 percent. This is particularly unfortunate given that DJJ is required to provide the court and probation annual review reports, which are to include information verifying a ward’s treatment or program goals, overall adjustment and responsiveness to treatment, disciplinary history, and overall estimated time of completion of his or her treatment plan.⁵⁸ Some members of the working group pointed out that “do not receive information” does not necessarily equate to “did not send information” and that DJJ reports that reach the local court may not be routed properly.

D. COLLABORATIVE COURTS

As discussed in chapter 2, informal case-level collaboration is common within the juvenile delinquency system, with court professionals working with one another and with court users and justice partners to create effective solutions and to solve practical problems in a case. Another, more formal way collaboration occurs in the delinquency court process has been in the development of collaborative justice court models that have a number of specific elements, including the integration of treatment and social services into the court process, judicial supervision of the treatment process, a collaborative approach to

⁵⁸ Cal. Welf. & Inst. Code § 1720(e) and (f).

decision making, interaction between youth and the judicial officer, and community outreach.⁵⁹

Participation in a juvenile collaborative court often occurs after a petition has been adjudicated. Following disposition, the youth will return to court frequently for progress reviews, and if he or she successfully completes the requirements of probation, the petition will be dismissed upon the youth's graduation from the program. This could mean the juvenile will have no record of the offense, providing an incentive to complete the program successfully.

During the past few years, several studies have evaluated the effectiveness of juvenile collaborative court models. Of the nationwide studies that have been done on juvenile collaborative courts thus far, most have been evaluations of juvenile drug courts. These have found generally positive outcomes, including lower rearrest and recidivism rates among drug court participants⁶⁰ and cost savings for drug courts.⁶¹ In 2007 the Office of Juvenile Justice and Delinquency Prevention (OJJDP) awarded a research grant to evaluate several juvenile drug courts around the country. A comprehensive national report should go a long way in further assessing the efficacy of juvenile drug courts.

In California, there are approximately 154 collaborative courts within the juvenile court system. The two most common types are drug court and peer court. More than 37 counties have juvenile delinquency drug courts, and more than

In California, there are approximately 154 collaborative courts within the juvenile court system.

⁵⁹ The Collaborative Justice Courts Advisory Committee to the Judicial Council has set forth the following 11 key components of collaborative justice courts: (1) collaborative justice courts integrate services with justice system processing; (2) collaborative justice courts emphasize achieving the desired goals without using the traditional adversarial process; (3) eligible participants are identified early and promptly placed in the collaborative justice court program; (4) collaborative justice courts provide access to a continuum of services, including treatment and rehabilitation services; (5) compliance is monitored frequently; (6) a coordinated strategy governs the court's responses to participants' compliance, using a system of sanctions and incentives to foster compliance; (7) ongoing judicial interaction with each collaborative justice court participant is essential; (8) monitoring and evaluation measure the achievement of program goals and gauge effectiveness; (9) effective collaborative justice court operations require continuing interdisciplinary education; (10) forging partnerships among collaborative justice courts, public agencies, and community-based organizations increases the availability of services, enhances the programs' effectiveness, and generates local support; and (11) effective collaborative justice courts emphasize a team and individual commitment to cultural competency. Awareness of and responsiveness to diversity and cultural issues help ensure an attitude of respect within the collaborative justice court setting. *California Collaborative Justice Courts: Building a Problem Solving Judiciary*, Judicial Council of California, Administrative Office of the Courts (2005).

⁶⁰ NPC Research, *Clackamas County Juvenile Drug Court Outcome Evaluation Final Report* (2004); M. L. Miller, E. A. Scocas, and J. P. O'Connell, *Delaware Juvenile Drug Court Program* (1998); Saunders, et. al., *Orange County Florida Juvenile Drug Court* (2001).

⁶¹ NPC Research, *Harford County Juvenile Drug Court* (2006).

35 counties have a peer, teen, or youth court.⁶² Other types of collaborative courts are still developing, and so very little information is available regarding these court models. They include juvenile mental health court, juvenile family violence/dating violence court, girls' court, and truancy court.

In interviews and focus groups that were conducted as part of this study, it was clear that judicial officers, court managers, and justice partners view collaborative courts positively.⁶³ Presiding judges of the juvenile court and court managers suggested that many courts would like to expand their collaborative court options by enhancing their existing collaborative courts or establishing new ones in areas such as mental health. Justice partners who discussed collaborative courts shared some common concerns about starting new programs. The first of these concerns is the need for stable and adequate funding. This issue is certainly not limited to collaborative court programs; lack of adequate funding is considered to be a problem for juvenile programs in general. However, given the startup costs involved with launching a collaborative court, and considering the time and staff resources needed to provide collaborative court services, financial resources are particularly salient for these court programs. Another concern expressed by some interviewees was that only youth who could truly benefit should be placed in a collaborative court. Substance use in and of itself does not always indicate that the underlying reason for the delinquent behavior is drug addiction. As one probation officer explained, "Just because he said [he] smoked marijuana doesn't necessarily mean you got to do drug education or drug prevention or put him in a drug program. What you want to focus on is the behavior that keeps bringing them back to you." According to interviewees, other problems include the demands on the youth in a typical drug court program (such as weekly court appearances and drug testing) and other practical considerations, including the distance of the collaborative court from the youth and families who may need to access this service.

Some of these concerns were echoed in focus groups consisting of youth and parents who were participating in one county's juvenile drug court. Youth felt that the supervision they received from probation was too intensive and intrusive; some youth thought that the frequent contact they had with their probation officer made the program more difficult to complete successfully.

⁶² For more information, see Center for Court Innovation, *California's Collaborative Justice Courts: Building a Problem-Solving Judiciary* (2005); available at http://www.courtinfo.ca.gov/programs/collab/documents/California_Story.pdf

⁶³ There was very little usable opinion data in the assessment's statewide surveys because so few judicial officers and justice partners have firsthand experience with collaborative courts. Also, although peer courts are available in many counties, a large percentage of survey respondents indicated that they do not know about the effectiveness of these courts.

A frequent complaint from parents was that the large number of times they had to come to court strained relations with their employers and resulted in too much lost income. They also disliked the fact that their children sometimes had to be taken out of school to attend court and to take drug tests. Parents also stated that they often did not understand what was going on in court, and several said they relied solely on their child's probation officer for explanations. Some of the parents in the focus group did have positive feelings about their experiences. One parent commented that as hard as the program was, it saved her son's life.

E. APPROPRIATELY MATCHING YOUTH TO SERVICES AND SANCTIONS

Judicial officers reported that youth with mental health issues, those who are beyond control (for example, continually truant or running away from home), and those who are developmentally disabled are the most difficult to match with appropriate treatment, supervision, and placement. Some of these concerns are consistent with those expressed by other professionals with regard to a lack of adequate mental health services and the need for the system to more appropriately adjudicate and treat youth with competency issues. In addition, this issue is consistent with the results of all three caseload management workshops, in which participants concluded that mental health issues, and incompetency procedures in particular, are areas in need of greater attention.

Many of the focus group participants discussed the importance of finding the service and sanction that most appropriately meets the individual needs of each youth. One probation officer suggested that "the bench and probation and the offender would be better served by individualizing what the kid needs a lot more than it is now instead of blanket conditions." Youth also consistently reported a desire for the court to look at them as individuals and take the time to understand their particular situations, strengths, and weaknesses when fashioning an appropriate disposition. As discussed elsewhere in this chapter, however, sometimes the unavailability or poor quality of certain programs makes this task particularly challenging.

***"The bench and probation and the offender would be better served by individualizing what the kid needs a lot more than it is now instead of blanket conditions."
-Probation officer***

Several probation officers in focus groups discussed the efforts underway in their departments to utilize effective, evidence-based programs and to implement the use of validated screening tools to assist in the assessment of each youth's risks and needs when preparing a case plan. Only about one-third of county probation departments report using validated risk assessment screening tools,⁶⁴ though many agreed that it is good

⁶⁴ K. Hennigan, et al., *Juvenile Justice Data Project, Phase I: Survey of Interventions and Programs* (2007); available at http://www.cdcr.ca.gov/Reports_Research/docs/JJDPsurveyFinalReport.pdf (accessed Apr. 9, 2008).

practice to do so. In focus group discussions, probation officers stressed the need for the court to individualize a treatment plan and not simply “throw everything but the kitchen sink” (in terms of services and sanctions) at youth, as one officer put it. However, among the probation officers who responded to the survey, satisfaction with such assessments is spread fairly evenly across satisfied, neutral, and dissatisfied. Moreover, attorneys and judicial officers expressed a desire to be more informed about the screening tools used by probation and to have more access to them and their results. They indicated that they want to understand how these tools are used and what kinds of important information can be gleaned from them to assist in fashioning an appropriate dispositional case plan.

During interviews with local administrators and in focus groups, several interesting issues arose with regard to the concept of individually tailoring graduated sanctions to the youth and making appropriate use of the available continuum of services and sanctions in each county. Some participants indicated that their jurisdiction has an adequate array of services and sanctions but questioned the quality of the available programs. Probation officers and prosecutors noted that mental health services in particular were lacking. Probation officers in one county expressed disappointment in the quality of local community-based organizations (CBOs) and cited a lack of communication by CBO staff as a reason they did not refer more youth to some programs. For example, they said that staff refused to inform probation officers about a youth’s poor performance in a program or to let them know when a youth had violated terms of probation.

Along these lines, defense counsel in focus groups reported dissatisfaction with probation’s use of available community-based resources. Whether this nonuse of CBOs is related to a lack of awareness on the part of the court and probation regarding what is available or an unwillingness to utilize CBOs due to a perceived lack of efficacy is not known, but many of the focus group defense attorneys believe that these community resources are not being used to their full capacity. This theme arose during community focus groups as well. Some community members expressed frustration with probation’s unwillingness to use their services more frequently and reported feeling as though CBOs and probation are on different “sides,” working at cross-purposes rather than together for the benefit of the youth.

Even in those instances in which justice partners agree that an adequate continuum of quality services and sanctions exists, there is occasional dissatisfaction with the way in which the continuum is utilized. In focus groups and interviews, defense counsel, prosecutors, and probation officers agreed that dispositional options are not always used effectively. Some reported misuse, or a too rigid use, of the available graduated sanction continuum. One supervising prosecutor expressed concern that his staff would inappropriately argue in court for, and that the court would order, the “next step” in the sanction continuum for a youth only because that step was theoretically the next one in

line, in spite of the fact that it did not address the particular needs of the youth or the risk the youth presented. One defense attorney commented that sometimes “judges do not really think through, ‘Does this make sense to have all these programs?’ They throw all the programs at the kid; it’s not graduated, it’s not thought through.” A probation officer noted, “The bench and probation and the offender would be better served by individualizing what the kid needs a lot more than it is now instead of blanket conditions.” In several focus groups and interviews, participants pointed out that a youth’s individual risks and needs should be assessed and an appropriate disposition fashioned, rather than just mechanically applying whatever sanction or service is next on the continuum. These comments highlight the importance of individual case assessment and planning.

F. ESPECIALLY DIFFICULT SERVICE AND SANCTION NEEDS

Probation officers, prosecutors, and defense counsel consistently expressed low levels of satisfaction with the availability of some very specific sanction and service options. There is particular concern about the lack of mental health services, residential drug treatment programs, programs that specifically address the needs of girls, treatment options for sex offenders, and services for transitional-age youth.

Probation officers, prosecutors, and defense counsel who were interviewed and surveyed expressed especially high levels of dissatisfaction with the availability and quality of mental health services. It was very apparent in the surveys, focus groups, and conversations with study county representatives that juvenile justice system participants, regardless of county, believe that the dearth of appropriate mental health services is one of the juvenile justice system’s most significant problems. Many juvenile justice experts and youth advocates hoped that the passage of Proposition 63 would assist in the creation of new mental health–related programs for youth in the delinquency system.⁶⁵ Unfortunately, actually accessing the money for programs and treatment has proven very challenging.⁶⁶ Through local prevention and early intervention planning processes, however, funding and resources for services for youth in the delinquency system may be identified for the future. Courts, along with their justice partners, are encouraged to continue to be engaged in the planning processes and discussions with local departments of mental and behavioral health.

⁶⁵ Proposition 63, Mental Health Services Act (MHSA) (2004). The MHSA expands mental health care for children, youth, adults, and seniors and provides for prevention services to help them get care before a mental illness becomes disabling. As it relates to youth, the MHSA is to provide funding to help create new county mental health programs and to expand some existing programs, including Children’s System of Care services, “wraparound” services, and prevention and early intervention programs.

⁶⁶ CFCC staff attended several Mental Health Services Oversight Committee meetings at which the criteria for awarding prevention and early intervention funds were discussed. Many youth advocacy agencies and public commentators argued forcefully for programs working with at-risk youth to be included in funding awards.

A related, more specific concern raised in all focus groups with study county professionals and during the caseload management workshops⁶⁷ was that the court system lacks a well-defined, coherent process for adjudicating the cases of youth with serious competency issues. Study participants suggested that the AOC collaborate with other justice partners to sponsor legislation and rules of court to clarify the incompetency procedures to be followed in delinquency court.

All groups of professional justice partners surveyed and spoken with highlighted the need for appropriate programs for girls. Girls make up about one-quarter of the arrestee population, yet some jurisdictions do not have adequate residential placement programs for girls. One judge noted that the courts need more facilities and programs for girls. Girls

One judge noted that the courts need more facilities and programs for girls.

enter the juvenile justice system for different reasons and generally commit different offenses than do boys, and they need treatment that takes

these differences into consideration.⁶⁸ The consequences of these shortcomings are noteworthy. In one focus group, participants acknowledged that the lack of a locally run girls' camp or ranch means that girls are more often and more quickly sent to out-of-home placement than boys are. This inequity is compounded by two additional factors: (1) some counties have few if any local group homes for girls, which means girls are sent farther away from their families and community than boys are; and (2) placement programs often take longer to complete than a ranch or camp commitment, and therefore girls remain out of the home longer than boys. When this happens, girls are denied access to the services a similarly situated boy would likely receive, in terms both of the treatment itself and the proximity of the program to the youth's family.

Another concern expressed in focus groups with probation officers and some attorneys involves providing adequate services to older youth—those who are close to 18 years of age. These youth are “aging out” of the system and often do not have a family or guardian with whom they can reunite. Many placements do not take youth if they are close to 18 because the treatment program might be too lengthy to be completed prior to the ward's birthday. When a ward turns 18, obtaining state and federal funding for a placement can be difficult, with some specific exceptions or unless an exemption from state social service regulations is granted. The result is that probation may not recommend placement as a disposition for these youth and may be inclined to terminate a youth turning 18 from placement if the probation department will have to pay the costs and not receive reimbursement from the state. That makes it difficult to find adequate treatment and services to assist these older youth and especially to prepare them to

⁶⁷ See Greacen, *Developing Effective Practices in Delinquency Caseload Management*.

⁶⁸ See, generally, Office of Juvenile Justice and Delinquency Prevention, *Juvenile Female Offenders: A Status of the States Report* (1998).

support themselves, find housing, secure employment, and access adult community services. This reality makes independent living skills and transitional programs very important for older placement youth. As one probation officer put it, “Even those of us who came from intact families—at 18, [you’re] still not ready to take care of yourself.”

***“Even those of us who came from intact families—at 18, [you’re] still not ready to take care of yourself.”
–Probation officer***

Adequate and appropriate substance abuse treatment is another area that most survey respondents and focus group participants found lacking. One problem is that residential treatment facilities are not available in all jurisdictions. This lack is particularly acute in smaller and rural counties. Many professionals expressed frustration that in order to receive residential treatment, youth had to be placed far from home, away from the support of their family and community. A second issue respondents raised is that not all jurisdictions have juvenile drug courts available. In some courts this is a result of a lack of funding; in others it is due to an inability to partner with service-providing agencies such as county mental health, alcohol and drug counselors, or other therapeutic resources; and in still other courts the problem is that the county is so large and spread out that youth from areas outside the city cannot attend court for frequent review hearings, to meet with counselors, and to submit to regular drug testing.

G. CONCLUSION

Due to the myriad issues presented in delinquency court, a wide array of services and sanctions are needed. Yet juvenile justice professionals and court users are not particularly satisfied with the availability and effectiveness of many services and sanctions, and they are highly dissatisfied with some specific services and sanctions and with the lack of availability of others. To date, little research has been done on the efficacy of juvenile collaborative courts, but the existing literature shows moderately positive results. Future work in this area will provide information critical to evaluating whether and how to expand this model. Court professionals had mostly positive things to say about collaborative courts, and youth and parents were dissatisfied with the burdens the court places on them.

Focus groups underscored the importance of communication between the courts and all justice partners about the services available and the need for everyone to be educated about what their jurisdictions have to offer and the most effective way to use what they have. A desire for the individualized application of services and sanctions was a common theme for youth, as well as probation and attorneys. And in order to provide appropriate programming for all youth in the delinquency system, tailored to their specific risks and needs, the justice partners must work together to develop resources that are readily available and effective.

H. RECOMMENDATIONS

14. Local jurisdictions should establish a graduated continuum of evidence-based services and sanctions to respond to the needs of each offender.
15. Courts, to improve the delivery of services, should develop adequate court-based resources and make them readily and regularly available to court users.
16. Judicial officers should ensure that youth receive appropriate sanctions as well as the services, guidance, and support that are in the best interest of the youth while meeting the goals of public safety and victim restoration.
17. Court and counsel should ensure that treatment plans and terms of probation are complied with by monitoring the progress of youth on probation, regardless of whether the youth is at home, in out-of-home placement, or committed to a local or state facility.
18. Courts and probation should ensure that dispositional case plans include adequate reentry services.
19. Judicial officers should encourage collaborative, problem-solving practices that provide for the development and implementation of individualized case plans.
20. The courts and probation should encourage the identification and involvement of positive extended family members in a youth's rehabilitation.
21. Courts should collaborate with probation departments to ensure that judicial officers and attorneys understand probation assessment tools and the local sanction and service options that are available.
22. The courts, probation officers, and other juvenile justice partners should continue to collaborate in an effort to develop effective practices and methods for improving the delivery of services.
23. Juvenile justice agencies should continually seek out culturally appropriate resources in their communities and ensure that youth, families, and victims who do not speak English receive necessary interpreter and translation services.
24. Probation officers should continually seek out accessible and effective services, paying particular attention when emerging service gaps are discovered.
25. Probation officers who supervise youth in placement facilities should be trained to ensure that the needs of those youth are met and that their probation complies with title IV-E requirements.

26. The courts and probation should comprehensively examine and address all aspects of the needs of youth with mental health issues who are involved in the delinquency system.
27. The AOC should support legislation to address ways to more adequately and effectively deal with competency issues that come before the courts.
28. The AOC should continue to work with probation and social services to assist them in working with those youth who appear to come within the jurisdiction of both the delinquency and dependency systems.

CHAPTER 4

Court Management

A. INTRODUCTION

Every delinquency system has a general structure, many essential components, and a variety of indispensable participants who contribute to its success. Court users and professionals spend many hours in the California courthouses. They interact with court employees, use courthouse equipment and facilities, and participate in court cases and processes. For a delinquency court system to be effective and successful, it is critically important that the system have safe and adequate facilities, useful and reliable court case management systems, accountability to court users and the public, and good collaboration among justice partners.

B. ACCOUNTABILITY

The court is a public institution and must remain accountable to its citizens. Some of the ways that courts can remain accountable are to release annual reports and statistical information; hold regular community meetings, public education programs, and focus groups; and solicit feedback from the public and court users. Being responsible to the public requires the courts to seek out and communicate with the public, whether by explaining their purpose or by making their processes as transparent as possible under the law. In juvenile court, interacting with the public also extends to securing resources for youth in the delinquency system. According to standard 5.40 of the California Standards of Judicial Administration, the juvenile court judge should educate the community through every available means, including the media, about the juvenile court and its efforts to meet the complex needs of youth and their families. Remaining accountable also means being responsive to court users and the public when they have questions and concerns. By being accessible, available, and answerable to justice partners, other public and private agencies, and communities, the court can improve both public trust and confidence and the stature of the delinquency court in the communities it serves.

Many courts do make an effort to meet with community members. In a focus group of community members, one participant noted that the court invited clergy members for a day-long seminar to help them understand the delinquency court process and what the clergy's role can be in that process. In another county, the presiding judge of the juvenile court noted that she opens the court to public organizations and talks to the media whenever possible to share what the court does. The court's responsiveness to court users and the community also extends to court operations and service delivery. In the court operations survey, every court reported that it tries to ensure quality in customer

service. Twenty-eight out of 47 responding courts reported that they train court staff to respect the public and that the quality of customer service provided is examined during periodic reviews of court staff performance.

Nevertheless, the assessment revealed that there may be a need for the courts to have more interaction with justice partners and the community. In the survey of judicial officers, a third of the respondents reported that meetings with justice partners should happen more often than they do, and more than half reported that the courts should collaborate more with the community than they currently do. Nearly half of respondents agreed that their court needs more time and opportunity to meet with community members.

The superior court is charged with maintaining the confidentiality of most juvenile delinquency hearings and court records.⁶⁹ For those cases that are not confidential, courts need to create appropriate processes for providing information and opening hearings to the public. More importantly, courts should guard against adopting policies that needlessly deny access to nonconfidential information since this can reduce accountability. Some critical focus group observations illustrate the ways in which people are unhappy with the court's accountability:

- Representatives of community-based organizations that would like to offer services to the juvenile delinquency court (or to youth) reported that it is difficult to know how to contact the court if one is not an "insider."
- In one focus group, community members expressed their frustration that, as one put it, "As these kids go through the court, [the community is] left out of the justice system. The focus is on the minor . . . but the community doesn't feel like they were made whole. The graffiti is still there; the little burglaries are still going on . . . they don't know what happened to that kid or what didn't happen to that kid. So they feel kind of left out in the process."
- One victim, describing the obstacles she encountered in the juvenile justice system when seeking information about her offender, said, "The moment a minor is involved, [it's] hands off."⁷⁰

Courts should work to educate the public by being accessible, opening the courthouse to the public and the media when possible, and reaching out to build relationships with justice partners and the broader community. It is through these efforts that the court can build support for the juvenile delinquency court and make its purpose and its needs known to the public. The confidential nature of the juvenile court is important in allowing youth to avoid the lifelong stigma of a criminal record and in limiting potential collateral consequences for their youthful offenses. Confidentiality is also challenging for the courts

⁶⁹ Cal. Welf. & Inst. Code § 827.

⁷⁰ Victims are entitled to some information about the youthful offender that is not available to the public.

because it makes it difficult for the court to seem transparent and accountable to the public.

C. COLLABORATION

According to many JDCA participants, collaboration is an important component of an effective delinquency court system. Some collaborations are necessary and required under the law, but others have developed as ways to solve problems or work on particularly vexing issues.

Approximately 85 percent of judicial officers reported meeting with justice partners either regularly or as needed, to discuss issues involving procedures, policies, supervision, treatment, and placement. Courts also collaborate with other agencies to improve services for youth and victims. For example, one presiding juvenile judge noted that the court regularly meets with justice partners to review and work toward adopting recommendations in the Delinquency Guidelines. In one court, the presiding juvenile judge reported working in a particularly collaborative manner with probation in an effort to redesign the county's camp program, and the judge in another court was working to set up a mediation program. One judge noted that a

“We always strive to improve our practices and procedures, internally, and through collaborative efforts with agency partners.”
–Judge

strength of his juvenile court is that “we always strive to improve our practices and procedures, internally and through collaborative efforts with agency partners.” Some types of collaboration are mandated, such as the requirement in section 225 of the California Welfare and Institutions Code that each county or region have a juvenile justice commission. The commission is responsible for inquiring into juvenile court law, including inspecting institutions and reviewing court records, and assisting in the appointment of the chief probation officer.

Challenges to collaboration include distrust, reluctance to share information, and differences in departmental philosophy. For example, one presiding judge of the juvenile court noted that it is a struggle to get the county office of education and other school districts to provide information to the probation department. Agencies may be hesitant to hand over confidential records without parental consent, even with a court order. Another presiding juvenile judge pointed out that justice partners in some agencies do not participate in many court-led multidisciplinary collaborations because they have differing philosophies of juvenile justice. Collaboration is difficult for many reasons: the problems to be solved are difficult, as is working past organizational barriers and reaching agreements. It is also ongoing. New problems arise and circumstances and leaders change. An important way to strengthen and maintain existing collaborative efforts is to prepare for leadership transitions by having written policies in place and to include

incoming leaders in transitional meetings prior to the departure of current justice partner leaders or presiding judicial officers.

The rest of this section describes several major efforts that highlight the variety of areas in which the court and justice partners are collaborating.

1. Dual-Status Cases

For some youth, the court needs to decide whether the case will be handled within the delinquency system or the dependency system, or both. The probation and child welfare departments in each county are required to jointly develop a written protocol, often referred to as a 241.1(a) protocol, to ensure coordination when assessing the cases of youth who appear to fall within be covered under both section 300 and section 601 or 602 of the California Welfare and Institutions Code.⁷¹ Under section 241.1(a), a youth can be moved from the dependency system into the delinquency system or vice versa. The two agencies ultimately make a recommendation as to whether the youth will best be served by the delinquency or dependency system, and the court then determines which status is more appropriate for the youth.⁷²

It is also possible for a youth to be granted dual status—concurrently dependent and delinquent—rather than being in either one system or the other. Section 241.1(e) permits probation, child welfare, and the presiding juvenile court judge to adopt a protocol allowing for the designation of a youth as dual status.⁷³ Dual status is viewed by its supporters as a way to provide more comprehensive services to families with multiple issues—pulling in the resources available to both the probation department and child welfare services—to allow parents who have been found to be abusive or neglectful to be held accountable at the same time that their children’s illegal behavior is addressed, or to allow youth in placement who have successfully completed the terms of their probation but don’t have parents to reunite with to be placed in foster care and have probation dismissed. Collaboration among agencies is critical to the effective management of such

Dual-status case assessment is an example of a collaboration that benefits both system participants and youth and their families, in that it expedites the handling of these cases and coordinates appropriate resources.

cases..At the time of this report, seven counties in California had formally adopted a dual-status protocol.⁷⁴ During the course of the assessment, other jurisdictions indicated an interested in having a 241.1(e) protocol.

Dual-status case assessment is an example of a

⁷¹ Cal. Welf. & Inst. Code § 241.1(b).

⁷² Cal. Welf. & Inst. Code § 241.1(a).

⁷³ This provision became law with the passage of Assem. Bill 129 in 2004.

⁷⁴ Admin. Office of the Courts, Center for Families, Children & the Courts, *Dual-Status Children: Protocols for Implementing Assembly Bill 129* (2007); available at <http://www.courtinfo.ca.gov/programs/cfcc/pdf/AB129REPORT113007-edited.pdf>

collaboration that benefits both system participants and youth and their families, in that it expedites the handling of these cases and coordinates appropriate resources. Developing dual-status protocols pursuant to section 241.1(e) requires significant collaborative effort from many system participants. Even those counties that have chosen not to adopt a 241.1(e) protocol, but that considered it, collaborated in their review and determination that their 241.1(a) process works satisfactorily. This type of communication and collaboration is key to the development of a successful process for handling these challenging cases, regardless of whether a 241.1(a) or 241.1(e) process is followed.

2. Disproportionate Minority Contact

This assessment did not examine issues related to the disproportionate representation of youth of color in the juvenile justice system (known as disproportionate minority contact, or DMC). DMC continues to be a problem that must be addressed. The Family and Juvenile Law Advisory Committee recommends further study in all areas that potentially contribute to DMC. Several organizations have done significant work in this area and can provide a wealth of information on efforts in California as well as nationwide to reduce DMC.⁷⁵

Assessing racial and ethnic disparities will require the collaboration of all justice partners, including law enforcement, probation, attorneys, judicial officers, court management, service providers, and facilities management. The courts should work to determine the extent to which their procedures and processes may exacerbate DMC and then find ways to alleviate these disparities.

In order for states to participate in the federal Office of Juvenile Justice and Delinquency Prevention Formula Grants Program, which provides funds in support of state and local juvenile justice efforts, states must strive to reduce DMC. Since assuming responsibility for the Formula Grants Program in January 2004, the California Department of Corrections and Rehabilitation, Corrections Standard Authority has undertaken a number of efforts to ensure that California addresses DMC. The Enhanced DMC Technical Assistance Program makes funds available to support training for probation departments to help them understand and identify DMC issues. It seeks to better equip these agencies with the tools and resources needed to provide leadership in developing or strengthening community-based activities aimed at reducing DMC.⁷⁶ CFCC staff have recently begun

⁷⁵ See the Office of Juvenile Justice and Delinquency Prevention DMC Publications, <http://ojdp.ncjrs.org/dmc/pubs/index.html> (accessed Feb. 15, 2008); the Haywood Burns Institute, <http://www.burnsinstitute.org> (accessed Apr. 9, 2008); and Building Blocks for Youth, <http://www.buildingblocksforyouth.org> (accessed Apr. 9, 2008).

⁷⁶ For further information, go to the California Department of Corrections and Rehabilitation, Corrections Standards Authority Web site at http://www.cdcr.ca.gov/Divisions_Boards/CSA/PPP/Grants/DMC-TAP/Index.html (accessed Apr. 9, 2008).

participating in some of the technical assistance training events by sharing information with participants about the Judicial Council's Access and Fairness Advisory Committee and other efforts underway throughout California courts to address racial and ethnic disparities.

3. Education

Education is a critical component in ensuring the development of competency and preventing recidivism. Standard 5.40(g) and (h) of the California Standards of Judicial Administration provides guidance to the juvenile court regarding the educational rights of children in the system. Because juvenile offenders may be eligible for special educational services, judicial officers and juvenile justice professionals should be knowledgeable about these needs and the law.⁷⁷ In addition, youth in local detention facilities, camps, ranches, some residential placement facilities, and state correctional facilities attend school on site. It is critical that this opportunity is maximized to help the youth advance academically. Although most youth focus group participants were not explicitly asked about education, girls at one detention center complained about the quality of education, with one noting that it is geared toward the least proficient students rather than tailored to the unique educational needs of each youth. Whether a youth receives GED preparation, academic courses, or vocational training, it is critical that the courts, juvenile justice partners, and educators collaborate to ensure that he or she receives an adequate and appropriate education.

4. Transfer of Cases Between Counties

The transfer of cases between counties is a particularly challenging issue that requires collaboration among jurisdictions. Certain findings and orders need to be made at the

The transfer of cases between counties is a particularly challenging issue that requires collaboration between jurisdictions.

time jurisdiction over an offender is established, and when not done appropriately, a case that is transferred in can be received, accepted, and immediately returned to the sending county for

additional information or findings by the court (such as determination of felony or misdemeanor charge, or the parents' correct address not being appropriately verified). This type of delay in disposing of the case obviously affects the workload of the courts and probation, but it can also cause a youth to be in custody longer than necessary as a result of the case transferring back and forth, a situation that is especially unfortunate.

Transferring cases can be particularly difficult when the petition is dealt with in a way that limits what the receiving county can do at disposition. For example, when a youth is

⁷⁷ For a more detailed discussion of the issues involved in educating youth in the juvenile justice system, see recommendation 13 in the *Probation Services Task Force Final Report*, available at <http://www2.courtinfo.ca.gov/probation/documents/new/fullreport.pdf>.

already a dependent child of another county's superior court, communicating with that court about the section 241.1 assessment and how to handle the petition is crucial. Sustaining the petition may limit the receiving court's options with regard to the disposition of the case, depending upon the court's dual-status options, and it can also affect where the youth can be held pending the hearing.⁷⁸ Another problem arises when an admission is taken pursuant to consideration of a youth's eligibility for deferred entry of judgment (DEJ) and then the case is transferred. Taking an admission in the sending county with the recommendation that the receiving county consider DEJ can be problematic for the county receiving the case. Questions arise regarding jurisdiction and whether the youth can withdraw the admission if he or she is not found suitable for DEJ by the receiving county. A group of northern counties⁷⁹ has developed a protocol to assist in communicating about these challenging issues when transfers occur among these counties.⁸⁰

D. COURT RESOURCE NEEDS

Although this study did not survey courts about their resource needs, it became apparent through responses to other survey questions and focus groups discussions that the dissatisfaction expressed by court users and professionals may be due in part to the need for additional court resources in certain areas.

Only one-half of judicial officers surveyed reported that they routinely get through their delinquency calendar to their satisfaction. That seems to indicate that there are days when many judicial officers are unable to satisfactorily process the cases they are scheduled to hear. In their survey responses, prosecutors and defense counsel both expressed some dissatisfaction with the time spent waiting for hearings and with the number of continuances.

The many youth, parents, victims, and community members who participated in focus groups appeared particularly bothered by the number and length of hearing delays and continuances. They indicated that the court process appears hurried and disorganized, making them feel as if their case is just being mechanically processed. They reported that matters are often continued after they have spent hours waiting for a hearing, and that the new date and time are chosen without any consideration for their schedules. And

⁷⁸ Cal. Welf. & Inst. Code § 206 prohibits children alleged or adjudged to be dependents from being housed with youth alleged or adjudged to be wards of the court pursuant to §§601 and 602.

⁷⁹ As of March 2008, the superior courts, probation departments, and child welfare agencies of eight jurisdictions had agreed to follow this protocol. These are Amador, El Dorado, Placer, Sacramento, San Joaquin, Solano, Yolo, and Yuba. SacJoaquin Valley/Foothills Intercounty Transfer Protocol (amended March 21, 2007); available at <http://www.saccourt.com/juvenile/Intercounty%20Transfer%20Protocol/Intercounty%20Transfer%20Protocol.asp> (accessed Apr. 9, 2008).

⁸⁰ Cal. Rules of Court, rule 5.610(g), permits courts in a formalized regional collaboration to modify form JV – 550 to facilitate the efficient processing of transfer cases.

perhaps most importantly, when it comes to their comprehension of delinquency court, court users feel that no one takes the time or makes it their responsibility to sufficiently answer their questions or explain what is happening during the hearings. Again, if judicial officers are often unable to satisfactorily complete their calendars, it is likely that many matters are continued due to a lack of time to properly hear the case, or if heard, that the case is rushed through quickly in an effort to get on to the next one. Regardless of whether this is in reality a common occurrence, it is the perception of court users.

Further, although it would require an expenditure of time by judicial officers outside of the courtroom, some judicial officers indicated in survey responses their desire to be better informed about their jurisdiction's available treatment programs and resources and indicated that they also would like to learn more about the (risk and need) assessment tools used by the probation department. Given the difficulties involved in just getting through the calendar each day, finding the time to become familiar with programs in their community or the resources available to their probation department presents a formidable challenge.

Finally, in each victim focus group, one or more persons suggested that the courts would benefit from having an independent court liaison to work with victims—someone from the court who could answer questions, notify them of hearings or continuances, explain the paperwork, and ensure that their rights as victims are enforced. Presiding judges of the juvenile court may wish to consider whether their courts are providing sufficient services to meet the information needs of victims and other nonparty court users and explore whether current court staffing can accommodate improved service to these groups. Chapter 5 discusses this issue in more detail.

E. COURT CASE MANAGEMENT

During the initial site visits to the six study counties, court administrators and judicial officers expressed differing levels of satisfaction with their local case management systems. In a survey of court administrators, more than 90 percent of respondents reported being able to access delinquency, dependency, and criminal case management systems, though fewer than a quarter of responding courts reported having access to probation's case management system. Courts reported using their delinquency case management systems mostly to schedule hearings and produce calendars; fewer than a quarter reported using their systems to generate court management statistics such as judicial findings and reasons for continuances.

Unlike the dependency system, the juvenile delinquency system does not have a state-level case management system, and in only very few counties are the local case management systems of the delinquency courts connected to the local systems of justice

partners.⁸¹ At the state level, the AOC collects statistics reported by individual courts, but reporting is limited to case filings and case closings, with a small number of courts reporting detailed hearing information. Some courts described their computer systems as antiquated, and one court administrator compared the current system to working with “stone tablets.”

As noted in chapter 1, as part of this project assessment a caseflow management project was undertaken in early 2007. This consisted of both a manual of effective practices and a series of workshops for interested courts and justice partners. Twenty-eight counties sent court teams consisting of judicial officers, court staff, probation, prosecutors, and defense counsel to one of three different workshops held in Burbank, San Francisco, and Sacramento. The objectives of the juvenile delinquency workshops were to provide participants with an understanding of the principles of juvenile delinquency caseflow management, an opportunity to share and learn about juvenile delinquency case management practices used in other courts of the same size, and an action plan to take back to their courts to begin improving their juvenile delinquency caseflow management and their collaboration with their juvenile justice partners.

A couple of themes emerged from the workshops. First, judges, court staff, and other justice partners do not generally have the accurate, current, and useful information on the status of their juvenile delinquency cases that they need to manage them effectively. Second, improving case management in the juvenile delinquency courts requires effective leadership from the presiding juvenile delinquency judge and from all justice partner agencies; effective collaboration among all juvenile justice partners; appropriate application of caseflow management principles to the circumstances of each court and county; and accurate, complete, and current data on pending juvenile delinquency cases.

The AOC is currently working with court personnel, judges, justice partner representatives, and others to design a statewide Computer Case Management System to connect all 58 juvenile courts. The goal is to launch a system by 2012 that will provide uniform case management, more effective transfer of cases across county lines, venue transparency, limited public access, accurate data reporting, complete information

⁸¹ In juvenile dependency, courts and justice partners can rely, to some extent, on the statewide California Department of Social Services case management system, called CWS/CMS (Child Welfare Services/Case Management System), which is used by child welfare agencies. This system allows social workers to track individual cases. It also is compiled on a regular basis in order to generate statistics that are then used by child welfare and the courts to assess and improve their operations. The costs to develop and maintain this mandatory case management system are partially supported by the federal government.

gathering and maintenance, and ease of information sharing and access by the courts and other justice partners.⁸²

F. FACILITIES

Adequate court facilities are essential to the effective administration of justice. They convey respect for judicial officers, justice partners, and court users. As California's Chief Justice, Ronald George, stated,

Buildings are more than mere physical settings. They signal how we value what is transacted inside. Courts do not need or want ornamentation or ostentation in their quarters. But courts—and the public—do deserve buildings in which the business of administering justice can be transacted effectively, efficiently, and with appropriate dignity.⁸³

Court facilities encompass not only the buildings but also the operations of the court. The Facilities Checklist was developed to assess the attributes and needs of delinquency court facilities related to various issues relevant specifically to delinquency courts. Additionally, throughout the course of the study, many courts and justice partners spoke about facilities issues in relation to their impact on court effectiveness, efficiency, safety, and treatment of court users.⁸⁴

The primary findings related to facilities were associated with accessibility, safety and security, protection of rights, and adequate workspace.

1. Accessibility

Having a court that is accessible is crucial for both caseflow management and adequate participation by court users. Accessibility refers to the features of a court that make it easy to use, such as access for those with disabilities, adequate hours of operation, and readable signs. In addition, the proximity of the detention center to the courthouse, the availability of public transportation to the courthouse, the location of the courthouse in relation to the city center, and the existence of suitable children's waiting rooms are important concerns for delinquency courts.

⁸² It should be noted that the Department of Justice is developing data exchange standards based on a similar project recently completed in the criminal justice area, to ensure that justice partners with disparate systems are able to exchange data. The standards are being developed by a working group of juvenile justice partners, including law enforcement, prosecutors, probation, defenders' offices, the courts, and DJJ.

⁸³ Ronald M. George, Riverside Courthouse Transfer Address, Indio, Oct. 21, 2004.

⁸⁴ Nine facilities were assessed using the checklist, and many justice partners throughout the state talked about facilities-related issues during interviews and focus groups. Details on the methodology and results can be found in volume 2 of this report.

Transportation between the detention center and the courthouse is an important consideration when building new courts. Many believe that the detention center, or juvenile hall, should be in close proximity or adjacent to the courthouse for efficiency and cost-effectiveness. If the detention center is not adjacent to the courthouse, in-custody youth must be transported by bus between the detention center and the courthouse; in one jurisdiction, they are transported more than 50 miles. The cost of this transportation, in both dollars and time, can be very high. Often, all youth with cases being heard on a given day are transported to the courthouse first thing in the morning, where they must wait in a holding area for their cases to be called. Afterward, they must wait until all of the other youth's cases have been heard so that they can all be transported back to the detention center. This time spent waiting at court could be spent in school or receiving treatment.

Where possible, the courthouse should be located near the city center so and should be accessible by public transportation so that victims, out-of-custody youth, and family members of in-custody youth are able to attend court. Similarly, if services are offered at or near the courthouse, regardless of the location of the courthouse, it is essential that youth be able to reach these locations conveniently. As an example, one county's services are all offered in the centrally located city in the county, but the county is so geographically dispersed that many youth cannot reach them. Because of these transportation issues, it is important for courts, probation, and county boards of supervisors to work collaboratively when designing new court buildings.

An additional consideration is the availability of children's waiting rooms. In order for some parents or out-of-custody offenders to attend court, they may need childcare for their young children. Three of the facilities visited have children's waiting rooms that are safe, secure, and not accessible to the public as recommended in the California Standards of Judicial Administration.⁸⁵

2. Safety and Security

The safety and security of facilities are important to ensuring that justice partners have a safe place to work and that court users are not put in harm's way by coming to court. To ensure the safety and security of judicial officers, they should have a separate entrance to both the courthouse and the courtroom. In addition, survey and focus group participants believe that victims would be safer if they have a separate waiting area. In the survey of court administrators, a third of the respondents noted that a separate waiting area for victims is

***“[Facilities] need rooms for victims to be separate from minors and their families; it can get very volatile.”
–Court administrator***

⁸⁵ Cal. Stds. Jud. Admin., std. 10.24.

a feature that needs to be developed or improved. One court administrator pointed out, “[Facilities] need rooms for victims to be separate from minors and their families; it can get very volatile.” Other areas that survey respondents indicated as needing improvement were secure holding cells for in-custody youth and a secure, separate, and direct path from the holding cell to the courtroom. In one courthouse visited, in-custody youth sit together in an open waiting area near the public waiting area.

3. Protection of Rights

Confidentiality of juvenile delinquency proceedings and court records has been guaranteed since the founding of the juvenile court, which was created with the premise that youth should be protected from being stigmatized by the public.⁸⁶ In many court facilities, however, design issues and court practices threaten confidentiality. In the survey of defense attorneys, approximately one-third of respondents indicated that they are dissatisfied with the adequacy of the location available for meeting with clients. Responses to open-ended questions, interviews, and focus groups with defense attorneys indicated that this dissatisfaction is due to a lack of confidentiality. More than half of the facilities visited lack a private meeting area for attorneys and out-of-custody youth. These youth and their attorneys often must confer with each other as quietly as possible in a potentially crowded hallway or waiting area, where attorneys are essentially unable to comply with confidentiality laws.

Confidentiality is also an important consideration in the way cases are called into the courtroom. Nearly all of the courthouses visited broadcast the youth’s names in some way. In one facility, youth’s full names are broadcast over a loud speaker into the hallways and the parking lot when their cases are ready to be heard. One courthouse has avoided this by issuing to youth restaurant-style pagers that vibrate when the youth’s case is ready to be heard so that they do not have to call out youth’s names. Section 676 of the California Welfare and Institutions Code does allow certain cases to be open to the public. For these nonconfidential cases, the court should make sure that the calendars are posted so that the public can attend.

4. Adequate Workspace

As with all court resources, the number of courtrooms dedicated to juvenile delinquency should match the need. Courts should continually monitor changes in caseload, workload, and other system needs in order to ensure adequate resources. One focus group participant noted that one of the biggest challenges his county faces is a lack of courtrooms. In that county, the

The number of courtrooms dedicated to juvenile delinquency should match the need.

⁸⁶ Cal. Welf. & Inst. Code § 827 guarantees confidentiality in juvenile court.

court often uses the board of supervisors' chambers to hear cases; as a result, the "kids must be paraded through public areas," one attorney stated. In redesigns and new construction, courtrooms should be sized adequately to accommodate the youth, his or her family, the victim, his or her support persons, interpreters if necessary, and any witnesses.

Since juvenile prosecutors, defense attorneys, probation officers, and interpreters must be in the courtroom on a regular basis, and since victims and witnesses often wait in the district attorney's office for their cases to be called, locating the offices of justice partners in or near the courthouse could increase the efficiency of those offices, as well as ease the burdens of victims and youth.

G. CONCLUSION

In addition to the dedicated professionals who work within it, a successful delinquency court system depends on many factors. It is critical to conduct hearings in safe and adequate facilities that respect the privacy and communication needs of youth and families, attorneys, witnesses, and victims. Additionally, in order to measure system outcomes and gather needed data, the courts (and justice partners) must be equipped with useful and efficient court case management systems.

Because of the myriad issues presented by the youth and the complex nature of delinquency court systems, effective delinquency courts need good collaboration and communication between the court and all the justice partners. Addressing the wide variety of delinquency court issues and preparing for new challenges and new leaders requires preparation and diligence. Ultimately, and in spite of these difficulties, being accountable to the public is critical, not only for ensuring that court systems are responsible to the communities they serve, but for building trust and confidence among court users and the general public.

H. RECOMMENDATIONS

29. Judicial officers should educate the community and the media about the purpose of the juvenile court, specifically its purpose and role in meeting the complex needs of youth, their families, victims, and the community.
30. Judicial officers should maintain open communication with the public, provide avenues for receiving public feedback, and provide information about court performance or improvements.
31. Local juvenile justice partners should identify the outcomes they hope to achieve and develop performance measures to monitor their progress.

32. State and local court administrations should ensure that facilities are designed, maintained, and operated so as to provide both the effective and efficient administration of justice and the respect and dignity that victims, court users, professionals, and judicial officers deserve.
33. The AOC, in conjunction with local courts, should design and construct new facilities, in consultation and cooperation with the other juvenile justice partners.
34. Court facilities in which delinquency matters are heard should have separate waiting rooms for victims and witnesses to ensure their safety and encourage their participation in court.
35. State and local court administrators should ensure that court operations, modifications to facilities, and AOC design standards protect the confidentiality of parties and victims while enabling the public to have access to nonconfidential delinquency hearings when appropriate.
36. Judicial officers should exercise leadership in strengthening the relationships among justice partners and community organizations and in ensuring that local jurisdictions utilize all available resources to create appropriate outcomes within the juvenile justice system.
37. The courts and probation should engage schools, mental health, and other community systems to support the rehabilitation of youth.
38. The AOC and the courts should assess the court's role in minority disproportionality within the juvenile justice system and work collaboratively with state and county-level justice providers to address racial and ethnic disparities.
39. The AOC should continue to support the courts and other agencies in developing ways to assist youth whose circumstances potentially bring them before both the dependency and delinquency courts.
40. Courts and juvenile justice partners should develop case management systems (including the California Case Management System [CCMS]) that promote coordinated data collection and data exchange between the court and other justice partners.
41. Courts and juvenile justice partners should develop case management systems (including CCMS) to permit juvenile delinquency courts to access information about youth's and families' participation in other court cases.

42. The AOC should support courts in their efforts to develop protocols and procedures to address local issues and challenges involving case management.
43. The AOC should develop tools to help the courts assess their case management practices and should assist the courts in instituting a process of continual improvement.

CHAPTER 5

Professionals and Court Users

A. INTRODUCTION

For the delinquency system to best meet the needs of youth, families of youth, victims, and other court participants, it is critical to have experienced court professionals who are well trained and committed to the juvenile delinquency court. The need for all professional court leaders to recognize the importance of the juvenile delinquency system underlies several of the recommendations stemming from this report. One recommendation states that superior court presiding judges, court administrators, district attorneys' offices, public defenders' offices, and probation departments should ensure that they recruit and retain professionals who are committed to serving the delinquency system. Others call for courts to protect the rights and interests of youth, parents, and victims and to encourage and value community involvement with the juvenile delinquency court.

To better understand perceptions of the delinquency system's strengths and weaknesses, it is important to assess court professionals' and court users' experiences with and opinions about this court system. Through surveys, interviews, and focus groups, court professionals were asked to evaluate their experiences with the court and with other system professionals and court users. In addition, focus groups were conducted with youth in the delinquency system, youth's parents, victims of juvenile crime, and community members in order to better understand their experiences with the juvenile delinquency court system.

B. COURT PROFESSIONALS' EXPERIENCE AND BACKGROUND

To assess the experience of those professionals working in juvenile delinquency, the study explored the background and work experience of judicial officers, attorneys, and probation officers in the court. Topics included experience and background in their professional positions, including experience in the juvenile delinquency system, and their workload and training when relevant. Survey respondents were also asked whether they would like to continue working in a juvenile setting and how they expected to leave their current juvenile delinquency assignment.

1. Judicial Officers

One of the recommendations of this report highlights the need for recruiting and retaining committed judicial officers in judicial delinquency assignments. Based on survey

responses, judicial officers have extensive experience and overall tenure. Although some judicial officers surveyed had been in their current juvenile assignment for a relatively short time, others have lengthy tenures working in juvenile delinquency, particularly presiding judges of the superior court and subordinate judicial officers.⁸⁷ The vast majority of judicial officers indicated that they did receive specialized training in juvenile law, either prior to or within the first year of starting a juvenile assignment.

a. Experience and Background

Responses to the survey suggest that the overall tenure of judicial officers working in juvenile delinquency is extensive. Overall, the median length of judicial experience is 11.5 years for all judicial officers combined, 11.5 years for judges, and 8.0 years for subordinate judicial officers.

b. Juvenile Assignments and Experience

Approximately half of the judicial officer respondents have full-time delinquency assignments. About one-third spend less than half time working on delinquency cases, and 21 percent work less than a quarter time on delinquency.

Judicial officers have extensive experience overall, and some also have lengthy tenures working in juvenile delinquency. Standard 5.40 of the California Standards of Judicial Administration encourages juvenile bench assignments of least 3 years.⁸⁸ Survey respondents have been in their current ongoing juvenile delinquency assignments for an average of 5 years. One-half have been in their current assignment for 3 years or more. A small percentage of judicial officers have been in their current delinquency assignment for lengthy time periods; approximately 15 percent reported having been in their current assignment for more than 10 years. Data on the length of completed assignments was not collected; therefore, it can only be said that at least half of the responding judicial officers have already met the 3-year mark. Most presiding judges of the superior court who regularly hear delinquency cases, as well as most judges, are in their first delinquency assignment, while presiding judges of the juvenile court and subordinate judicial officers are more likely to be in their second or subsequent rotation. When the time in their current juvenile assignments and the total time in juvenile assignments were compared across judicial officer categories, some differences emerge. Presiding judges of the superior court who hear delinquency cases regularly have the longest median delinquency assignment length, followed by subordinate judicial officers, presiding judges of the juvenile court, and judges.

⁸⁷ Subordinate judicial officers include commissioners and referees.

⁸⁸ Cal. Stds. Jud. Admin., std. 5.40(a): The presiding judge of the superior court should assign judges to the juvenile court to serve for a minimum of three years. Priority should be given to judges who have expressed an interest in the assignment.

Survey respondents were also asked about their professional involvement in juvenile court before becoming a judge or a subordinate judicial officer. Sixty-two percent had been attorneys who practiced juvenile law. Judges were much more likely to have had no prior juvenile experience than were subordinate judicial officers, who are often hired to work in their area of legal expertise. Some respondents with prior experience as juvenile court attorneys also had other prior professional roles (such as social workers or probation officers); very few judicial officers had exclusively nonlegal professional roles.

c. Judicial Officer Education

Judicial officers also reported on the education they received in delinquency law at the start of their first assignment, as well as on their current education and training. The vast majority of judicial officers received their initial training either prior to or within the first year of their assignment. Only 17 percent reported not having received specialized education in the juvenile delinquency field within this time frame. These findings were equally true for newer judicial officers and for those who have juvenile appointments of half time or more.

Nearly all respondents indicated that they spent at least some time in specialized juvenile training in the past year. Judicial officers reported that they spent an average of 22 hours last year in specialized training related to juvenile delinquency, dependency, and related subjects. Approximately one-half of the respondents reported one or more work-related barriers to attending more training. The most frequently cited barriers were that the court has difficulty covering their time away from the bench and budget constraints.

2. Prosecutors

The need for district attorneys' offices to recruit and retain prosecutors who are committed to serving the delinquency court and developing expertise in the juvenile delinquency field is included in this study's recommendations. In describing the qualifications for prosecutors, the National Prosecution Standards section 92.1 on the Standards for Juvenile Justice recommends that training and experience should be required for handling juvenile delinquency cases and that entry-level attorneys working in juvenile delinquency should receive training related to juvenile matters. This standard also highlights the need to select juvenile prosecutors who are experienced and who have an interest in working with youth.⁸⁹ Data collected from the prosecutor survey show that although some very experienced attorneys are working in juvenile delinquency, many prosecutors are relatively new to the district attorney's office and have minimal prior experience in juvenile delinquency settings. Attorneys with more years of experience overall were more likely to say that they would like to continue to work in a juvenile

⁸⁹ National District Attorneys Association, *National Prosecution Standards*, Standards for Juvenile Justice, sections 92.1–92.7 (second edition) (1991).

delinquency setting than were newer juvenile prosecutors. However, most attorneys expected to be reassigned or rotated out of the juvenile division.

a. Experience and Background

Most prosecutors reported handling juvenile delinquency cases full time. The majority indicated that they handle multiple types of juvenile cases, most frequently listing general caseloads and cases involving gangs and sex offenders. One-fifth of respondents indicated that in addition to handling juvenile cases, they also have administrative or supervisory duties.

A substantial proportion of respondents are relatively new attorneys; more than one-fourth passed the bar less than four years ago, and more than one-third have less than four years' experience in the position of prosecutor. However, among the respondents were also a number of very experienced attorneys. Nearly one-third reported having passed the bar more than 20 years ago, and one-fourth have been a prosecutor for 20 years or more. On average, prosecutors from large counties were newer attorneys than were prosecutors from small and medium counties.

b. Juvenile Assignments and Experience

Prosecutors frequently reported being quite new to juvenile assignments; most are in their first juvenile delinquency assignment as prosecutor, and very few had prior professional roles in juvenile court. They have been in their current juvenile assignment for two to three years on average; nearly half have been in their current juvenile assignment for less than one year. Total years of experience handling juvenile cases is approximately five years on average, with nearly one-third of attorneys reporting less than one year of total experience in juvenile work. Pairing newer prosecutors with more experienced attorneys is one method some prosecutor offices may use to ensure the appropriate handling of juvenile delinquency matters.

When asked where they would like to be working in two years, most respondents indicated that they want to remain in the district attorney's office. Approximately one-third of juvenile prosecutors stated that they would like to remain in the juvenile division of the district attorney's office. Compared to more experienced prosecutors, newer prosecutors were less likely to report wanting to remain in the juvenile division after the next two years. Specifically, among attorneys with four years' experience or less in their role as prosecutors, only 12 percent indicated that they want to remain in juvenile assignments. In contrast, 43 percent of attorneys who have more than 16 years of experience expressed an interest in continuing to work in juvenile delinquency. When asked about the circumstances under which they expect to leave their juvenile assignments, prosecutors most frequently responded that they would either be reassigned or that their

predetermined juvenile rotation would be complete. Very few respondents (15 percent) said that they expect to remain in the juvenile division.

3. Defense Attorneys

The need to recruit and retain defense attorneys⁹⁰ who are committed to serving the delinquency court is one of the recommendations contained in this report. According to the National Juvenile Defender Center's *Principles in Practice*, legal representation of children is considered to be a specialized area that requires ongoing, delinquency-specific training. Although no specific recommendation is made regarding the level of experience necessary for juvenile delinquency attorneys, the principles do state that new defenders should be supervised by more experienced attorneys to ensure high-quality legal work and manageable caseloads.⁹¹

The survey found that although public defenders have more years of experience as attorneys than do prosecutors, the two groups have similar levels of experience working in delinquency assignments, with both being relatively new to delinquency work. Contract attorneys⁹² have more years of experience than do public defenders, including total years as an attorney and years working in juvenile delinquency settings; however, public defenders are more likely to be working full time on delinquency-related work.

The survey found that although public defenders have more years of experience as attorneys than do prosecutors, the two groups have similar levels of experience working in delinquency assignments, with both being new to delinquency work.

a. Experience and Background

Defense attorneys generally handle multiple delinquency case types; the ones listed most frequently were general caseloads, gangs, and sex offenders. The amount of time spent on delinquency cases varies by defense attorney type. The majority of public defenders reported working in delinquency full time. Contract defenders, on the other hand, were far less likely than public defenders to be working full time in juvenile delinquency, with nearly half indicating that they spend one-fourth of their time or less doing delinquency-related work. In fact, contract defenders who work in delinquency a quarter time or less made up nearly 30 percent of all survey respondents.

⁹⁰ For the purpose of comparison in this report, the term “defense attorney” refers to all defense attorneys surveyed, including public defenders, defense attorneys who contract to serve as their county’s public defender, alternate public defenders, and contract or panel conflict defenders. Privately retained defense counsel were not surveyed.

⁹¹ National Juvenile Defender Center, *Principles in Practice: Promoting Accountability, Safety, and Fairness in Juvenile Delinquency Proceedings* (Southern Poverty Law Center, 2007).

⁹² For the purpose of comparison in this report, the term “contract attorney” is used to describe contract or panel conflict defenders only and does not include attorneys who contract as the county’s public defender’s office. Alternate public defenders and contract public defenders were not included in defense attorney comparison analyses, due to the low numbers of attorneys in these categories.

Juvenile defenders generally have more experience as attorneys than do prosecutors. The average number of years since passing the bar for defense attorneys is 20, and they have been defense attorneys for 17.4 years on average. It should also be noted that public defenders have less experience as defense attorneys on average than do contract defenders (12.3 years and 19.8 years, respectively).

b. Juvenile Assignments and Experience

On average, defense attorneys have been in their current juvenile assignment for approximately the same amount of time as prosecutors (an average of 3.2 years and 2.7 years, respectively). However, a comparison of the total number of years spent in juvenile assignments showed that defense attorneys have much more juvenile experience on average (13.6 years) than prosecutors (4.9 years). Total years of experience in juvenile assignments also varies by defense attorney type, with public defenders' experience more closely resembling that of prosecutors. Specifically, public defenders had fewer total years of experience in juvenile assignments on average than all other defense attorney types.

Defense attorneys are also more likely than prosecutors to have had other professional roles in the juvenile court system. Sixty percent of defense attorneys reported having had other roles in juvenile court. The most frequent roles were parent's attorney in dependency cases and child's attorney in dependency cases. Contract defenders were more likely than public defenders to report having other roles in the juvenile court system. This is true regardless of the percentage of time they currently spend working on delinquency-related matters. For the contract attorneys, these responses likely reflect both prior and current roles in the juvenile court system.

When asked under what circumstances they expect to leave their juvenile assignment, only 23 percent of public defenders said that they expect to remain in the juvenile division. Most stated that they would either be reassigned or that their predetermined juvenile rotation would be complete. However, more than half of defense attorneys indicated that they would like to continue handling juvenile delinquency cases; this finding was true for both public defenders and contract defenders. Similar to the findings for prosecutors, public defenders with more experience were more likely to want to continue handling juvenile cases than were the newer defense attorneys. Across all experience levels, public defenders were more likely than prosecutors to indicate that they would like to remain in their juvenile assignment. As with the prosecutor results, these findings indicate that there is an experienced group of public defenders who want to continue handling juvenile cases. Contract defenders show a different pattern of results: newer attorneys were slightly more likely than more experienced attorneys to say that they would like to continue to work on juvenile delinquency cases. However, it should be noted

that across all experience levels, more than half of the contract respondents indicated that they would like to continue handling juvenile cases. It is likely that contract attorneys have a choice in deciding to handle juvenile delinquency cases in the first place, and those that have chosen this type of work are therefore interested in continuing to do so.

4. Probation Officers

The need to recruit and retain experienced, committed staff in juvenile probation departments was also among the recommendations enumerated in this report. Based on survey findings, probation officers have extensive experience working in juvenile probation. Approximately half of the respondents stated that they would like to remain in their juvenile assignment. The amount of time spent in various job-related tasks varies by probation officer role (for example, intake officers spend their time differently than court officers).

Approximately half of the probation officers stated that they would like to remain in their juvenile assignment.

a. Experience and Background

The respondents to the probation officer survey included line intake officers, investigation officers, placement officers, court officers, supervision officers, and deputy probation officers at institutions or facilities. More than half of the respondents reported having multiple roles. Of those probation officers who indicated that they have case supervision duties, almost half reported having a general caseload and more than half reported handling intensive or informal supervision caseloads.

Most juvenile probation officers have substantial experience working in probation. Nearly half have been working for probation between 5 and 10 years; the average number of years working in probation in any capacity is almost 10. Very few respondents have less than 3 years' experience working in the probation field.

b. Juvenile Assignments and Experience

Most respondents are also not new to working in juvenile probation; the total time working in juvenile assignments is about 8 years on average. The average number of years in the current juvenile assignment is 3.5; about half of the respondents have been in their current assignments for less than 2 years. Nearly a quarter of respondents have worked in their current juvenile assignment since they began working in the probation department.

Approximately half of all respondents reported that they would like to still be in the juvenile division in two years; an additional 30 percent would like to stay in the probation department but work in another division. When asked how they expect to leave the juvenile division, one-third of the respondents stated that they expect to remain in the

juvenile division and about 20 percent indicated that they expect to request to leave the juvenile division.

When asked to rate the frequency with which they engage in various job-related tasks, differences across probation officer roles emerged. Investigation officers and court officers spend the most time preparing court reports. Predictably, compared to all other probation officers, court officers were more likely to report that they frequently attend court. Service and program coordination is a more frequent activity for both field and institution supervision officers. Providing services to victims is an infrequent job activity for most respondents. Nearly half of all probation officers reported that they never or rarely provide victim services. Investigation officers were somewhat more likely than other probation officers to provide services to victims; approximately one-fourth indicated that they do so sometimes or often.

C. COURT PROFESSIONALS' EXPERIENCES WITH THE JUVENILE DELINQUENCY SYSTEM

In order to evaluate court professionals' experiences with the juvenile delinquency system, the survey asked respondents to evaluate their relationships with the court and other court professionals, to assess the job performance of those individuals, to describe what they liked and disliked about their juvenile assignments, and to list the strengths and needs of the juvenile delinquency court. When relevant, survey respondents and focus group participants were asked about their work with court users.

1. Experience With the Delinquency Court and Court Professionals

Attorneys and probation officers reported having good relationships with the court and with justice partners. As described in chapter 2 of this report, attorneys reported having a

Attorneys and probation officers reported having good relationships with the court and with justice partners.

good relationship with the court and with other court professionals and are generally satisfied with how they are treated by the court. When survey respondents were asked to describe what

they like most about their juvenile assignments, one of the most frequent responses from both attorney groups was that they enjoy the relationship with coworkers and other juvenile delinquency court professionals. Many stated that they find the nature of these relationships to be positive and collaborative. Probation officers also reported having good relationships with the court and with prosecutors and defense attorneys.

For both attorney groups, satisfaction with the relationships they have with other court professionals is higher than their satisfaction with the job performance of those professionals. This may be partially due to the different role each court professional has in the delinquency court system and the adversarial atmosphere that is sometimes present in delinquency court proceedings. Although not asked directly about their

opinions of the juvenile delinquency bench officers, some prosecutors, in response to an open-ended question about what they would change about their delinquency assignments, commented that they would like stronger, less lenient bench officers handling delinquency cases.

Although probation officers reported in the survey that they generally have good relationships with the courts, the public defender's office, and the district attorney's office, they are dissatisfied with how they are treated by the court and attorneys. They are also dissatisfied with both prosecutors' and defense attorneys' handling of cases. Probation officers are generally satisfied with the number of times they are required to attend court, although they are dissatisfied with how well they are trained to testify.

When asked about the top strengths of the juvenile delinquency court, judicial officers frequently commented on the good working relationship and collaboration within the court and on the knowledgeable and committed court professionals. Based on survey responses, judicial officers are also generally satisfied with the performance of prosecutors and defense attorneys in court and expressed similar levels of satisfaction across both attorney types for most of the areas assessed. Judicial officers are also generally satisfied with the quality of information they receive from probation; they are most satisfied with the quality of information that is easy for probation to obtain by the time of the hearing.⁹³

2. Working With Youth, Families, and Victims

When asked to describe the top three things they like most about their juvenile assignments, one of the most frequent responses from prosecutors and defense attorneys was the ability to make a difference for the youth in the delinquency system by helping them change their behavior. Defense attorneys were particularly likely to state that they enjoy working with kids as well as with their families; this was by far the most frequently supplied answer to the question of what they like most about their juvenile assignments. A number of respondents from both attorney groups emphasized the importance of helping youth in order to reduce future delinquent behaviors and to improve the youth's overall functioning. Prosecutors frequently commented that by helping youth change from a delinquent path, they are also helping to make the community safer. Probation officers were also likely to rate working and interacting with youth as one of the things they enjoy most about their juvenile assignment. They frequently reported that they enjoy seeing positive changes in youth and providing services to youth. However, they also commented that they do not have as much time to spend with youth as they would like.

⁹³ See Chapter 2 for more details on judicial officers' satisfaction with the quality of attorney and probation officer work.

Defense attorneys and probation officers were asked to indicate how well various types of information are conveyed to youth and parents. The responses indicate that defense attorneys feel that certain types of information are explained well. These include possible outcomes, responsibilities while on probation, ramifications of a plea, what to expect at court hearings, and the general court process. Defense attorneys were less likely to indicate that record-sealing information and the process for paying restitution are explained well to youth or parents. Probation officers also indicated that some information is conveyed well to youth and parents. The majority of probation officer respondents agreed that youth's responsibilities while on probation and possible outcomes are conveyed well to both youth and parents, and that the parents' responsibilities while the child is on probation are also explained well. However, nearly everyone in probation interviews and focus groups agreed that neither youth nor parents understand what happened in court. This perception by probation officers is strongly supported by youth and parent focus group participants, who frequently commented that they did not understand what was happening while in court and that the process was not explained to them very well.

When asked to describe their work with victims, most prosecutors indicated that they work with victims in one or more capacities. The most commonly listed activities included preparing victims to testify and explaining the court process to victims. Approximately half of the respondents indicated that their work with victims includes referring victims to services and explaining the restitution process to victims. Less than 40 percent of attorneys indicated that they take victim statements or notify victims of hearings. It should be noted, however, that when an individual survey respondent does not engage in a particular activity, such as notifying victims of hearings, it does not suggest that this activity does not happen at all in the respondent's county. Individual attorneys' responsibilities may vary from office to office, and not all prosecutors may engage in all victim-related responsibilities. Some victim-related work may also fall under the job duties of the county probation department.

In focus groups, probation officers generally reported feeling that they do a poor job of dealing with victims. Responses from surveyed probation officers show, in fact, that almost one-third do not work with victims as all. Similar to the earlier comment about prosecutors' victim-related work, individual probation officers' duties may vary with

***“Every time I deal with the probation department, it’s like no one knows nothing, they can’t enforce anything, and they have no answers for you.”
–Victim***

respect to victim-related responsibilities. Of those probation survey respondents who indicated that they do work with victims, fewer than one-third said that they explain the process of collecting restitution to victims. Dissatisfaction with restitution collection was seen across all

professional groups, and this unhappiness was strongly echoed by the victims who

participated in focus groups. Victims commented that the court does not hold youth accountable for payment of restitution and that it is difficult to obtain information. According to one victim, “Every time I deal with the probation department, it’s like no one knows nothing, they can’t enforce anything, and they have no answers for you.”

3. Juvenile Delinquency System

When describing what they would change about their juvenile assignments, prosecutors’ most frequent response was that the juvenile delinquency system is too lenient and should have a greater emphasis on punishment of and accountability by juvenile offenders. Prosecutors often feel that a system imbalance exists in case dispositions, one that emphasizes rehabilitation over punitive responses and youth needs over community safety. As one prosecutor stated, “I would like for the juvenile system to recognize [the] value of punitive measures in dispositions, even though rehabilitation should still be the focus and the goal.” There is also a strong belief among prosecutors that the system needs to have tougher penalties for serious, repeat offenders, including incarceration when warranted. This sentiment was reflected in prosecutors’ evaluations of the effectiveness of various sanction options available to juvenile offenders. Prosecutors tend to be more satisfied with the effectiveness of the more restrictive sanction options, such as camps and ranches, placement, and DJJ. They are least satisfied with more informal options such as counsel and dismiss or home on probation. This concern about an overly lenient delinquency system was raised by participants in prosecutor focus groups as well. It should be emphasized that most prosecutors who spoke in focus groups and responded to survey questions are not in favor of punitive measures in lieu of helping to rehabilitate youth but feel that a better balance between the two needs to be found.

“I would like for the juvenile system to recognize [the] value of punitive measures in dispositions, even though rehabilitation should still be the focus and the goal.”
–Prosecutor

Defense attorneys, on the other hand, see the delinquency system as being overly punitive, and they expressed concern over the lack of procedural protections afforded youth in the delinquency court system, given a perceived increase in the punitiveness of the delinquency court. One respondent commented on the impact of an overly harsh system, stating that “juvenile court should not destroy kids forever.” When asked what they would change about their current juvenile delinquency assignment, many defense attorneys commented that although they like the fact that the juvenile system is generally less harsh than the adult criminal system, it is still too punitive and not focused enough on youth rehabilitation. Some defense attorneys think that prosecutors overcharge in many cases (for example, they may choose to file a felony commercial burglary charge when a

“Juvenile court should not destroy kids forever.”
–Defense attorney

defense attorney thinks that a misdemeanor shoplifting charge is more appropriate). A common theme underlying these responses is that juveniles are being treated like adult criminals but are not afforded the same legal protections that are present in the adult criminal system. For example, survey respondents indicated that they would like to have the option of jury trials in the juvenile system, particularly for serious crimes and strike offenses.⁹⁴ Many defense attorneys feel that an overly harsh system has a detrimental impact on a youth's future. Focus group participants from a few counties supported this sentiment, pointing out that overcharging certain juvenile offenses may affect the youth's ability to seal his or her record after reaching adulthood. Defense attorney satisfaction with sanction options is also substantially different from that reported by prosecutors. Defense attorneys are very dissatisfied with the more restrictive sanction options and are most satisfied with the effectiveness of less restrictive options such as home on probation, informal supervision, community service, and electronic monitoring.

When probation officers were asked to list the top strengths of the delinquency court, the most frequently listed strengths were that the court holds the youth accountable, focuses on rehabilitation, and treats people with respect. When asked what the court could improve upon, many probation officers stated that the court needs to hold the parents of youth more accountable. This need for parental accountability and responsibility was mentioned by prosecutors, defense attorneys, and community members as well.

D. COURT USERS' EXPERIENCES WITH THE JUVENILE DELINQUENCY SYSTEM

During the course of this project, youth, parents, victims, and community members shared their experiences in 15 focus groups.⁹⁵ Five focus groups were held with a total of 58 probation youth from different counties. The groups included in-custody and out-of-custody boys and girls, youth who were enrolled in an alternative school run by a probation department, and youth who were participating in a drug court program. Three focus groups were conducted with parents of children who had gone through various stages of the delinquency court process. Parents included in the focus groups had children who had experienced a wide variety of court dispositions and levels of probation supervision. Some parents had children against whom very serious charges had been filed. Victims of crime and their family members participated in four focus groups. The offenses that had been committed against these victims or their family members included

⁹⁴ "Strike" refers to an offense that can be used for enhancing a sentence under California's "three-strikes law," contained in Proposition 184, which was passed by voters in 1994. The substantive provisions of Prop. 184 are codified in Pen. Code §§ 667(e)(2)(A)(ii) (http://www.leginfo.ca.gov/cgi-bin/waisgate?WAI_SdocID=69854025223+1+0+0&WAI_Saction=retrieve) and 1170.12(c)(2)(A)(ii) (http://www.leginfo.ca.gov/cgi-bin/waisgate?WAI_SdocID=69858425608+1+0+0&WAI_Saction=retrieve). The purpose was to lengthen prison sentences for repeat criminal offenders.

⁹⁵ For an in-depth analysis of these individual groups, refer to volume 2.

identify theft, assault, robbery, sexual molestation, and, in one case, murder. Focus groups with community members from three different counties were also held. The community participants varied widely in their experience with and knowledge about juvenile delinquency court. They were members of community-based organizations, municipal agencies, parent support and youth advocacy groups, violence prevention organizations, and law enforcement agencies, as well as retired juvenile justice professionals and members of the clergy.

Despite the different perspectives that each of these constituent groups represents within the delinquency system, their opinions and experiences shared several common themes:

- Court users would like more opportunities to be heard and to participate in the process.
- Court users feel that the delinquency court process is complex and that the language used in court is difficult to understand.
- There is a belief among court users that the juvenile justice system has no clearly defined goal or purpose and exists for no reason other than to process cases.
- Court users feel that the delinquency system does not follow through on its promised consequences or services.

1. Barriers to Participation

Youth, parents, victims, and members of the community all expressed great frustration at the difficulties they encountered when trying to participate in the delinquency court process.

Youth and parents reported wanting meaningful opportunities to address the court and to be active participants in their court hearings and cases, so they had difficulty understanding why the defense attorney sometimes advised them not to speak to the court.⁹⁶ Parents reported that they often felt ignored and irrelevant to the court process. They also reported being confused and angry that they had no ability to participate in decision making in their child's case (with respect to plea agreements or negotiated dispositions). They commented that defense counsel often excluded them from conversations with the youth. One parent noted, "It's horrible because you never have the chance to defend your son.

***"It's horrible because you never have the chance to defend your son. It's all going on between the DA and the public defender, and they're just going back and forth."
—Parent***

⁹⁶ This is likely due to the attorney's obligation to prevent the youth from making incriminating statements in court.

It's all going on between the DA and the public defender, and they're just going back and forth." Some parents in the focus groups were unaware that legally, in delinquency proceedings, the attorney represents only the offender, not the parent. Though there may be sound legal bases for the attorneys' handling of these situations, the opinions of both youth and parents about the court process might improve if the reasons for their limited participation were communicated to them. As discussed earlier, defense attorneys, in response to a question about what they like most about their delinquency assignment, frequently stated that they enjoy working with parents and families of the youth. Some defense attorneys said they would like more participation and involvement by the youth's parents. Thus, it appears that parents and attorneys have similar goals in wanting some level of parental participation. What that participation should involve may be unclear to parents and may warrant clearer explanations by defense attorneys.

Victims and community members also expressed dissatisfaction with the lack of opportunities to participate meaningfully in delinquency court. Victims reported that they had difficulty getting information about hearing dates and times and about their ability to attend and participate. They often reported that were it not for their own efforts to find information, and repeated calls to probation, prosecutors, and the courts, they would simply have missed hearings and never known what their legal rights were. It is unclear exactly how often victims are actually provided with this information about hearings. Victims also expressed frustration at taking time away from work (which amounted to lost wages or additional business expenses) to attend a hearing only to have the matter continued, and at not being able to make a statement during the hearing. As was noted in chapter 2, opinions among court professionals vary regarding the severity of and reasons for hearing delays and continuances. Clearly, the reason for a delay should be communicated to any victims and witnesses who have been waiting and now need to return to court on another day. One victim reported attending court, waiting for two hours, during which time no one communicated with him, and finally leaving. The invitation to participate in the JDCA focus group was the next time he was contacted by anyone about his case. Another victim reported going to court with a written impact statement prepared and not being allowed to read it.

Community members expressed similar concerns over not being able to get hearing information, having to spend time waiting for hearings that ended up being delayed, and not being allowed to participate when hearings did occur. Several focus group members reported that when a court directed or asked that an offender participate in one of their community-based programs, they often had difficulty getting information about the youth and family from probation or the attorneys due to the confidential nature of juvenile court, and they sometimes had difficulty attending hearings for the same reason. Additionally, some members of community-based organizations reported feeling that probation did not want them to participate in certain cases, and if they did, it was only to have

documentation of a youth's failure. Focus group participants reported that they believe probation is not interested in reports that document when a youth is doing well. Understandably, they are frustrated when they are asked to provide a service for the youth and then are made to feel that their input isn't desired, are excluded from hearings, or are not informed about proceedings.

A common recommendation from both victim and community focus groups was that it would be helpful for court users to have a designated contact person for the lifespan of the case who has the ability to access information about the court process and about the individual case. A suggestion that emerged in focus groups with victims was that a single point of contact for victims of crime would be helpful. One victim stated, "I think it would've been good to have one

It would be helpful for court users to have a designated contact person for the lifespan of the case who has the ability to access information about the court process and about the individual case.

person to talk to, to answer questions instead of us having to call sergeants on the case, intake officers, the county jail itself, the probation officer." She suggested that courts provide "one person who is able to give us the information that we need." One focus group populated by victims who had an advocate assist them through the delinquency court process described a much more positive experience with the juvenile court system compared to other victims who did not have the benefit of a victim advocate. Victims in this group reported that they received information about their rights, about the case, and about all court dates and what they should expect to happen.

Participants in community focus groups also thought it would be beneficial for community-based organizations and schools to have a designated contact person for the juvenile delinquency court. They expressed confusion regarding who they should contact regarding a juvenile case, as well as about the appropriateness of certain actions, such as contacting the judicial officer involved in a youth's case. Focus group members thought that a single, identified contact person would help improve the communication between their agencies and the delinquency court. They also recommended a designated contact person for youth and families to get information about the youth's case.

2. Lack of Comprehensible Process or Hearings

Youth, parents, victims, and community members also expressed confusion with the unique language used in delinquency court by the professionals. Several focus group participants recalled feeling that they were listening to a foreign language with terms, words, code numbers, and acronyms that they did not understand. The majority of focus group parents and youth reported leaving court with virtually no idea of what had happened and hoping that, once outside the courtroom, the youth's attorney or a probation officer would provide an explanation. In contrast, as described earlier in this

chapter, defense attorneys feel that most types of information are conveyed well to parents and youth. It may be that due to large caseloads and crowded court calendars, attorneys are not taking the time needed to go over court orders and explain court processes thoroughly to youth and their parents, to ensure that they really understand what is happening and what the next steps are.

Victims had similar complaints, and unless they had a victim-witness advocate who worked closely with them, they reported that their questions and concerns often went completely unaddressed. They felt that no one took responsibility for helping them, and they said they were frequently passed from one person to another, with no one who had knowledge of or responsibility for their case. Many victims reported that at the time of the JDCA focus groups, which in some instances were being conducted months or even years after the court cases were processed, their questions still had never been answered. If allowed to participate in hearings, community members viewed the entire court process as hurried and disorganized, with professionals who cared little about taking the time to make sure the youth and families who appeared in court understood the process.

3. Purpose of Juvenile Delinquency Court

When asked about the purpose or intent of the delinquency court, a few of the participants in the court users' focus groups articulated that the system was originally created to rehabilitate offenders and to punish or hold youth accountable for violating the law. Some community members expressed the opinion that the system had become too punitive; society in general, some said, has become too punitive and willing to incarcerate youth. But the most frequent response by far to the inquiry about the purpose of the juvenile delinquency court was that the system exists solely to process the cases that come before the court. In the focus groups, youth, parents, victims, and many community members expressed the belief that case processing and maintaining employment for the professionals was the purpose of the system, and that the system, on some level, purposely set youth up for failure. One victim stated, "My impression on the court system from my experience is that their intent is just to process and keep the process simple, quick, and easy." Youth expressed similar opinions, pointing out that they thought their probation officers (and the court) noticed only when they did something wrong and failed to notice successes such as good grades or periods during which the youth was behaving appropriately.

4. System Follow-Through

A wide range of focus group participants echoed the theme that the delinquency system lacks follow through. Community members commented that there is no follow-through on the provision of services to youth. Victims reported that they do not believe that the court

holds youth accountable for payment of restitution. In addition, focus group participants knew of many instances in which an offender violated the terms of his or her probation and received no consequences. One victim noted, “These kids are just laughing at the judge and the whole system, because they know the system isn’t capable of [enforcing what the court] ordered.” Parents felt that this lack of follow-through over a period of time gave the youth a false sense that they could get away with misbehavior and violations of probation conditions. Community members and parents also expressed concern that the system responds inconsistently, failing to impose consequences for minor misbehavior and then, after a particular offense or violation, and sometimes without warning, seeming to overreact and mete out excessive punishment. This concern over lack of follow-through was reiterated by probation officers in focus groups, who feel that their credibility (and the system’s) suffers when they warn youth of consequences that never come. Although judicial officers should independently assess the facts and circumstances each time a case comes before the court, in order to have a more effective role in the rehabilitation of youth, they need to communicate the rationale for their decisions with the youth and with others when they diverge from past admonishments or statements.

E. CONCLUSION

It is encouraging to note that within all groups of survey respondents there exists a group of highly experienced professionals working in the California juvenile delinquency court system, including many who indicate that they would like to continue working in a juvenile delinquency setting. These findings would appear to partially address the recommendations from this report that encourage court leaders to recruit and retain qualified professionals for the juvenile delinquency system. Probation officers often have lengthy tenures, including a number of years’ experience working in juvenile probation assignments. Judicial officers’ level of experience varies by judicial officer position; however, there are many who have extensive experience working in juvenile court settings. Findings for prosecutors and public defenders may raise some concerns regarding the general lack of experience of some attorneys working in the juvenile delinquency courts. Among survey respondents there are some attorneys who are new not only to juvenile assignments but also to the district attorneys’ and public defenders’ offices in general. As was noted previously, it may be the case that in many offices, new attorneys are paired with ones who are more experienced. Given the complexity of the juvenile delinquency court system, practices such as this that allow for more experienced attorneys to handle or supervise delinquency cases should be encouraged.

The fact that there are many professionals who are new to the delinquency system indicates the importance of early training when first entering a juvenile delinquency assignment.

The fact that there are many professionals who are new to the delinquency system indicates the importance of early training when first entering a juvenile delinquency assignment. Although the delinquency training of

attorneys was not assessed in this current study, it would likely be beneficial for them to receive delinquency-specific training early in their delinquency assignments, or at least to receive some level of supervision from other professionals who have more experience in juvenile delinquency work. When judicial officers were asked about the training they received, the vast majority indicated that they did receive training in delinquency law either prior to or during the first year of their assignment.

Many probation officers and attorneys reported that they would like to remain in their juvenile assignments. Prosecutors and defense attorneys who were new to their respective offices were less likely to indicate that they would like to continue working in juvenile delinquency. The majority of respondents from all three of these professional groups indicated that they expect to rotate out of their juvenile assignments at some point in the future. If a failure to get promoted underlies some of the hesitation or inability to remain in juvenile assignments, this may be an area for prosecutors' and defense attorneys' offices to evaluate further. Recommendations from this report encourage the leadership from all court-related offices to retain and promote qualified professionals who are interested in working in a juvenile delinquency court setting. Additional efforts to accommodate those who wish to remain in juvenile assignments need to be considered; it is up to the leadership within all delinquency offices to initiate these efforts and to relay the message that juvenile delinquency is an important and worthwhile assignment.

Hearing delays and continuances were cited as a problem by most of the court user groups. One of the guiding principles of this report is that the delinquency system should recognize and respect the rights of victims, and two of the report recommendations call for judicial officers to accommodate the schedules of victims and witnesses whenever possible. Regardless of the reason for the hearing delays and continuances, court users should be made aware of the reason that the hearing is being continued. This may help to alleviate some of the frustration and confusion felt by these court users, who may otherwise perceive a continuance as an unnecessary and unexplained inconvenience.

Several recommendations stemming from this report revolve around the need for the court to ensure that hearings are comprehensible to court users. Findings of the current study regarding court user comprehension of the court process are consistent with those found in the recent Public Trust and Confidence study.⁹⁷ Both studies indicate that the public and nonprofessional court users have a low level of understanding of the court process. A very common statement from focus group participants was that they did not understand what happened while in court and that nobody bothered to explain it to them (or did not explain it well) after the hearing was over. One probation officer suggested

⁹⁷ Admin. Office of the Courts, *Trust and Confidence in the California Courts, Phase I and II* (2006); available at http://www.courtinfo.ca.gov/reference/4_37pubtrust.htm.

that “having some type of orientation for parents whose kids are involved with our system when they first come here . . . it could be like a liaison for parents, and [that person] meets with them and explains to them about the court process.” Victims and parents also spoke of wanting to be better informed about the case, to be included, and to have the opportunity to have greater input in the process. Defense attorneys often expressed that they would like more parental participation in the youth’s case. It seems that parents and attorneys have similar goals in wanting some level of parental participation. What that participation should involve may be unclear to parents and may warrant clearer explanations by defense attorneys.

Perceptions of the purpose and goals of the delinquency court system differ between court users and court professionals and also differ among the court professionals themselves. Court users, by and large, think that the juvenile delinquency system exists for no other purpose than to process the cases that come before the court. Defense attorneys and prosecutors have very different opinions about the areas of the juvenile delinquency system that are in need of improvement. Prosecutors’ most frequent response was that the system is too lenient and should have a greater emphasis on punishment of and accountability by juvenile offenders. Defense attorneys, on the other hand, criticized the prosecutors for overcharging cases and for other practices they perceive as overly punitive. A common theme underlying the defense attorneys’ responses was that juveniles are being treated like adult criminals but are not afforded the same legal protections that are present in the adult criminal system. Probation officers, when asked what they like most about their juvenile assignment, frequently commented on the court’s ability both to hold youth accountable and to rehabilitate youth. One common theme across both attorney groups and probation officers is that they enjoy having the opportunity to work with youth and having the ability to help them turn their lives in a more positive direction.

One common theme across both attorney groups and probation officers is that they enjoy having the opportunity to work with youth and having the ability to help them turn their lives in a more positive direction.

F. RECOMMENDATIONS

- 44. Superior court presiding judges should recognize the importance of the juvenile delinquency system and the need for recruiting and retaining high-quality judicial officers in juvenile assignments.

- 45. Court administrators should ensure that courts have adequate numbers of qualified court staff.

46. District attorneys' and public defenders' offices should be encouraged to seek out and promote attorneys who are committed to serving the delinquency court and developing expertise in this complex and significant field.
47. Judicial officers should seek out panel and contract attorneys who are committed to serving youth in the delinquency court and who are willing to develop expertise in the field.
48. Probation departments should seek out, encourage, promote, and retain staff who are committed to working with juveniles and developing expertise in this important area.
49. The courts should ensure continuity of policy and practice during leadership transitions by instituting best practices and by supporting the transfer of knowledge.
50. Probation and social services staff should be adequately trained and should communicate and coordinate services so as to deal appropriately with those youth who appear to come within the jurisdiction of both the delinquency and dependency systems.
51. Judicial officers, attorneys, and probation should be adequately trained and educated to understand the myriad issues in delinquency court and the importance of the work.
52. Courts should develop or clarify local protocols that set forth their expectations of defense counsel in the postdispositional period regarding status reports, hearings, child visits, legal advocacy, and other activities.
53. The AOC should work with law schools and the State Bar to educate, encourage, and support attorneys seeking careers in juvenile justice.
54. Courts and juvenile justice agencies should continually monitor and adjust their caseload guidelines to respond to evolving standards of practice and should seek additional resources as necessary.
55. Courts hearing delinquency matters should have adequate funding to fulfill their purpose of guaranteeing public safety, victim restoration, and offender rehabilitation.
56. The judicial branch should encourage federal, state, and local government officials to provide probation departments with stable and adequate funding to protect the public and the rights of victims, to ensure offender accountability and

rehabilitation, and to support the court with the information necessary to make appropriate findings and orders.

57. Local government officials should fund public defenders' offices, district attorneys' offices, and contract-based defenders at a level that allows them to adequately fulfill their professional obligations.
58. The Judicial Council should support the improvement of resource allocation in the courts by conducting a judicial workload study of judicial officers who hear juvenile delinquency cases and a needs assessment of the court staffing that supports the court's management and review of juvenile delinquency cases.

CHAPTER 6

Conclusion

The charge of the juvenile delinquency court is a complex one that requires the balancing of many interests as well as the involvement of many actors and institutions. At the case level, judicial officers supervise the administration of the law. Courts must fashion responses that optimize public safety; hold youth accountable; develop competencies; and make the victim and community whole. To accomplish this, the court needs accurate and complete information about the circumstances of the arrest, informed perspectives about the youth's strengths and challenges, and an assessment of the likelihood that the youth will reoffend. To diminish the possibility of recidivism and adult criminality, judicial officers must also attend to the youth's educational and social development while the youth remains under court supervision.

The charge of the juvenile delinquency court is a complex one that requires the balancing of many interests as well as the involvement of many actors and institutions.

The courts accomplish this in a highly regulated environment, where deriving a solution based upon the best interests of the youth, public safety, and accountability is both assisted and constrained by procedural safeguards; statutory regulations governing findings, orders, and their timeliness; and the complexities of such issues as collateral consequences, transfers to adult court, substance abuse, competency, and educational rights. Courts rely upon the participation of zealous and knowledgeable legal advocates, probation officers, service providers, and court staff, such as clerks, caseworkers, interpreters, mediators, and research attorneys. Judicial officers also need the time to consider all of the information presented to them. The resource constraints under which all of this is to be achieved will have to change before the system can operate optimally.

At the system level, judicial officers and the presiding judge of the juvenile court must attend to myriad issues, both in the court and in the community, to support the juvenile delinquency system. To remain confident about findings and orders that are made, they must engage in such activities as visiting detention facilities, attending cross-training to understand the adequacy of treatment protocols, and evaluating outcomes for youth. Managerial issues at the system level must also be addressed. These include but extend well beyond such activities as regulating caseload and workload, convening justice partners to resolve problems in services, improving communication, and exploring how to improve upon what is functioning well.

The juvenile delinquency system does not operate in a vacuum. The system-level work of the juvenile delinquency court involves communicating with the community. This includes

learning whether there are community resources that can benefit the court, victims, and youthful offenders and their families. It also involves responsiveness to the community's sentiments about a host of issues, such as their perceptions of their safety, the system's transparency, and their desire to understand the purpose of the juvenile delinquency court.

These final sections summarize the findings and the study's limitations. Following that are several proposed new projects that may assist the juvenile courts and the AOC in beginning to address the study recommendations as set forth in chapters 1 through 5. Chapter 7 reprints the recommendations in their entirety.

A. SUMMARY OF FINDINGS

- Additional resources are needed to maintain caseloads at a reasonable level for judicial officers, attorneys, and probation officers. Both probation officers and defense attorneys expressed a need for more resources to enable them to implement court-ordered dispositions and case plans, including accessing services in the community for the youth they work with.
- Judicial officers, attorneys, and probation officers who were surveyed expressed a general dissatisfaction with the sufficiency of information about, and the availability of, services for youth, most notably drug rehabilitation, mental health services, gender-specific services, and services for transitional-age youth. They also indicated that they are not satisfied with the sanction options available to the court for high-risk youth.
- Judicial officers, attorneys, and probation officers who were surveyed expressed frustration concerning the availability of information to them at various points in the delinquency court process, including mental health assessments, information on youth's educational status, and interviews with youth, parents, and victims, both predisposition and postdisposition.
- For youthful offenders, parents, victims, and witnesses, court proceedings are often difficult to follow and understand. These groups find the court experience to be rushed and without opportunities for them to participate. Court facilities often do not have the space or the personnel to address the questions of court users.
- There is a need to measure the effectiveness of system responses to youthful offenders. The juvenile delinquency system needs better ways to measure outcomes and increase accountability.

- Courts frequently collaborate with justice partners to work on policies and procedures, and to respond to problems as they arise. Judicial officers expressed the need to be better informed about the availability and effectiveness of dispositional options for youth, and to meet with the community.
- Many juvenile detention facilities and juvenile court facilities are in need of improvement or replacement. The nature of the environment in which cases are heard, and where youth are confined, has a significant impact on the efficiency and effectiveness of court processes.
- Juvenile delinquency courts need to be staffed with judicial officers, court staff, probation officers, and attorneys who are educated in juvenile law issues and are experienced in and committed to the juvenile delinquency assignment. Longevity in juvenile assignments should be encouraged.

B. STUDY LIMITATIONS

This study has several limitations that should be noted. One has to do with the areas of study. First, because the assessment covered so many areas, it was not possible to study any one area in depth. Also, some areas were not studied at all. Sometimes, this was because the topics were too big to be addressed within the study structure (for example, disproportionate minority contact and mental health services for adjudicated youth). Largely, though, it was due to a lack of appropriate data for the questions at hand (such as workload and caseload statistics).

The study also relied on opinion data that were aggregated to the state level. When the perspectives of judicial officers and different justice partners can be compared, it is possible to use these data to isolate areas that are in need of improvement or, at least, further analysis. However, opinion data can be compromised by two problems. One is that subjective evaluations are influenced by expectations. Survey respondents who reported being satisfied with a certain court process, for example, may be fairly or objectively assessing that process as working well. It is also possible, however, that their satisfaction is due to diminished expectations—that is, they have come to accept a poor process. The second weakness of opinion data is associated with asking respondents to recall the frequency of events, something that is difficult to do when the events are infrequent, unremarkable, or meaningless to the respondent. The assessment avoided this problem to some extent by not asking respondents to attach quantitative precision to their observations; however, this also meant that the assessment did without certain information. Another limitation is that aggregating data to the state level may mask very strong county-level variation. The strategy of triangulating statewide survey data with local focus group data was devised, in part, to offset this weakness.

The final challenge in interpreting the data is that different research methods were employed for court users and the community on the one hand (focus groups in six counties) and judicial officers, court staff, attorneys, and probation on the other (focus groups, interviews, and statewide surveys). For example, judicial officers were surveyed but, with the exception of presiding judges of the juvenile court, were not interviewed or convened in focus groups. At the other end, court users spoke about issues in focus groups, but representative surveys were not conducted with them. This may make the viewpoints of the two groups seem more different than they are.

C. NEXT STEPS

The Family and Juvenile Law Advisory Committee recommends that local courts and justice partners examine this report with an eye toward local reform. One method for reviewing it might be for juvenile court presiding judges to convene local justice partner meetings to assess which issues identified in this report are problematic in their jurisdiction and to come up with local solutions. In addition, the Family and Juvenile Law Advisory Committee requests that the Judicial Council consider this report in terms of its implications for statewide reforms efforts. While many of these recommendations can be implemented immediately, others require future study, statewide consideration, funding, statutory changes, or rule changes. A few challenges were found repeatedly throughout the assessment; these are discussed in the sections that follow. Although this list is by no means exhaustive, it is illustrative of the areas courts and the AOC should examine. Whether a change is simple or requires a many-pronged solution, it is critical that the courts and the AOC begin this effort where there are findings to support change. In addition, many areas require future research, either as identified in this study or as will arise as a critical issue in the years to come. The committee encourages the AOC to continually monitor changes and trends in juvenile justice.

1. Self-Assessment

The findings of this statewide assessment strongly suggest that it is at the court and county level where much of the work for system improvement must take place. Statewide data cannot suggest what the particular issues are in any one jurisdiction, nor can they point courts to specific solutions. Much of the data supplied in this study, rather, suggest areas that local courts and justice partners may wish to examine in their jurisdictions, to find what is true for them and to join forces to solve challenges that a local assessment may suggest.

The assessment's findings show that many courts and justice partners already meet often to work on problems in the courts. A structured exercise of self-assessment would present the opportunity for some courts to take an intensive look at their existing local

system, determine what it is they want to achieve, and then use local resources and strengths to reach their goals. As noted in chapter 1, many national jurisdictions have undertaken a process of open examination of specific benchmarks for their system. Benchmarks for appraisals can include (1) state statutes and rules, to determine whether practices are aligned with legal mandates; (2) standards of practice, including the California Standards of Judicial Administration; and (3) guides that suggest best practices (such as Delinquency Guidelines, this assessment, and other guides⁹⁸) to determine whether current practices are helping achieve the court's goals. Information gathering for self-assessments can include legal research, meetings with justice partners, public hearings or other meetings with the community and court users, and an examination of court case records. The AOC should assist by creating tools that courts can use for these purposes. The AOC may also wish to consider convening county teams in local, regional, or statewide events geared toward assisting local jurisdictions in identifying those areas of the assessment most applicable to their needs and developing strategies for improvement.

2. Court User Assistance

One very clear finding in the assessment is that court users have information needs that are not being adequately addressed in some courts. Many courts, as well as the AOC, already produce information for juvenile delinquency court users. The AOC should continue to produce and distribute informational bulletins to the courts for distribution to court users. Per a request made at the delinquency caseflow meetings, the AOC should work in conjunction with the courts to produce an informational video about juvenile delinquency. These media, however, are one-way communication tools. Courts will need to examine their own environments for ways to increase the opportunities for youth, victims, and parents to inquire and otherwise communicate with the court about their specific cases and concerns. Another way to increase understanding, while also addressing the factor of users' discomfort in court, is to use legally accurate, plain language in the courtroom. The AOC, in conjunction with courts, may wish to develop judicial aids to assist court proceedings.

One very clear finding in the assessment is that court users have information needs that are not being adequately addressed.

⁹⁸ Courts with access to probation data about youth outcomes could also consider including the question of youth outcomes in their self-assessments. See the recent American Prosecutors Research Institute, *Guide to Developing and Implementing Performance Measures for the Juvenile Justice System* (2006); available at http://www.ndaa.org/pdf/performance_measures_jj_system_06.pdf (accessed Apr. 9, 2008).

3. Legislative Changes and Other Systemic Approaches

Many of the findings point to the need for legislative change or systemic improvement. A priority expressed at the statewide caseflow management workshops and repeated in focus groups and surveys was the need for significant improvements in the system's approach to mental health cases. Caseflow participants suggested that the AOC could assist courts by developing a statewide model for the delivery of mental health services to youth in the delinquency court. Due to limitations on the scope of the JDCA, further study is needed to determine how best to approach this effort. JDCA study participants identified specific needs for increasing both the number of existing mental health services and the types of services available (for example, more qualified mental health professionals to work with youth in their communities, more bed space in regional centers for delinquent youth, and more locked mental health facilities for youth who are a danger to themselves or others). In addition, JDCA study participants and those who attended the caseflow management workshops have asked for AOC leadership in seeking legislative changes to make legal incompetency procedures more clear.

4. California Court Case Management System (CCMS)

The judiciary is currently developing a case management system to provide uniform case management, more effective transfer of cases across county lines, venue transparency, public access, accurate data reporting, complete information gathering and maintenance, and ease of information sharing and access by the courts and other justice partners. In addition to judicial officers and court staff, such as clerks, analysts, research attorneys, and others, the AOC has involved its own delinquency experts in assisting in the development of the CCMS. Staff also helped develop draft management reports to be distributed to the courts that should provide many of the statistics that they need to monitor their performance and resource needs. To help address the courts' current data needs until CCMS V4 (which includes the juvenile court component) is developed, the AOC will work to develop common data definitions for the courts. The AOC should ensure appropriate staffing to assist the courts both in developing the CCMS and in supporting local efforts until the CCMS is launched statewide.

5. Juvenile Delinquency Technical Assistance Project

The AOC is staffed with attorneys with expertise in juvenile delinquency law and court matters, who answer legal questions regarding rules, forms, and procedure that come from the juvenile delinquency community. Over the course of the assessment, as judicial officers and justice partners asked technical questions, it has become clear that legal research done to fulfill individual requests should be broadly disseminated, as other groups may have similar legal questions. One AOC commitment already made, for example, is to annually review and distribute to the courts the list of offenses in California

Welfare and Institutions Code section 676 that open delinquency hearings to the public, as some courts reported a lack of administrative expertise or resources to do so.

The AOC is also staffed with researchers with expertise in juvenile justice research and analysis. A second area of technical assistance involves having AOC analysts review already-published empirical and other literature on effective practices and distribute them to judicial officers. The desire to understand how certain treatment modalities function and the circumstances under which they may be effective was expressed strongly by courts and justice partners during the study. These activities supplement, but do not substitute for, individualized technical assistance and trainings provided by other AOC efforts.

6. Resource Needs

Improvements to rule adherence, practice and procedure, and organizational efficiencies can certainly be expedited through self-assessments, improvement plans, and collaborative approaches to problem solving. On this road, however, many systems will eventually be stymied by resource limitations. Resource limitations were not directly investigated in this assessment, but they do appear to be somewhat responsible for some of the challenges that the system is experiencing. The Family and Juvenile Law Advisory Committee recommends that courts hearing delinquency matters, probation departments, and attorney offices be adequately and stably funded in order to fulfill their statutory and professional obligations in the juvenile delinquency system, and that courts communicate their expectations to those agencies to encourage increased accountability. The methods that other agencies use to determine their needs and seek additional resources is largely out of the purview of this court-based assessment.

To be properly resourced, courts need to determine, meet, and monitor their resource needs. Currently, very little is known about judicial workload in juvenile delinquency matters. Full-time equivalent judicial officers in juvenile delinquency conduct hearings for about 1,100 filings per year, but the workload that this currently entails is unknown. Also unknown is the time it takes to hold statutorily mandated hearings and make statutorily mandated findings and orders. Without baseline knowledge, it is difficult to move beyond a vague but pervasive notion that more resources are needed. Moreover, without this baseline, adjustments to workload based upon changes in laws and best practices cannot be made in a rational fashion. For these reasons, the Family and Juvenile Law Advisory Committee recommends that the Judicial Council conduct a workload study of judicial officers presiding over juvenile delinquency proceedings. The Judicial Council should also consider conducting a court staffing needs assessment to determine the staffing levels necessary to sufficiently support the court's management and review of juvenile delinquency cases.

D. CONCLUSION

This assessment is the judiciary's first comprehensive research study of how the superior courts of California handle delinquency matters. It is hoped that this baseline information will provide courts and justice partners with the information needed to identify areas for change and guidance in making the needed changes. The Family and Juvenile Law Advisory Committee encourages statewide policy makers and local leaders to review the recommendations in the following chapter to help improve both the administration of justice and the lives of youth, victims, and other community members affected by the delinquency system by helping set an agenda for system improvements over the coming years.

CHAPTER 7

Recommendations

The Family and Juvenile Law Advisory Committee makes the following specific recommendations:

CASE-LEVEL PERFORMANCE

INDIVIDUAL RIGHTS

1. Courts should protect the rights and interests of youth, parents, victims, and the community.
2. Judicial officers should ensure the welfare of youth by inquiring about their health, safety, and education; the effectiveness of court-ordered services, restitution, and community service; and other matters regarding their general welfare and the terms of their probation.
3. Judicial officers should ensure that hearings are completed within statutory deadlines, granting continuances only for good cause while recognizing that continuances may be necessary to protect the right to due process and the opportunity to fully defend against the allegations in a petition.
4. Judicial officers, court staff, attorneys, and probation officers should monitor their practices and procedures to ensure that they meet statutory requirements regarding confidentiality and open public hearings.
5. Courts should support victims by ordering restitution in a specific amount, making restitution payment a priority, and encouraging other methods of victim restoration as appropriate.
6. Probation officers, defense counsel, and judicial officers should ensure that youth understand their rights regarding record sealing and should provide them with the information necessary to exercise those rights.
7. The AOC, in conjunction with local courts, should ensure that delinquency court facilities appropriately protect confidentiality and include private meeting spaces for court users and juvenile justice partners.

COURT PARTICIPATION

8. Judicial officers should consider calendar structures and hearing schedules that enable parents and extended family, victims, and witnesses to provide input.
9. Judicial officers should set the day's calendar by prioritizing hearings at which victims or witnesses are present and cases that are short cause matters.
10. When delays are unavoidable, the judicial officer and the attorneys should explain the reasons for them to the parties involved, so as to maintain transparency and confidence in the process.

COMPREHENSIBLE HEARINGS

11. Judicial officers should encourage the use of simple yet legally accurate language so that all parties present for hearings can understand the proceedings.
12. Judicial officers, attorneys, and probation officers should take the time necessary to help youth, parents, and victims understand the court process, the outcomes of court hearings, and the orders of the court.
13. The AOC, in conjunction with the courts, should develop educational materials such as videos and brochures that orient youth and parents to the delinquency court.

SERVICES AND SANCTIONS

INDIVIDUALIZED SERVICES

14. Local jurisdictions should establish a graduated continuum of evidence-based services and sanctions to respond to the needs of each offender.
15. Courts, to improve the delivery of services, should develop adequate court-based resources and make them readily and regularly available to court users.
16. Judicial officers should ensure that youth receive appropriate sanctions as well as the services, guidance, and support that are in the best interest of the youth while meeting the goals of public safety and victim restoration.
17. Court and counsel should ensure that treatment plans and terms of probation are complied with by monitoring the progress of youth on probation, regardless of whether the youth is at home, in out-of-home placement, or committed to a local or state facility.

18. Courts and probation should ensure that dispositional case plans include adequate reentry services.
19. Judicial officers should encourage collaborative, problem-solving practices that provide for the development and implementation of individualized case plans.
20. The courts and probation should encourage the identification and involvement of positive extended family members in a youth's rehabilitation.
21. Courts should collaborate with probation departments to ensure that judicial officers and attorneys understand probation assessment tools and the local sanction and service options that are available.
22. The courts, probation officers, and other juvenile justice partners should continue to collaborate in an effort to develop effective practices and methods for improving the delivery of services.

MEETING DIVERSE NEEDS

23. Juvenile justice agencies should continually seek out culturally appropriate resources in their communities and ensure that youth, families, and victims who do not speak English receive necessary interpreter and translation services.
24. Probation officers should continually seek out accessible and effective services, paying particular attention when emerging service gaps are discovered.
25. Probation officers who supervise youth in placement facilities should be trained to ensure that the needs of those youth are met and that their probation complies with title IV-E requirements.
26. The courts and probation should comprehensively examine and address all aspects of the needs of youth with mental health issues who are involved in the delinquency system.
27. The AOC should support legislation to address ways to more adequately and effectively deal with competency issues that come before the courts.
28. The AOC should continue to work with probation and social services to assist them in working with those youth who appear to come within the jurisdiction of both the delinquency and dependency systems.

COURT MANAGEMENT

ACCOUNTABILITY

29. Judicial officers should educate the community and the media about the purpose of the juvenile court, specifically its purpose and role in meeting the complex needs of youth, their families, victims, and the community.
30. Judicial officers should maintain open communication with the public, provide avenues for receiving public feedback, and provide information about court performance or improvements.
31. Local juvenile justice partners should identify the outcomes they hope to achieve and develop performance measures to monitor their progress.

FACILITIES

32. State and local court administrations should ensure that facilities are designed, maintained, and operated so as to provide both the effective and efficient administration of justice and the respect and dignity that victims, court users, professionals, and judicial officers deserve.
33. The AOC, in conjunction with local courts, should design and construct new facilities, in consultation and cooperation with the other juvenile justice partners.
34. Court facilities in which delinquency matters are heard should have separate waiting rooms for victims and witnesses to ensure their safety and encourage their participation in court.
35. State and local court administrators should ensure that court operations, modifications to facilities, and AOC design standards protect the confidentiality of parties and victims while enabling the public to have access to nonconfidential delinquency hearings when appropriate.

COLLABORATION

36. Judicial officers should exercise leadership in strengthening the relationships among justice partners and community organizations and in ensuring that local jurisdictions utilize all available resources to create appropriate outcomes within the juvenile justice system.
37. The courts and probation should engage schools, mental health, and other community systems to support the rehabilitation of youth.

38. The AOC and the courts should assess the court's role in minority disproportionality within the juvenile justice system and work collaboratively with state and county-level justice providers to address racial and ethnic disparities.
39. The AOC should continue to support the courts and other agencies in developing ways to assist youth whose circumstances potentially bring them before both the dependency and delinquency courts.

CASE MANAGEMENT

40. Courts and juvenile justice partners should develop case management systems (including the California Case Management System [CCMS]) that promote coordinated data collection and data exchange between the court and other justice partners.
41. Courts and juvenile justice partners should develop case management systems (including CCMS) to permit juvenile delinquency courts to access information about youth's and families' participation in other court cases.
42. The AOC should support courts in their efforts to develop protocols and procedures to address local issues and challenges involving case management.
43. The AOC should develop tools to help the courts assess their case management practices and should assist the courts in instituting a process of continual improvement.

PROFESSIONALS AND COURT USERS

COMMITMENT

44. Superior court presiding judges should recognize the importance of the juvenile delinquency system and the need for recruiting and retaining high-quality judicial officers in juvenile assignments.
45. Court administrators should ensure that courts have adequate numbers of qualified court staff.
46. District attorneys' and public defenders' offices should be encouraged to seek out and promote attorneys who are committed to serving the delinquency court and developing expertise in this complex and significant field.
47. Judicial officers should seek out panel and contract attorneys who are committed to serving youth in the delinquency court and who are willing to develop expertise in the field.

48. Probation departments should seek out, encourage, promote, and retain staff who are committed to working with juveniles and developing expertise in this important area.

EDUCATION

49. The courts should ensure continuity of policy and practice during leadership transitions by instituting best practices and by supporting the transfer of knowledge.
50. Probation and social services staff should be adequately trained and should communicate and coordinate services so as to deal appropriately with those youth who appear to come within the jurisdiction of both the delinquency and dependency systems.
51. Judicial officers, attorneys, and probation should be adequately trained and educated to understand the myriad issues in delinquency court and the importance of the work.
52. Courts should develop or clarify local protocols that set forth their expectations of defense counsel in the postdispositional period regarding status reports, hearings, child visits, legal advocacy, and other activities.
53. The AOC should work with law schools and the State Bar to educate, encourage, and support attorneys seeking careers in juvenile justice.

RESOURCES

54. Courts and juvenile justice agencies should continually monitor and adjust their caseload guidelines to respond to evolving standards of practice and should seek additional resources as necessary.
55. Courts hearing delinquency matters should have adequate funding to fulfill their purpose of guaranteeing public safety, victim restoration, and offender rehabilitation.
56. The judicial branch should encourage federal, state, and local government officials to provide probation departments with stable and adequate funding to protect the public and the rights of victims, to ensure offender accountability and rehabilitation, and to support the court with the information necessary to make appropriate findings and orders.

57. Local government officials should fund public defenders' offices, district attorneys' offices, and contract-based defenders at a level that allows them to adequately fulfill their professional obligations.

58. The Judicial Council should support the improvement of resource allocation in the courts by conducting a judicial workload study of judicial officers who hear juvenile delinquency cases and a needs assessment of the court staffing that supports the court's management and review of juvenile delinquency cases.

