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Juvenile Delinquency Court Assessment: Methodology Report

The Judicial Council of California’s Family and Juvenile Law Advisory Committee, in conjunction with the Administrative Office of the Courts (AOC), Center for Families, Children & the Courts (CFCC), conducted the Juvenile Delinquency Court Assessment (JDCA). The Family and Juvenile Law Advisory Committee convened a working group composed of members of the advisory committee and experts drawn from state entities and the major participants in the juvenile delinquency court: judicial officers,¹ court staff, probation, prosecutors, and defense attorneys. Working group members were selected both for their subject matter expertise and to ensure representation from a cross section of the state in terms of geographic location and county size. The working group helped develop the study plan, guide the research, and interpret the findings. A list of working group members can be found at the beginning of volume 1 of the *Juvenile Delinquency Court Assessment 2008*.

The JDCA is the first statewide, comprehensive examination of California’s juvenile delinquency court system. This report covers information about the research design and methodology that the JDCA project used. Results from all of the assessment tools used in the JDCA are discussed in volume 1 and chapters 2 through 6 of volume 2 of the *Juvenile Delinquency Court Assessment 2008*. Copies of all of the assessment tools can be found in chapter 7 of this volume, Research Instruments.

Research Design

The principal sources of research topics for the JDCA were the Juvenile Delinquency Guidelines² and results of the Juvenile Dependency Court Improvement Program Reassessment.³ Additional input on research topics was solicited from various internal AOC meetings and from the Family and Juvenile Law Advisory Committee, which appointed various delinquency justice partners to form a JDCA working group. The working group comprised presiding judges; judicial officers; court administrators; chief probation officers and probation juvenile division leaders; and prosecutors and defense attorneys, including juvenile division supervisors. These members were selected from a range of small, medium, and large counties and from rural, suburban, and urban counties. The topic guide was created in consultation with the working group.

¹ “Judicial officers” refers to judges, commissioners, and referees.

² National Council of Juvenile and Family Court Judges, *Juvenile Delinquency Guidelines: Improving Court Practice in Juvenile Delinquency Cases* (2005).

³ Judicial Council of Cal., *California Juvenile Dependency Court Improvement Program Reassessment* (2005); available at <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/CIPReassessmentRpt.pdf>.

Research topics were categorized in the following manner:

- Processes, including quality of hearings, information, and advocacy; court management and facilities; and services and sanctions.
- People, including justice partners and court users. Justice partners include court staff, judicial officers, prosecutors, defense attorneys, and probation officers. Court users include youth, parents, victims, and community members.
- Professionals' backgrounds and work styles, including training, tenure, collaboration, and relationships.
- Court users' and community members' experiences and perspectives.

In order to address the research topics in a way that reflects the diversity of the delinquency system in California, the JDCA project used the following types of data sources:

- Statewide surveys of professional participants in the delinquency system that addressed issues concerning experience, training, resources, effectiveness of sanctions and services, and system collaboration;
- Interviews and focus groups with justice partners in the delinquency system to answer questions related to the research topics;
- Focus groups with court users and community members that addressed their experiences with and perspectives on the delinquency system; and
- Assessments of juvenile facilities.

Interviews and focus groups took place in six counties (study counties) in California.

Selection of Local Study Courts

The JDCA project chose six counties to be studied in depth. These six counties were chosen to cover a wide range of California's local delinquency courts.⁴ The following factors were considered when choosing the study counties:

- Geographic factors, including urban/rural, physical area, and population size; and
- Whether the court's involvement with other projects would make it burdensome to fulfill the responsibilities of participation in this study.

After these issues were considered, six courts were contacted to participate in the JDCA: Los Angeles, Placer, Riverside, San Francisco, San Joaquin, and Siskiyou. For each court, the presiding judge of the juvenile court and the court executive officer were sent a written description of the project and requirements for participation and agreed to participate.

Overview of Data Sources

The JDCA project used various methods of collecting data. They included statewide surveys of judicial officers and other justice partners in the delinquency system, interviews with judicial officers and other justice partners, focus groups with justice partners, and focus groups with court users and community members. In addition, a checklist was used to assess juvenile facilities.

⁴ The six counties were not randomly selected and are not representative of the entire state; however, the qualitative data from these six counties give a flavor of the experiences that people are having in the delinquency system throughout California.

Statewide Surveys of Justice Partners

Surveys were sent by mail of all juvenile delinquency judicial officers; all court administrators; a random sample of 20 percent of juvenile probation officers; all prosecutors who handle delinquency cases; and all court-appointed defense attorneys who handle delinquency cases, including public defenders, alternate public defenders, and contract attorneys.⁵ Details on survey administration and responses are discussed in detail in the sections that follow and are summarized in table 1. In the table, the initial population estimate refers to the expected number of each type of survey respondent. The next number is the estimated number of respondents who were not included because their county agency declined to participate. Those agency-level refusals were subtracted from the initial population estimate to yield a final population estimate to send the survey or from which a sample would be derived. Some of the surveys returned were from people who were not eligible to participate; those surveys were coded as ineligible and subtracted from the final eligible sample or population. The coding scheme used for ineligible, unable, and refusal was based on guidelines issued by the American Association for Public Opinion Research.⁶ The number of surveys received was divided by the final eligible sample or population to determine response rates.

All of the surveys contained questions related to the respondents' professional backgrounds, department information, services and sanctions, quality of information and advocacy, crossover or dual-status processes, courtroom management and caseflow processes, and relationships and collaboration. The survey of judicial officers contained additional questions on education and training. The survey of defense attorneys contained additional questions on postdispositional work. The court operations survey contained questions on facilities and courtroom technology. Copies of all of the surveys can be found in chapter 7 of this volume, Research Instruments.

Judicial Officer Survey. The survey of judicial officers was piloted by three judges before being fielded. To create a current directory of judicial officers hearing juvenile cases, all of California's juvenile courts were contacted in the spring of 2006. The survey was sent to every judicial officer who was identified as regularly hearing juvenile cases. Some judicial officers hear both delinquency and dependency cases; the first part of the survey could have been answered by those who hear dependency only, delinquency only, or both types of cases, and the remainder of the survey questions focused on delinquency topics. As table 1 illustrates, a final population estimate of 240 judicial officers received the survey via postal mail in June 2006. Accompanying the survey was a description of the project; survey instructions; and a letter requesting participation, explaining the importance of receiving a timely response, and providing contact information for questions. The deadline for responding to the survey was approximately three weeks after the survey was sent.

Approximately six weeks after the survey was sent, nonresponders received a postcard reminder. In August, each nonresponder received up to three reminder telephone calls.⁷ Judicial officers who were no longer hearing juvenile cases were dropped from the pool of eligible participants, and judicial officers who were not on the current list but did hear delinquency cases were added to the pool of

⁵ For the defense attorney and probation surveys, not every county submitted a list; some counties declined to participate. Details about the estimated number of people this includes is listed under "agency-level refusal" in table 1.

⁶ American Association for Public Opinion Research, *Standard Definitions: Final Dispositions of Case Codes and Outcome Rates for Surveys*; available at http://www.aapor.org/uploads/standarddefs_4.pdf (accessed Nov. 6, 2007).

⁷ For all surveys, nonresponders were called up to three times. A message was left directly with a clerk or secretary if answered, but voicemail was not left until the third attempt to contact the nonresponder.

eligible participants. Eligible participants were limited to judicial officers who had a regular appointment to a juvenile court to ensure that participants were responding to questions based on their own observations of their courtroom.⁸ After ineligible participants had been omitted, the population was 214 judicial officers (see table 1). Of these, 73 hear delinquency cases only, 68 hear delinquency and dependency cases, 67 hear dependency cases only, and 6 did not report what types of cases they hear. A total of 191 surveys were received, representing 89 percent of eligible participants. The analysis of the survey includes only the 141 judicial officers who hear delinquency cases.

Table 2 illustrates that judges were less likely than commissioners to respond to the survey and that commissioners were less likely than referees to respond to the survey. Table 3 shows that participants in small courts were less likely to respond than participants in large courts. These differences were not great and did not affect the analyses.

Court Operations Survey. The goal of the court operations survey was to assess the day-to-day management and policies of the delinquency courtroom. Three court executive officers (CEOs) piloted the court operations survey, and it was sent via e-mail to the presiding judges of all 58 juvenile courts. Accompanying the survey was a description of the project; an instruction sheet with contact information; and a letter describing the survey, including a suggestion that court staff such as the CEO, court clerk, or other court administrator may be the appropriate ones to respond to certain sections of the survey.

The court operations survey was the first part of a two-part examination of court management issues. The second part was an open-ended survey about caseload management asking about effective practices in the respondent's court. The second part was analyzed as a separate component from this project. The results of this analysis were used to create a manual of effective practices in delinquency court and to facilitate caseload workshops throughout the state.⁹

Both surveys were attached to an e-mail as fillable forms and sent in September 2006. After the deadline for responding had passed, nonresponders received a follow-up e-mail with an extended deadline. After the second deadline, the remaining nonresponders received a follow-up telephone call. A total of 47 surveys from 58 courts (81 percent) were received. Table 3 shows that court executive officers from small counties were slightly less likely to respond to the survey than those from medium and large counties, which did not affect the analyses.

Probation Officer Survey. Eight juvenile probation officers helped project staff develop survey questions at a focus group in December 2006. Once a draft survey was completed, an additional seven probation officers from various counties piloted the survey. Upon reviewing a final draft of the survey, the Chief Probation Officers of California (CPOC) wrote a letter of endorsement for the survey and the project.

All chief probation officers were contacted in January 2007 to create a database of nonsupervising juvenile deputy probation officers in the state. Fifty-four of the 58 counties responded with a list that amounted to 3,428 deputy probation officers. Four counties declined to participate but disclosed the approximate number of juvenile probation officers in their counties. With those numbers, it was

⁸ Judicial officers who heard juvenile cases on a backup or fill-in basis only were considered ineligible.

⁹ 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>.

estimated that the number of probation officers missing from the database was 51, and so that many placeholders were added to the database for a total initial population estimate of 3,479 eligible respondents. As table 1 illustrates, a 20 percent random sample of the total number of probation officers statewide was selected to complete the survey. The sample included 690 probation officers. If one of the 51 placeholders was selected in the sample, the probation officer was coded as having refused to participate and not replaced to offset possible selection bias. These agency-level refusals were not included in the sample size and thus were not included in calculating the response rate.¹⁰

A total of 690 juvenile probation officers from 54 counties received the survey via postal mail in March 2007. Mailed with the survey were the CPOC endorsement letter, an instruction sheet with contact information for any questions, and a letter from CFCC requesting participation and explaining the importance of receiving a timely response.

Surveys were mailed in two separate batches approximately two weeks apart. The first batch was mailed to 355 probation officers and the second batch was mailed to 335 probation officers. Deadlines for each batch were three weeks from the mail date. Immediately after the respective deadlines, nonresponders from each batch received a second complete mailing (survey, CPOC endorsement, instruction sheet, and letter) with a reminder postcard. In May and June, all remaining nonresponders received up to three reminder telephone calls.

Because a 20 percent sample was used, respondents found to be ineligible were coded as such and randomly replaced from the population of 3,479 probation officers.¹¹ Probation officers who were unable to complete the survey or who refused to participate were not replaced. Ultimately, 352 of 674 eligible probation officers responded to the survey, a 52 percent rate of response.

Table 3 shows that probation officers from medium-sized counties were less likely than those from small or large counties to respond to the survey. This difference in responses by county size had no effect on the analyses.

Table 4 illustrates the random selection of probation officers by county size; there was no county size bias in selecting probation officers. An approximately equal percentage of probation officers selected for the sample were from small, medium, and large counties.

Prosecutor Survey. Members of the JDCA working group participated in a focus group in September 2006 to create topics and questions for the surveys of prosecutors and defense attorneys. Three juvenile prosecutors piloted the prosecutor survey. After survey development was completed, the California District Attorney's Association (CDAA) wrote an endorsement letter for the project and the survey.

Each district attorney's office was contacted in December 2006 to create a current directory of juvenile prosecutors in the state. All counties responded with a list of prosecutors who handled delinquency cases at that time. A sample was not drawn; the survey was sent in three separate batches via postal mail in March and April 2007 to all 291 prosecutors who handled delinquency cases. The first batch

¹⁰ Individuals who declined to fill out their surveys were coded as individual-level refusals and were included in calculating the response rate.

¹¹ Those found to be ineligible were probation officers who did not work in juvenile assignments, who were exclusively managers or supervisors with no caseload, or who worked in institutions or facilities with no caseload. Those unable were probation officers who were on leave or vacation during the survey period. Ineligible surveys that were returned after the last survey deadline were not replaced.

was sent to 246 attorneys, the second batch was mailed to 23 attorneys, and the third batch was sent to 22 attorneys. Accompanying the survey was the CDAA endorsement letter,¹² an instruction sheet with contact information for questions, and a letter from CFCC describing the project and the importance of a timely response. The deadlines for responding to the survey were approximately three weeks after the mail date of each batch of surveys.

Immediately following the deadlines, nonresponders received a second complete survey packet (survey, endorsement letter, instruction sheet, and letter) with a reminder postcard. In May 2007, the remaining nonresponders received up to three reminder telephone calls. Of a total of 258 eligible participants, 174 returned a survey, or 67 percent of the eligible prosecutors (see table 1). Table 3 shows that prosecutors from small and medium counties were more likely to respond to the survey than those from large counties. Some of the survey findings were affected by these county-size differences. Effects of these differences are detailed in the relevant sections of the Attorney Report in chapter 4 of this volume.

Defense Attorney Survey. Members of the JDCA working group participated in a focus group in September 2006 to create topics and questions for the surveys of prosecutors and defense attorneys. Four defense attorneys piloted the defense attorney survey. Upon completion of survey development, the California Public Defenders Association (CPDA) wrote an endorsement letter for the project and the survey.

In December 2006, a directory was created of juvenile defense attorneys by contacting all county public defenders' offices, county alternate public defenders' offices, and the presiding judges of the juvenile courts requesting a list of county contract attorneys.¹³ Thirty-three counties have a county public defender's office and six counties have an alternate public defender's office that handles delinquency cases. Lists of juvenile defense attorneys were obtained for 31 public defenders' offices, 4 alternate public defenders' offices, and 53 counties' contract attorneys.¹⁴ An initial population estimate of 819 defense attorneys was established, including an estimated 71 attorneys in the state whose names were not obtained from their respective agencies. These 71 agency-level refusals were coded as such and were not included in the sample size and thus not included in the response rate calculation.

The survey was sent in two separate batches via postal mail in May 2007. A sample was not drawn; the survey was sent to the final population estimate of 748 juvenile defense attorneys, including public defenders, alternate public defenders, and contract or panel attorneys. The first batch was mailed to 330 attorneys and the second batch was sent to 418 attorneys. Accompanying the survey was the CPDA endorsement letter, an instruction sheet with contact information, and a letter describing the project and the importance of a timely response. The deadlines for the surveys were three weeks from each respective mail date.

Immediately following each deadline, nonresponders were sent a second complete survey packet (survey, endorsement letter, instruction sheet, and letter) with a reminder postcard. In June 2007, the

¹² Prosecutors in one county that is not affiliated with the CDAA were sent a second packet without the CDAA endorsement letter once the JDCA project staff learned of this lack of affiliation.

¹³ "Contract attorneys" refer to contract or panel conflict defenders only and does not include attorneys who contract as a public defender.

¹⁴ A partial list was received from one county, resulting in complete lists of contract attorneys from 52 counties and a partial list from 1 county.

remaining nonresponders received a reminder telephone call. Out of 668 eligible participants, 343 defense attorneys (51 percent) returned a survey. Table 3 shows that county size had no bearing on the likelihood of defense attorneys' responding to the survey; only about half of the defense attorneys responded to the survey regardless of county size.

Interviews With Justice Partners

Each of the six study counties was visited two times. During the first round of site visits, in October through December 2006, interviews were conducted with the presiding judge of the juvenile court, chief probation officer, supervising juvenile prosecutor, supervising juvenile public defender, supervising court clerk, and court executive officer. The interviews were used to gather information about the court and the delinquency system in each county and to recruit other people for focus groups during the next visit. Generally, information gathered in the interviews served as a basis for refining focus group guidelines and for preparing logistics for the second site visits.

Interview topics included current local issues and innovations, collaboration with other agencies and within the court, confidentiality issues, hearing issues, services and sanctions, restorative justice, victim services, facilities, and information systems. Additional questions related to memoranda of understanding, logistics for focus groups, obtaining access to hearings, and touring the courthouse were discussed with the presiding judges of each of the six juvenile courts.

Focus Groups With Justice Partners

In each of the study counties, the chief probation officer and supervising attorneys were contacted to assemble focus groups. Focus groups with four groups of juvenile probation officers, three groups of juvenile prosecutors, and three groups of juvenile defense attorneys were organized. The focus groups ranged in size from 3 to 10 participants and lasted approximately 90 minutes. Each focus group had a minimum of one facilitator and one note taker.

Before asking the focus group questions, the facilitator described the project. Written information about the project and contact information were also given to participants. Since names were not taken at any of the focus groups, a signed confidentiality form was not used; however, participants listened to a statement of confidentiality read to them that described how the information would be used. Also described were participants' rights, including an explanation that participants did not have to answer any questions that made them uncomfortable and that they could leave at any time with no penalty.

All of the justice partners' focus groups covered topics related to assessments, services and sanctions, the court, victims, and relationships and collaboration. The defense attorneys' focus groups were asked additional questions related to postdispositional work.

Focus Groups With Court Users and Community Members

A consultant, working with a JDCA project cofacilitator, led additional focus groups with youth, parents, victims, and community members. Five focus groups were conducted with in-custody and out-of-custody youth, three with parents, four with victims, and three with community members. Participants in the community members' focus groups consisted primarily of members of community-based organizations. Participants in all of the court users' focus groups were recruited through various agencies in each of the counties, with victims being the most challenging to recruit. The focus groups ranged in size from 3 to 19 participants and lasted between 90 minutes and 2 hours.

Before asking the focus group questions, the facilitators described the project and gave out written information about the project and contact information. Since names were not taken at any of the focus groups, a signed confidentiality form was not used; however, participants listened to a statement of confidentiality read to them that described how the information would be used. Also described were participants' rights, including an explanation that participants did not have to answer any questions that made them uncomfortable, that they could leave at any time with no penalty, and that their participation or nonparticipation would not affect their cases in any way.

Focus groups with parents and victims covered topics related to understanding the system, satisfaction with the system and process, ease of participation, whether they felt the youth understood how the crime affected others, what they thought the intention of the delinquency court is, and ideas on how to improve the delinquency court. Focus groups with community members covered topics related to participants' knowledge of and experience with the court, factors that encouraged or discouraged involvement with the court, collaboration between the court and community-based organizations (CBOs), how the court could obtain input and information from CBOs, and ideas on how to improve the delinquency court. Focus groups with youth covered the youth's perceptions of and experiences in the delinquency court. The youth answered questions about who, if anyone, helped them or should have helped them understand the process, how often they see their attorneys and probation officers, whether anything was a surprise, whether they had agreed to anything that they did not understand, and whether they understand how their crime affected others. They also discussed what they thought the purpose of the delinquency court is, what is working well or helping them, and what would make the delinquency court system work better than it currently does.

Assessments of Juvenile Facilities

The JDCA project, in consultation with the AOC's Office of Court Construction and Management (OCCM), developed a checklist to examine the current state of delinquency facilities and to assess the unique needs of delinquency courts. Information is lacking on the specific needs of juvenile facilities, and thus this checklist was created to assist in developing expanded standards for juvenile facilities. A copy of the checklist can be found in chapter 7 of this volume, Research Instruments.

The checklist included a list of optimal features of delinquency courthouses with choices of yes, no, and do not know and an option for comments. The items on the checklist were based on issues addressed by the California Trial Court Facilities Standards,¹⁵ adopted by the Judicial Council; the planning and design guide from the National Center for State Courts;¹⁶ the Juvenile Delinquency Guidelines; and the JDCA working group.

Items included in the checklist related to building access; safety and security; courtroom configuration; separate waiting areas for law enforcement, out-of-custody youth, victims, and the public; attorney interview rooms; colocated juvenile hall and agency offices; and the confidential nature of the delinquency court.

¹⁵ Judicial Council of Cal., *California Trial Court Facilities Standards* (2006); available at http://www.courtinfo.ca.gov/programs/occm/documents/06_April_Facilities_Standards-Final-Online.pdf.

¹⁶ D. Hardenbergh, R. Tobin, and C. Yeh, *The Courthouse: A Planning and Design Guide for Court Facilities* (National Center for State Courts, 1998).

To complete the checklist, various delinquency facilities throughout the state were toured. Nine courts were visited, including three courts built in the last 10 years and six that were built before 1997.

Tables

Table 1					
Survey Statistics and Details by Respondent Type					
	Judicial Officer	Court Administrator	Probation Officer	Prosecutor	Defense Attorney
Initial population estimate	240	58	3,479	291	819
Agency-level refusal estimate*	0	0	51	0	71
Final population estimate	240	58	3,428	291	748
Sample size	240	58	690	291	748
Final sample	100%	100%	20%	100%	100%
Not eligible to participate	26	0	114	33	80
Replacement**	0	0	98	0	0
Unable to participate***	2	0	16	2	6
Individual refusal to participate	1	0	19	4	12
Surveys not received	20	11	317	79	304
Surveys received	191	47	352	174	343
Final eligible sample/ population	214	58	674	258	668
Response rate****	89%	81%	52%	67%	51%
*Estimated number of participants in the state whose names were not obtained from their respective agencies and who were not included in the final population estimate.					
**Ineligible surveys returned after the last survey deadline were not replaced.					
***Unable to participate were those who were on vacation or leave during the survey response time versus refusals, who articulated an unwillingness to participate.					
****Response rate was calculated by dividing the number of surveys received into the sample size minus those not eligible to participate. Those who refused or who were unable were included in the final sample size.					

Table 2						
Survey Response for Judicial Officers by Title						
	Responding		Nonresponding		Total	
	Count	Percent	Count	Percent	Count	Percent
Presiding Judge of the Superior Court	17	89.5	2	10.5	19	100.0
Presiding Judge of the Juvenile Court	36	97.3	1	2.7	37	100.0
Judge	68	84.0	13	16.0	81	100.0
Commissioner	47	88.7	6	11.3	53	100.0
Referee	23	95.8	1	4.2	24	100.0
Total	191	89.3	23	10.7	214	100.0

Table 3						
Survey Response by County Size						
	Responding		Nonresponding		Total	
	Count	Percent	Count	Percent	Count	Percent
Judicial officers						
Small	40	78.4	11	21.6	51	100.0
Medium	44	86.3	7	13.7	51	100.0
Large	107	95.5	5	4.5	112	100.0
Total	191	89.3	23	10.7	214	100.0
Court administrators						
Small	21	67.7	10	32.3	31	100.0
Medium	18	100.0	0	0.0	18	100.0
Large	8	88.9	1	11.1	9	100.0
Total	47	81.0	11	19.0	58	100.0
Probation officers						
Small	120	64.9	65	35.1	185	100.0
Medium	162	39.7	246	60.3	408	100.0
Large	70	67.3	34	32.7	104	100.0
Total	352	50.5	345	49.5	697	100.0
Prosecutors						
Small	32	89.0	4	11.0	36	100.0
Medium	48	80.0	12	20.0	60	100.0
Large	94	58.0	67	42.0	161	100.0
Total	174	68.0	83	32.0	257	100.0
Defense attorneys						
Small	69	53.0	61	47.0	130	100.0
Medium	116	54.0	99	46.0	215	100.0
Large	158	50.0	156	50.0	314	100.0
Total	343	52.0	316	48.0	659	100.0

Table 4						
Survey Selection for Probation Officers by County Size						
	Selected		Not Selected		Total	
	Count	Percent	Count	Percent	Count	Percent
Small	56	19.9	225	80.1	281	100.0
Medium	149	20.8	568	79.2	717	100.0
Large	499	20.1	1982	79.9	2481	100.0
Total	704	20.2	2775	79.8	3479	100.0

Judicial Council of California

Administrative Office of the Courts

Hon. Ronald M. George
Chief Justice of California and Chair of the Judicial Council

William C. Vickrey
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Diane Nunn
Director, Center for Families, Children & the Courts

Charlene Depner
Assistant Division Director, Center for Families, Children & the Courts

Lee Morhar
Assistant Division Director, Center for Families, Children & the Courts

Authorship

Amy Bacharach (lead author)
Research Analyst

Audrey Fancy
Supervising Attorney

LaRon Hogg-Haught
Associate Attorney

Iona Mara-Drita
Senior Research Analyst

Kimberly Tyda
Research Analyst

Assistance

Jens Zeschky
Administrative Coordinator



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455 Golden Gate Avenue, Sixth Floor
San Francisco, California 94102-3688
E-mail: cfcc@jud.ca.gov
Phone: 415-865-7739