

X  
EVALUATION OF THE  
SAN DIEGO COUNTY PROBATION DEPARTMENT  
PROGRAM ON

X  
JUVENILE CASES REMANDED TO  
ADULT COURT

January 18, 1977

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Dated January 18, 1977

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ACQUISITIONS

## I. SUMMARY

Juvenile Court remands to Adult Court occur under Section 707 of the Welfare and Institutions Code which provides that minors, aged 16 or older, may (under certain criteria) be found unfit to be dealt with under the Juvenile Court law.

This study attempts to describe the 707 clients and what happens to them within the Adult Court system. The study consisted of a tracking of 184 remanded cases -- a study sample comprised of all remand actions during the first six months of 1976.

Analysis of the sample cases revealed that:

- 1) 72% of the remanded cases resulted in a conviction in Adult Court;
- 2) Close to 20% of the cases resulted in non-prosecution, dismissal, or acquittal of all charges;
- 3) 43% of the cases resulted in continued supervision or jurisdiction, i.e., formal probation grants or commitment to State facilities;
- 4) Adult Court adjudications showed a high incidence of charge reductions and frequent indications of the plea-bargaining process; and
- 5) Age appeared to be a significant factor in the Juvenile Court action (one half of the 707 cases were at least 17-3/4 years old) but was not a determining factor in most of the subsequent Adult Court action.

As a result of this evaluation, the following recommendations are respectfully submitted:

1. That the Departmental policy regarding termination of Juvenile Court Jurisdiction be reviewed.
2. That if a Youth Correctional Facility is established, the age range be set to include those over, as well as under, age 18.
3. That a notification of disposition procedure be recommended to the Juvenile Division of the District Attorney's office.

Further discussion of these recommendations will be found in Section V, Conclusions and Recommendations.

## II. INTRODUCTION

Due to the interest of departmental managers, the Evaluation Unit began this inquiry into the 707 process in November, 1976. Contacts with probation staff, administration, and the District Attorney, juvenile division, revealed that there was virtually no knowledge of what happens to juveniles once they are remanded to Adult Court. Particularly with the impending changes in Juvenile Court procedures and policies resulting from the Dixon Bill, it appeared important and timely to conduct some study of this process.

### Description of 707 Process

Remands of juveniles to Adult Court occur under provisions of Section 707 of the Welfare and Institutions Code which states:

"Prosecution under the general law. In any case in which a minor is alleged to be a person described in Section 602 by reason of the violation, when he was 16 years of age or older, of any criminal statute or ordinance, ... the juvenile court may find that the minor is not a fit and proper subject to be dealt with under the juvenile court law if it concludes that the minor would not be amenable to the care, treatment and training program available through the facilities of the juvenile court, ... "

As stipulated in the Code, determination of the minor's unfitness may be based on any one or combination of the following factors:

- a) degree of criminal sophistication
- b) whether rehabilitation can be expected to occur prior to the expiration of Juvenile Court jurisdiction<sup>1</sup>
- c) previous delinquent history
- d) previous Juvenile Court attempts at rehabilitation
- e) circumstances and seriousness of the alleged offense.

Although emancipation of the minor is cited in departmental policy, as an additional factor to be considered, it does not alone suffice as justification for a finding of unfitness.

A 707 evaluation (consideration of fitness for Juvenile Court) may be initiated by the probation officer or ordered by the Court. If fitness hearing is to occur, the District Attorney is notified and the minor must be represented by Counsel. Fitness consideration must occur prior to any jurisdictional hearing involving evidence of the alleged offense. This requirement is based on the 1975 Supreme Court decision (Breed vs. Jones) which ruled that to do otherwise constitutes double jeopardy.

Juvenile Court jurisdiction may be retained under Code stipulations until minor reaches age of 21 years, however departmental policy calls for termination of jurisdiction at age 18 unless minor is under commitment to the California Youth Authority.

Upon a finding of unfitness, the juvenile petition is dismissed and all materials relating to the offense are provided to the district attorney for prosecution in Adult Court. If minors are to be detained, they are held in custody at Juvenile Hall unless security considerations dictate otherwise. A limited number of beds are available for juveniles at the County Jail.

### III. METHODOLOGY

The evaluation format utilized was a simple tracking of clients through the juvenile and adult courts. A limited number of client characteristics were collected. Our primary aims were to determine: 1) for what kinds of clients and for what types of offenses are remands to Adult Court occurring under our present policies; 2) once remanded, how long are cases pending prior to disposition, and 3) what kinds of dispositions are being rendered in these cases in the adult system.

The client sample consists of all juveniles who were remanded to Adult Court during the first six months of 1976. Anticipating some delays in adjudication and disposition in Adult Court, this time period was selected as the most recent for which we could obtain a maximum number of final adult outcomes. A list of cases deemed unfit by the Juvenile Court during the time period was obtained from departmental statistics. Of these, some multiple listings were found to relate to the same 707 case. All separate 707 actions during the time period comprised the study sample, a total of 184 cases remanded to Adult Court.<sup>2</sup>

Data collection consisted of retrieval of information from juvenile probation records, adult court case files, and in rare instances, adult probation files. Tracking of cases in adult courts was complicated by the fact that appropriate case numbers were not readily available, and there is no centralized index of adult court cases. It was necessary to clear many cases in several of the outlying Courts (South Bay, El Cajon, Oceanside, Vista, Escondido, National City) when there was no record found in San Diego. In cases where no record of court action could be found, final clearance involved contacting six jurisdictional areas of the District Attorney's office in addition to the City and Federal prosecutors.

Locating cases in the adult courts was more time-consuming than we had anticipated, however we were ultimately able to track all cases in the study sample. Information-gathering of this type would be greatly facilitated by more centralized record keeping, in general, and more specifically by a record at the Probation Center of adult case numbers or other District Attorney action which relate to cases out of the Juvenile Court.

<sup>2</sup>It should be noted that the study sample consists of a slightly smaller number of separate clients (174). Seven juveniles received two or three 707 findings during the time period. For purposes of this study, multiple certifications are being treated as separate cases.

#### IV. RESULTS

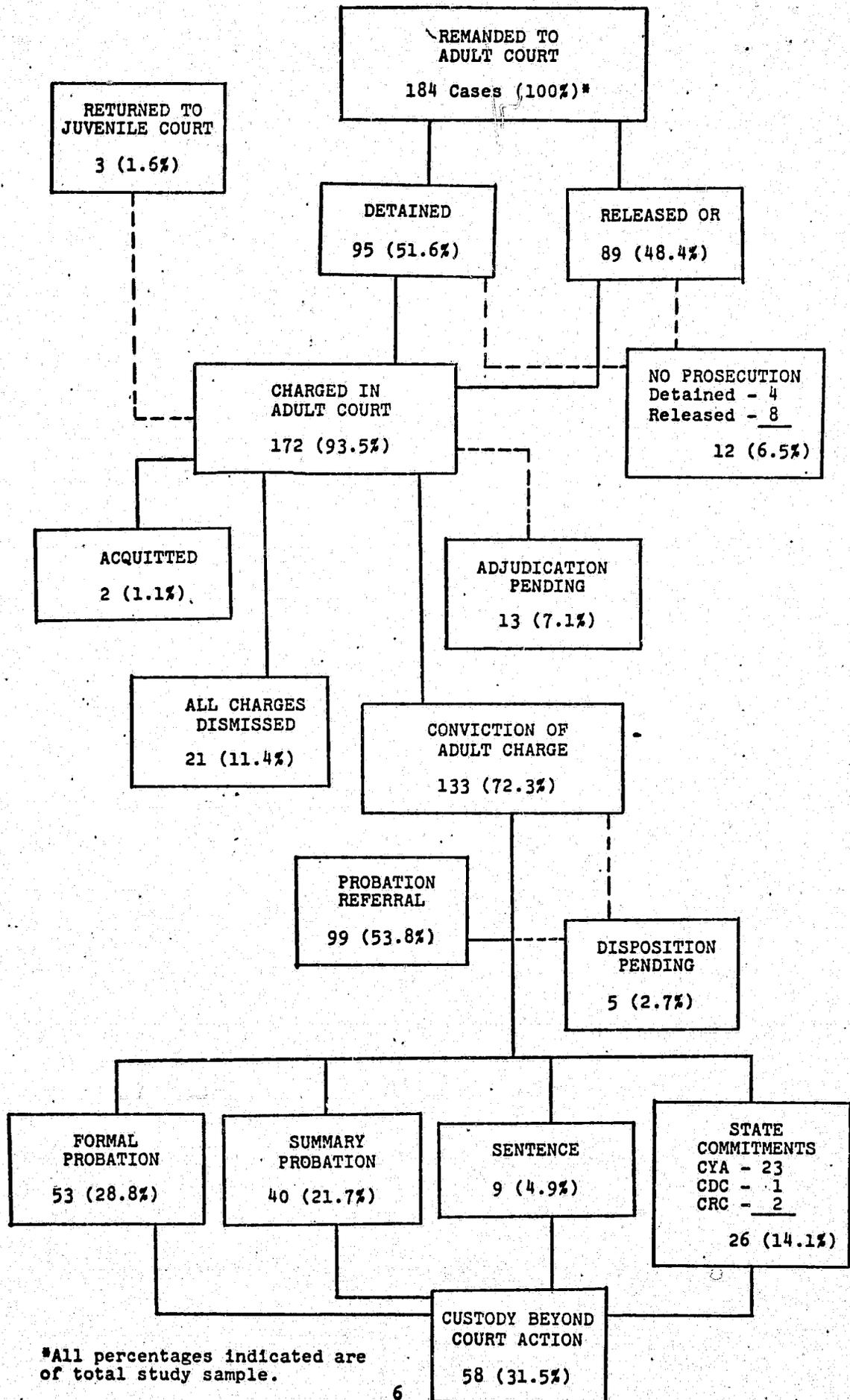
As indicated previously, 184 remanded cases were included in the study sample. Table 1 provides an overview of what happened to all cases subsequent to the remand action. As can be seen from this table, certain subgroups begin to distinguish themselves based on occurrences within the adult system. In 12 cases (6.5%), there was no complaint filed by the respective prosecutor. Of those cases where prosecution was initiated, three cases (1.6%) were returned to the Juvenile Court. In subsequent action, an additional 21 cases (11.4%) received a dismissal of all charges while two cases (1.1%) were acquitted. Of the remaining cases 13 (7% of total) showed adjudication still pending in Adult Court, while 133 cases (72%) experienced a conviction of at least one adult charge.

Because of these differences, we have identified the following subgroups for purposes of description:

- 1) cases not prosecuted
- 2) cases returned to Juvenile Court
- 3) cases in which all charges were dismissed
- 4) cases adjudicated in Adult Court.

In subsequent sections of this report, we address sequential stages of the adult process and the various subgroups will be described in greater detail.

TABLE 1 - OVERVIEW



\*All percentages indicated are of total study sample.

## CLIENT CHARACTERISTICS

To describe the 707 client population, a limited number of identifying characteristics were selected. Table 2 provides a picture of our client sample in terms of these characteristics.

As can be seen from the table, a typical 707 client is a white male, slightly under the age of 18, who has previously been a ward of the Juvenile Court and has had no other 707 action.

### Age

The age of clients in the 707 population ranges from 16.3 to 23.4 years at the time of remand with an average age of 17.7 years. A large majority of 707 actions (72%) occurred to minors between the ages of 17 and 18 years with a considerable number (30%) being within three months of their 18th birthday. An also sizeable number (21%) are over 18 at the time of their 707 hearing.

Although the evaluators did not systematically record the factors cited for each finding of unfitness, our impressions were that age was a primary consideration given the expiration of Juvenile Court jurisdiction at age 18. The older ages occurring in this study group would tend to support this impression. Subsequently in the report, more consideration will be given to the factor of age as we discuss dispositional alternatives and dispositions in Adult Court.

### Other Characteristics

Over 85% of this 707 population are male. This represents a similar proportion of involvement in the 707 process as is found in the 5 to 1 ratio which exists in W&I Code section 602 petitions filed in 1976.

In terms of ethnicity, close to half of the study sample are Caucasian, with 20 and 30% Black and Mexican-American, respectively. Compared to other departmental statistics, Mexican-Americans are over represented in this group. This difference is seemingly accounted for by the number of illegal aliens (approximately 15 were encountered in the sample) who receive remands to Adult Court.

The largest group of minors sent to Adult Court are previous wards of the Juvenile Court (39%), although an also high percentage (36%) are non-wards. This latter percentage is almost certainly a reflection of the older age groups represented in the study sample for whom there appears no appropriate response prior to expiration of Juvenile Court jurisdiction.

A majority (73%) of the study sample have had no other cases with a finding of unfitness; 27% of the cases were found to have had other 707 actions prior to, during, or after the study period.

TABLE 2 - 707 CLIENT CHARACTERISTICS (N=184)

| SEX    | N   | %    |
|--------|-----|------|
| Male   | 159 | 86.4 |
| Female | 25  | 13.6 |
|        |     | 100% |

| JURISDICTIONAL STATUS | N  | %    |
|-----------------------|----|------|
| Ward                  | 27 | 14.7 |
| Previous Ward         | 72 | 39.1 |
| Non Ward              | 66 | 35.9 |
| CYA Parolee           | 19 | 10.3 |
|                       |    | 100% |

| AGE*             | N  | %    |
|------------------|----|------|
| Under 16½ years  | 3  | 1.6  |
| 16½-17 years     | 10 | 5.4  |
| 17-17½ years     | 49 | 26.6 |
| 17½-17 3/4 years | 30 | 16.3 |
| 17 3/4-18 years  | 54 | 29.5 |
| 18-18½ years     | 30 | 16.3 |
| 18½-20 years     | 5  | 2.7  |
| Over 20 years    | 3  | 1.6  |
|                  |    | 100% |

| ETHNIC GROUP    | N  | %    |
|-----------------|----|------|
| Caucasian       | 88 | 47.9 |
| Mexican         | 56 | 30.4 |
| Black           | 37 | 20.1 |
| American Indian | 1  | .5   |
| Other           | 2  | 1.1  |
|                 |    | 100% |

| OTHER 707's | N   | %    |
|-------------|-----|------|
| Yes         | 50  | 27.2 |
| No          | 134 | 72.8 |
|             |     | 100% |

## JUVENILE COURT PROCESS

### Offenses Alleged in Juvenile Court

Most of the 707 actions during the study period (approximately 80%) were in response to a single petition alleging between one and three offenses. Cases involving as many as four petitions and 19 offenses were encountered in the study sample.

Types of offenses alleged in Juvenile Court and resulting in 707 action are presented in Table 3.

The charges most frequently occurring within the 707 population are burglary, robbery and assault/battery offenses -- together these categories account for close to 40% of offenses alleged for the study group. Theft offenses (including receiving stolen property), account for an additional 21% of offenses while 17% consist of drug and alcohol charges (including driving under the influence).

As they were charged, it appears that only approximately 5% of these offenses fall in categories specified under the revised 707b Section resulting from the Dixon Bill -- offenses where unfitness for Juvenile Court is now to be presumed. This is a low estimate, as many robbery and assault types were not specified in the juvenile charges -- but there are clearly not large numbers of cases being remanded for these categories.

TABLE 3  
CHARGES FILED IN JUVENILE COURT

| OFFENSE TYPE                            | TOTAL NUMBER<br>OF CASES | %    | TOTAL NUMBER<br>OF OFFENSES | %    |
|---|--------------------------|------|-----------------------------|------|
| 1) Arson, Kidnap,<br>Attempted Murder   | 2                        | 1.0  | 6                           | 1.3  |
| 2) Rape                                 | 6                        | 3.3  | 6                           | 1.3  |
| 3) Assault                              | 40                       | 21.7 | 50                          | 10.7 |
| 4) Robbery                              | 24                       | 13.0 | 43                          | 9.2  |
| 5) Burglary                             | 49                       | 26.6 | 77                          | 16.5 |
| 6) Illegal use/Possession<br>of Weapons | 5                        | 2.7  | 6                           | 1.3  |
| 7) Auto Theft                           | 24                       | 13.0 | 28                          | 6.0  |
| 8) Grand Theft                          | 15                       | 8.2  | 21                          | 4.5  |
| 9) Petty Theft                          | 16                       | 8.7  | 19                          | 4.0  |
| 10) Receiving Stolen<br>Property        | 22                       | 12.0 | 25                          | 5.4  |
| 11) Driving Under<br>Influence          | 21                       | 11.4 | 24                          | 5.1  |
| 12) Drugs/Narcotics                     | 26                       | 14.1 | 37                          | 8.0  |
| 13) Drunk/Disorderly<br>Conduct         | 22                       | 12.0 | 35                          | 7.5  |
| 14) Resisting Arrest                    | 12                       | 6.5  | 13                          | 2.8  |
| 15) Major Traffic<br>Violations         | 14                       | 7.6  | 24                          | 5.1  |
| 16) Minor Traffic<br>Violations         | 19                       | 10.3 | 36                          | 7.7  |
| 17) Morals                              | 6                        | 3.3  | 7                           | 1.5  |
| 18) Miscellaneous                       | 7                        | 3.8  | 10                          | 2.1  |

TOTALS

184 cases\*

467 offenses-100%  
 $\bar{X} = 2.54$  (Average  
number of offenses  
per case)

\*Column does not total 184 due to cases appearing in more than one offense category.

### Initiation of 707 Action

To determine the origin of most 707 actions, we consulted the records of two juvenile investigation units during the time period and encountered 85 cases involving a 707 recommendation or order. As shown in Table 4, the great majority (74%) were initiated by the recommendation of the probation officer.

TABLE 4  
Initiation of 707 Action

|                                    | N    | %    |
|------------------------------------|------|------|
| Recommended by P.O. and Approved   | 63   | 74.1 |
| Recommended by P.O. -- Other Order | 12   | 14.1 |
| Not Recommended -- Ordered         | 8    | 9.4  |
| Action Pending (Bench Warrant)     | 2    | 2.4  |
|                                    | N=85 | 100% |

Of those cases in which a finding of unfitness was recommended and the Court ruled otherwise, cases were most frequently disposed of by an order to pay Court costs and termination.

## Detention

Slightly over half (52%) of the remanded juveniles were detained by the Juvenile Court pending adult action. Clients detained at the time of remand tended to be male (92%) and minorities (63%). An especially high proportion of Mexicans in the sample were detained, a rate affected, but not wholly explained, by the number of illegal alien cases.

## ADULT COURT PROCESS

Most Adult Court action on the study sample cases (over 70%) occurred in San Diego Municipal and Superior Courts. Close to 30% of the cases were arraigned in outlying courts (22% in El Cajon and South Bay). Slightly over a third of the cases ended up in Superior Courts (San Diego and North County) while a sizeable majority of the cases (65%) were disposed of at the Municipal Court level.

### A. Prosecution

Of the study sample, 172 remand actions (93.5%) resulted in the filing of charges in Adult Court. The adult complaints, consisting of 51.2% felony and 48.8% misdemeanor charges, reflect some amended charges as compared with the Juvenile Court petitions. Most often, changes made at the time of filing indicated more specific offenses than the juvenile allegations, e.g. quantities of marijuana specified in possession charge, armed allegation added to offenses involving weapons, etc. While on occasion, juvenile charges were dropped at the time of filing, changes most often were in the form of charges substituted or added in Adult Court. The average number of adult charges per client (2.61) represents a slight increase over the number of juvenile charges.

### Cases Not Prosecuted

Twelve remanded cases (6.5%) were not filed in Adult Court. Reasons for non-prosecution were evident in only two instances: one case cited Search and Seizure considerations and the other indicated the client's CYA commitment on another case. In terms of characteristics collected for this study, no differences are apparent in comparing the prosecuted and non-prosecuted subgroups.

Cases where no prosecution occurred include all cases (3) which had been referred for Federal prosecution and nine which had been referred to various County District Attorney offices. A high percentage (at least two-thirds) of the failures to prosecute occurred in outlying areas of the D.A.'s office.

## Cases Returned to Juvenile Court

Subsequent to the filing of charges in Court, three cases (1.6% of sample) were returned for eventual disposition in Juvenile Court.

A total of nine cases, including this subgroup, experienced jurisdictional delays in the form of transfers back and forth between the Juvenile and Adult Courts. Three cases originating in Adult Court and eventually remanded back to the adult system, were understandably certified to Juvenile Court in the interim upon the discovery of clients age at the time of the offense. An additional three cases, however, which originated in Juvenile Court, were remanded to adult, certified back to juvenile and remanded again prior to Adult Court disposition.

After remand, cases were sent back to Juvenile Court most often because of an attorney-filed motion for a 707 rehearing. On occasion, however, Adult Court judges appear to have deemed cases more suitable for juvenile action, as return to Juvenile Court was ordered in the absence of any attorney motion.

Due to the small size of these groups, no meaningful comparison can be made of the cases returned from as opposed to remaining in Adult Court.

It is important to note, however, that the process and time involved in establishing jurisdiction sometimes affected the outcomes of cases. In one case involving a 20 year old with multiple charges, the delays in establishing Adult jurisdiction appear to have caused the eventual dismissal of all charges due to the lack of a speedy trial. In another case, the Adult Court dismissed all charges (burglary and auto theft) against an 18 year old as it was ruled that jeopardy had been attached in Juvenile Court proceedings.

## B. Adjudication

Of the study sample, 169 cases (91.8%) had charges filed and remained in the Adult Courts. Within this group, 156 (85% of sample) were adjudicated while 13 cases (7%) remain pending. Cases remain unadjudicated because of diversion proceedings (3 cases), because of the defendant's failure to appear and issuance of a bench warrant (6 cases), or because of various other delays in the Court process.

The 156 adjudicated cases are those cases resulting in acquittal, conviction, or the dismissal of all charges.

## Cases in Which All Charges Were Dismissed

In 21 cases (11.4% of sample), adult proceedings resulted in the dismissal of all charges. Although reasons for the dismissal action were not always recorded, one reason (cited in five cases)

was custody ordered or court action pending on other cases.<sup>3</sup> An additional five cases were dismissed upon the motion of the D.A. or for procedural reasons including a judgement of previous jeopardy or the lack of a speedy trial; one dismissal occurred after successful completion of a diversion program.

Dismissed cases include an equal number of felonies and misdemeanors and there is no readily apparent difference between these cases/clients and those which were adjudicated. Dismissals occurred most often at the level of Municipal Court Setting and Motions or at readiness hearings in Superior Court, the same stage of the process where most adjudications occurred.

#### Cases Resulting in Acquittal or Conviction

Cases reaching this stage of the process represented 73% of the study sample (135 cases). Of this group, two cases (both involving females charged with assault offenses) resulted in acquittal, while 133 cases experienced a conviction of at least one adult charge.

An analysis of those cases which were adjudicated in Adult Court reveals a great incidence of dismissals and reductions and very frequent indications of the use of plea-bargaining to arrive at judgements. Only nine cases of this group went to trial, while 126 cases were adjudicated by a plea of guilty or nolo contendere, most often to a single charge. Court records reveal that for the majority of cases, judgements are rendered at Setting and Motions and readiness hearings, for Municipal and Superior Courts, respectively.

During the adjudication process, charges were reduced both in number and in severity. Of the 417 charges originally filed and adjudicated in Adult Court 243 (58%) were dismissed; over 70% of the adjudicated cases had at least one charge dismissed during adult proceedings.

Charges were reduced both from felonies to misdemeanors and from more serious to lesser offenses. While felonies represented over 50% of all charges filed, only 37% of final charges were adjudicated as felonies. By the end of the adult process, 97 separate offense types alleged in Juvenile Court had been reduced to a group of 35 charges by the time of adjudication.

<sup>3</sup>Pending cases did not always result in any significant final action in the courts. One 17 year old female client had all charges dismissed, a total of three remanded cases, two within the study period and included in this group.

Of the final charges adjudicated, 35% represent a reduction from the original juvenile charge. Of all clients whose cases were adjudicated, only 20 (12.8%) experienced a conviction of all charges filed in Juvenile Court, with these cases most often involving a single juvenile charge.

C. Disposition

As has been indicated, 133 cases (72% of sample) experienced the conviction of at least one charge in Adult Court. Subsequent to conviction, 99 of these cases (close to 75%) were referred to the Probation Department for evaluation prior to sentencing. (It is noted that only 37% of these cases involved felonies where a probation referral is mandated by law.)

Dispositions were available on 128 cases at the time of data collection. Dispositions remained pending in five cases, three of which involved clients undergoing a CYA diagnostic evaluation. Disposition information is presented in Table 5.

TABLE 5  
DISPOSITION OF CONVICTED ADULT CASES

| TYPE                                       | N            | PERCENT     |
|--|--------------|-------------|
| Formal Probation                           | 53           | 39.8        |
| Sentence                                   | 9            | 6.8         |
| Summary Probation                          | 40           | 30.1        |
| CYA  | 23           | 17.3        |
| CDC  | 1            | .7          |
| CRC  | 2            | 1.5         |
| Pending (including diagnostic evaluations) | 5            | 3.8         |
|  | <u>N=133</u> | <u>100%</u> |

Formal probation was ordered in close to 40% of cases resulting in conviction, and it represents the most common outcome of Adult Court proceedings. Probation to the Court, the second most frequent outcome, was ordered in 30% of these cases; Commitment to State facilities (CYA, Department of Corrections, California Rehabilitation Center) represented an additional 19% of dispositions, while straight sentences were ordered in less than 7% of the cases.

Formal probation or CYA commitments tended to occur in cases involving wards or previous wards of the Juvenile Court while more non-wards were granted probation to the Court.

## Custody

Of those cases where a conviction occurred, 58 cases (45%) resulted in custody to be served after disposition by the Court (presented in Table 6). This number includes 26 State commitments and 32 clients ordered into local custody. Custody time exceeding 30 days occurs in 50 of these cases which represent an average local custody time of 105 days.

Due to the fact that custody during the Court process was not recorded, these totals do not include all custody that was served prior to Court disposition.<sup>4</sup>

TABLE 6  
CUSTODY TIME ORDERED BEYOND DISPOSITION

| Days in Custody | N            | PERCENT     |
|-----------------|--------------|-------------|
| None            | 70           | 54.7        |
| 1-5             | 4            | 3.1         |
| 6-30            | 4            | 3.1         |
| 31-90           | 14           | 10.9        |
| 91-180          | 7            | 5.5         |
| Over 180        | 3            | 2.4         |
| Indeterminate*  | 26           | 20.3        |
|                 | <u>N=128</u> | <u>100%</u> |

\*All state commitments

From the data that was collected, we would estimate (fairly reliably) that approximately sixty (60) 707 clients experienced custody exceeding 30 days while awaiting or subsequent to Court action.

Custody was ordered by the Adult Courts exclusively in cases involving males, and more frequently for wards of the Juvenile Court than for non-wards.

<sup>4</sup>With some frequency, cases would show no custody beyond disposition even though significant custody time had been served. Custody in these cases was ordered with credit for time served for the same number of days.

Other conditions were stipulated often by the Courts in those cases which resulted in a probation disposition. In addition to custody, the most frequent conditions ordered were: fines (most often ordered with summary probation), restitution, alcohol/drug conditions, psychological counseling, and participation in employment or school.

Age at Time of Disposition

In addition to recording the 707 client's age at the time of Juvenile Court remand, we computed age at the time of final Court action in order to determine the effect of age upon case disposition. Of all cases reaching Adult Court disposition, client ages at the time of this action is presented in Table 7.

TABLE 7  
AGE AT TIME OF ADULT COURT DISPOSITION

| AGE        | N            | PERCENT     |
|------------|--------------|-------------|
| Under 17   | 6            | 4.0         |
| 17-17½     | 26           | 17.5        |
| 17½-17 3/4 | 18           | 12.1        |
| 17 3/4-18  | 30           | 20.1        |
| 18-18½     | 54           | 36.2        |
| Over 18½   | 15           | 10.1        |
|            | <u>N=149</u> | <u>100%</u> |

Of those clients under 18 at the time of remand, many reach their 18th birthday sometime during the Adult Court process. While only 21% of the study group were over 18 at the time of their Juvenile Court appearance, 46% of clients reaching disposition had attained the age of 18.

In comparing Court dispositions for the under 18 and over 18 age groups, some differences are noted. Most cases resulting in commitment to the Youth Authority involved clients under age 18. In regard to probation grants, clients under the age of 18 were somewhat more often granted probation to the Court, as opposed to formal probation, while the reverse was true for those over 18.

The incidence of custody ordered, however, reveals no apparent difference between these age groups. Equal numbers of under 18 and over 18 year olds were committed to custody beyond their Court disposition. This finding is influenced by the youthfulness of those committed to the Youth Authority, but little difference appears as well in analysis of local custody cases. We found a surprisingly large number of cases under 18 where local custody was

ordered, a number equal to the older age group. Of these juveniles with custody orders, over half were of Mexican descent, including a sizeable number of illegal aliens.

### Cases Resulting in CYA Commitment

Twenty-three of the cases involving a conviction in Adult Court resulted in a commitment or recommitment to the California Youth Authority. Those sent to the Youth Authority tended to be male (100%), wards or previous wards of the Juvenile Court (only three were non-wards), and slightly younger than the study sample (average age 17.5 years). A high percentage of this group was black (43%). All but one case (a petty theft charge) involved more serious types of offenses.

It is important to note, however, that even though almost all of these cases were filed as felonies, a significant number (7-30%) were reduced to misdemeanors during the adjudication process. Their adjudication as misdemeanors, based on the recent California Supreme Court decision, limits CYA jurisdiction to a maximum period of one year, in some cases, (deducting any time served) whereas a Juvenile Court commitment would have permitted the Youth Authority unrestricted jurisdiction to age 21. Indeed one additional case in the study sample, eventually placed on formal probation, was rejected by the Youth Authority due to the restricted time available for their jurisdiction (five months).

### Time Awaiting Adult Court Action

For purposes of examining how quickly remanded cases were handled in Adult Court, calculations were made of the time periods awaiting arraignment, adjudication, and disposition for each study case.

#### Arrestment:

Over 30% of the cases were arraigned within 48 hours (as stipulated for defendants in custody) and a sizeable majority (76%) were arraigned within seven days of the remand action. Most remaining cases ranged from 8 to 60 days pending arraignment with two arraignments occurring more than six months after the Juvenile Court action and eight arraignments still pending.

A large proportion of delayed arraignments encountered in these cases appear to have occurred in the outlying Courts. Many delays occurred because of attorney-requested continuances or minor's failure to appear and the issuance of a bench warrant.

#### Adjudication:

Time pending an Adult Court judgement in these cases ranged from two days to 257 days with an average time of 55 days

awaiting adjudication. Approximately 35% of the adjudications occurred within 30 days; slightly over one fourth of the cases had adjudications pending for periods exceeding 90 days. Thirteen adjudications (7%) remain pending.

**Disposition:**

The time awaiting final disposition in Adult Court is presented in Table 8. As the table shows, approximately 55% of the study cases reached final disposition within 90 days while a third of the cases were pending in excess of four months or remain pending.

**TABLE 8  
TIME AWAITING DISPOSITION**

| DAYS PENDING  | N         | PERCENT     |
|---------------|-----------|-------------|
| Less than 30  | 24        | 14.2        |
| 30-60         | 42        | 24.9        |
| 60-90         | 26        | 15.4        |
| 90-120        | 20        | 11.8        |
| 120-180       | 26        | 15.4        |
| Over 180      | 11        | 6.5         |
| Still Pending | <u>20</u> | <u>11.8</u> |
| Totals        | 169       | 100%        |

## V. CONCLUSIONS AND RECOMMENDATIONS

The preceding section has presented the results obtained through a follow-up of 184 cases remanded to the Adult Courts. Some limitations exist in the study due to the limited questions it was designed to answer, i.e., no comparison was attempted between these cases and others retained in the Juvenile Court or others handled in the adult system. While acknowledging these limitations, the study findings tend to support the following conclusions:

- 1) Minors remanded to Adult Court, for the most part, experience no more severe response to their violations than are possible in the Juvenile Court..

Although there are some exceptions, most cases result in no more punishment than could be rendered within the juvenile system, and there are many cases where the Adult dispositions appear to be less serious than would occur in the Juvenile Court.

Additionally, there are some time and cost considerations. Cases being sent to the adult system most often result in a duplication of probation investigation services (Juvenile and Adult), and these clearly result in greater overall costs and delays in reaching dispositions. These costs become a significant concern if there is little difference between the Juvenile and Adult Courts' responses to these youths.

- 2) There is a need for a custodial alternative available to the Juvenile and Adult Courts for 16 through 18 year old offenders. A significant number of 17-18 year old 707 clients receive orders involving custody, while very limited beds at the County Jail and commitment to the Youth Authority are the only existing present alternatives for youths under 18.

As a result of the foregoing conclusions and this evaluation process, the following recommendations are respectfully submitted:

- 1) That the Director of Juvenile Services be requested to re-evaluate the departmental policy regarding jurisdictional termination at age 18 and that consideration be given to extension of juvenile supervision beyond this age.

Remands to Adult Court often appear to be influenced by the fact that the client is approaching age 18 and because of the jurisdictional time limits stipulated in departmental policy. Allowing extended supervision beyond the age of 18 would, we believe, allow for more flexibility in Juvenile Court action, and would result in fewer of the less serious cases being remanded to Adult Court.

- 2) That the proposal to establish a medium security facility for youths be pursued and expanded to include 18 year olds.

The need for a facility is clearly supported by the study findings, and it should allow for 18 year olds in order to be an alternative for the large number of clients who are nearing their 18th birthday.

- 3) That a system of recording Adult Court numbers which are assigned to remanded cases be recommended to the District Attorney's office.

This recommendation is made in view of the interest shown by the District Attorney's office in determining the eventual outcome of these cases. Future follow-up studies of this type would be greatly facilitated by a centralized source of Adult Court numbers.