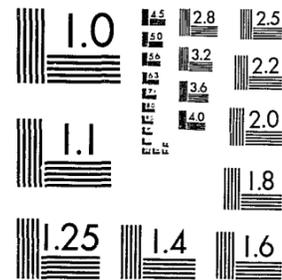


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CRIMINAL COURT SCREENING
IN THE
CALIFORNIA YOUTH AUTHORITY

EXECUTIVE SUMMARY

DEPARTMENT OF THE YOUTH AUTHORITY

87202

AUGUST, 1982

State of California

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CRIMINAL COURT SCREENING IN THE CALIFORNIA YOUTH AUTHORITY

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AUGUST, 1982

EXECUTIVE SUMMARY

Background

By statute, the Department of the Youth Authority is required to accept each juvenile and criminal court case that is committed to it "if it believes that the person can be materially benefited by its reformatory and educational discipline, and if it has adequate facilities to provide such care." (Sections 736 and 1731.5, Welfare and Institutions Code.) Prior to 1979, few juvenile and criminal court cases were rejected by the Department on grounds that they would not materially benefit from its program, and none were rejected in connection with "adequate facilities" (sufficient bed-space). Since that time, however, numerous criminal court cases have been rejected on these bases. The present report focuses on such rejected cases.

Although the Youth Authority's material-benefit criteria had always been applied to all commitments, the Department, in October, 1979, began applying these criteria in a very strict manner to all criminal court cases who had already been in the YA but who, having later been convicted of a new and serious offense, were then recommitted to the YA. Based on this stricter application of the criteria, most such cases were rejected ("screened out") at point of YA intake. On July 1, 1981, the Youth Authority also began screening out criminal court cases who had satisfied the material-benefit criteria but for whom adequate facilities no longer existed within its institutions and camps. This policy, designed to reduce the population of those facilities to their budgeted capacity, applied only to individuals ("eligibles") who were 18 years of age or older at the time of their YA commitment offense. Since the July 1 date, a two-step, "sequential decision-making" procedure has been applied by the Youth Authority to all eligible criminal court cases. This procedure first addresses the question of material-benefit and then focuses on that of available bed-space; as such, it is the means by which the screening criteria and policies are now implemented.

The present report represents the first description of individuals screened out by the Youth Authority under the sequential decision-making procedure. Basically, it addresses five broad questions:

1. What are the characteristics of individuals who have been screened out by the YA ("rejected cases")?
2. What factors contribute to the screening-out of individuals, and how do these factors relate to the above characteristics?
3. What is the disposition of individuals who have been screened out and then returned to their county-of-commitment?
4. What relationship exists between given dispositions, e.g., state prison, and the individuals' characteristics?
5. How do individuals who have been screened out compare with those who were not screened out ("accepted cases")?

To address these questions, the Youth Authority's Division of Research undertook a study of all criminal court cases, ages 18 and over at the time of their offense, who were committed to the YA during the first three months in which the two-step procedure--the "July 1 policy"--was in operation. First commitments as well as recommitments were included in the study; remands (individuals who had been transferred from juvenile to criminal court but were under 18 at the time of their commitment offense) were excluded.

Implementation of the July 1 Policy

Screening is carried out by the Youth Authority's Intake and Court Services Section (ICSS) based on the two-step, sequential decision-making procedure. All cases who are not rejected on grounds of material-benefit are assessed with respect to their level-of-criminality (LOC). LOC refers to the sum of the individual's score on each of five "screening factors":

1. Commitment behavior (offense);
2. Offense pattern--magnitude;
3. Offense pattern--escalation;

4. Criminal sophistication/orientation; and,
5. Prior secure placements.

The definition and the method for scoring these factors is specified in ICSS guidelines. If an individual's "total screening score" exceeds a preestablished maximum, he or she, with rare exceptions, is rejected by the Youth Authority. If the individual's score does not exceed that maximum, he is accepted. All rejected cases are returned to their county-of-commitment; and, it is then the court's responsibility to resentence the individual, i.e., to provide a disposition. Thus, the Youth Authority either rejects or accepts; the county (i.e., court) resents those who have been rejected.

The Research Effort

Study-sample and data-collection. The study-sample consisted of 488 criminal court cases who had been assessed in accordance with the sequential decision-making procedure. Of these individuals, 199 (41%) had been rejected and 289 (59%) had been accepted. Seventy-nine percent of the rejections were on grounds of inadequate facilities; almost all the rest were on grounds of material-benefit. Information concerning the individuals' background characteristics, offense history, etc., was collected from probation and court documents that were part of their official Youth Authority casefiles. ICSS screening scores were also obtained from the file. Information concerning the disposition of individuals who had been rejected by the YA was obtained on a standard data-collection form which was filled out by the court clerk of the county to which the given individuals had been returned. In this connection, followup phone calls to the court clerk were made as needed--e.g., for purposes of clarification--by Division of Research staff. To address the five basic questions in some depth, a wide range of information was coded and analyzed for rejected and accepted cases alike. This information also made it possible to address supplementary questions--concerning ethnicity and county-of-commitment--that arose shortly after the first set of findings from the present study became available.

Main Findings

Background Characteristics and Offense History

Rejected cases. Nearly all rejected cases were males, ages 18-20 at point of commitment; 34% were White, 23% were Spanish-surnamed, and 41% were Black. (These figures compared with 36% White, 25% Spanish, and 37% Black for the total study-sample, i.e., rejected + accepted cases combined.) Fifty-one percent came from Los Angeles county and 86% had completed 10th through 12th grade. Most rejected cases (85%) were committed for burglary (39%), robbery (26%), theft (11%), or assault (9%); 45% of all commitment offenses were violent in nature, and one-fourth of all rejected individuals had previously been committed to the Youth Authority.

Rejected vs. accepted cases. Rejected and accepted cases were very similar to each other on age, sex, and highest grade completed. Whites were neither overrepresented nor underrepresented among the rejected and accepted groups (cases); this was true for Spanish-surnamed individuals as well. However, Blacks were slightly overrepresented among the rejected cases and, therefore, slightly underrepresented among the accepted cases--as were individuals from Los Angeles county. (The latter findings are further reviewed below.)

Rejected and accepted individuals were committed to the Youth Authority for essentially the same types of offenses: burglary, robbery, theft, etc., in that order and at about the same relative rate. Moreover, approximately the same percentage of rejected and accepted individuals were committed for a violent offense. However, rejected cases had a much longer offense history than accepted cases, e.g., 6.0 vs. 2.0 arrests, on the average, prior to their YA commitment offense, and 49% of the rejected as compared to 19% of the accepted individuals had had 1 or more prior violent arrests. In addition, 24% of the rejected as vs. 1% of the accepted cases had previously been committed to the YA. Thus, despite several similarities with respect to background characteristics and type of commitment offense, rejected cases, on the average, were more criminally involved than accepted cases.

Screening Factors

Rejection vs. acceptance. Rejected cases had a much higher total screening score than accepted cases--17.44 vs. 8.16 points.* The former score was well above the Youth Authority's rejection-cutoff of 12 points (13 points during July, 1981). Among rejected cases, the largest single contributor to the total screening score was the factor, "offense pattern--magnitude." This factor, by itself, accounted for 34% of the total score and for one-half of the 9-point difference between rejected and accepted cases. Basically, this factor reflected the severity and extent of all sustained petitions, and/or convictions, that occurred prior to the YA commitment offense. The second largest contributor was "commitment behavior (offense)," which accounted for 24% of the total score. However, this factor, which focused on the commitment offense exclusively, contributed relatively little to the point-difference between rejected and accepted cases. The remaining factors, taken individually, contributed relatively little to the total screening score of rejected cases; however, "prior secure placements" accounted for one-fourth of the point-difference between rejected and accepted cases. Finally, rejected cases did not just receive a higher total score than accepted cases; they received a higher score on each of the five screening factors which contributed to the total.

When rating each case on each factor, the Intake and Court Services Section appears to have accurately reflected the basic definition of the given factor; as to the five factors collectively, ICSS' ratings seem to have been internally consistent. At any rate, the total score that resulted from ICSS' ratings of the individual factors clearly distinguished rejected from accepted cases. Although all five screening factors contributed something unique to the total screening score, some of them, e.g., "criminal sophistication/orientation," did not seem really crucial with respect to the YA's decision to either "reject" or "accept."

* Individuals rejected on grounds of inadequate facilities had an average score of 16.87; those rejected in relation to material-benefit, 21.49; this basically reflected the latter's greater number of prior arrests and prior commitments to the YA. In almost all other respects, e.g., age, sex, ethnicity, highest grade completed, county of commitment, court of commitment, violence of commitment offense, number of prior violent arrests, and type of disposition as well as length of sentence, these groups of individuals were similar to each other.

Background characteristics, and offenses, of rejected cases. (1)

White, Spanish-surnamed, and Black groups had approximately the same total screening score as one another; in this regard, no single ethnic group seemed substantially "better" or "worse" than any remaining group with respect to its overall criminal/delinquency record. Nevertheless, Spanish-surnamed individuals had more severe commitment offenses, scoring, on the average, somewhat higher than either Blacks or Whites on "commitment behavior (offense)." (2) Cases from Los Angeles county had a slightly but not (in a statistical sense) significantly higher total screening score than those from all remaining counties combined, and a somewhat more severe commitment offense than the non-L.A. rejectees. (3) Cases who had not previously been in the Youth Authority had a noticeably lower total screening score than those who had a prior YA commitment. (4) Cases whose commitment offense was violent had a substantially higher "commitment behavior (offense)" score than those whose commitment offense was nonviolent.

Disposition of Rejected Cases

Rejection and dispositions. Most cases (79%) whom the Youth Authority did not accept were rejected due to lack of adequate facilities, rather than an anticipated lack of material benefit. Regardless of the YA's reason for rejection, roughly 5 out of every 10 such cases (54%) were sent to state prison and an additional 3 out of every 10 (30%) were given a jail sentence which was to be followed by a period on probation. Together, these two sentences accounted for the preponderance of all dispositions. A few individuals were either sentenced to county jail (2.5%), were placed on formal probation (2.5%), were referred back to the Youth Authority (2.5%), or were sent to the Department of Corrections (the adult prison system) for a 90-day diagnostic workup (1.5%). Most remaining cases had not been sentenced as of the data-cutoff point. All dispositions were made by local authorities, not by YA personnel. Most rejected cases who were sent to prison received that sentence because Section 1203.06 of the California Penal Code precluded a local sentence for serious offenses, e.g., robbery, in which (1) a firearm was involved or (2) the offender had previously been convicted of a specified felony.

Background characteristics, offenses, and screening scores.* (1)

Noticeable differences in disposition were found across the three major ethnic groups. For instance, in the case of Whites, 41% were sentenced to state prison and 38% were given jail plus probation. In contrast, 65% of the Spanish-surnamed were sentenced to state prison whereas 20% were given jail plus probation; also, Blacks were twice as likely to be sentenced to state prison than to jail + probation: 57% vs. 29%. (2) Individuals from Los Angeles county were about three times more likely to receive a state prison sentence than jail + probation; in contrast, those committed from the non-L.A. counties were only slightly more likely to be sentenced to state prison than to jail + probation. (3) There was a strong relationship between type of commitment offense and type of disposition. For example, in the case of violent commitment offenses, the chances of being sentenced to state prison rather than jail + probation were 4 to 1; however, for nonviolent commitment offenses, e.g., burglary and theft, the chances were roughly 1 to 1. (4) If a weapon had been used or was present (though not used) during the commitment offense, the chances of the individual's being sent to prison were fairly high--about 7 out of 10. If no weapon had been present the chances were noticeably lower--about 4 out of 10. Similar findings were obtained with respect to enhancements that related to the commitment offense. (5) "Offense pattern--magnitude" (in essence, the cumulative severity of all pre-YA, sustained petitions and/or convictions) was the largest single contributor to the total screening score of individuals who were sent to prison as well as those sentenced to jail + probation.

Length of sentence. Individuals whose disposition was state prison received average sentences of 3.4 years. Those whose disposition was jail + probation received average sentences of 1.0 years in jail plus 3.4 years on

*This section focuses on the major dispositions only, i.e., state prison and jail + probation. State prison, of course, comprises the principal non-local sentence. Jail + probation comprises the principal local, i.e., non-state, sentence. Results presented in this section would remain essentially the same even if all known dispositions were included.

probation. Each remaining sentence, e.g., county jail only, involved too few cases to provide reliable figures. At any rate, for all known sentences combined, the average period of lockup (prison or jail) was 2.7 years; and, for those sentences which involved probation (with or without jail), the average duration of probation was 3.4 years.

Additional Issues and Findings

Ethnicity and rejection by YA. White, Spanish-surnamed, and Black individuals were each about four times more likely to be rejected on grounds of inadequate facilities than on grounds of material benefit. In this respect, all major ethnic groups were rejected for the same reason and the Youth Authority's joint inadequate-facilities/material-benefit policy was not applied differentially to any one or more groups.

Sizable differences existed among the three major groups with respect to the violence of their commitment offense and the number of prior (i.e., pre commitment-offense) violent arrests (PVA's). Among rejected cases, 28% of Whites, 59% of Spanish-surnamed, and 49% of Blacks had a violent commitment offense. Regarding prior violent arrests, 21% of Whites as compared to 61% of Spanish-surnamed and 65% of Blacks had 1 or more PVA's; 6% of Whites, 20% of Spanish-surnamed, and 37% of Blacks had 2 or more. These differences were reflected in the two screening factors that made the largest contributions to the total screening score: "committing behavior (offense)" and "offense pattern--magnitude." Thus, the fact that Blacks scored second-highest of the three major ethnic groups on "committing behavior (offense)" and highest on "offense pattern--magnitude" resulted in their having a slightly higher total screening score than the White and the Spanish-surnamed groups. That total screening score, in turn, largely accounted for the Black group's slight over-representation among rejected cases. A regression analysis showed that, after controlling for (partialling out) type of commitment offense, number

of prior arrests, number of prior violent arrests, etc., ethnicity did not contribute to the decision to reject or accept a case. In sum, the difference between rejection and acceptance was essentially based on the total score that was obtained by individuals of the respective ethnic groups, not on the ethnicity of those individuals, per se.

The same trends held true for the accepted cases, where it was found that 30% of Whites, 51% of Spanish-surnamed, and 67% of Blacks had a violent commitment offense. Thus, whether they were rejected or accepted by the Youth Authority, Spanish-surnamed and Black individuals were more likely than Whites to have had a violent commitment offense. At any rate, the existence of violence was not, in itself, a criterion for rejection--irrespective of ethnicity. (Although violence was not a criterion, it, like other factors, did contribute to the rejection-decision.)

Ethnicity and disposition by local authorities. The fact that rejected non-Whites were more often sent to prison than were rejected Whites can probably be traced largely to the following. Non-Whites were more likely than Whites to have (1) had a violent rather than a nonviolent commitment offense, (2) possessed or utilized a weapon during their commitment offense, and (3) had 1 or more prior violent arrests. A regression analysis indicated that, after controlling for type of commitment offense, number of prior arrests, etc., ethnicity did not contribute significantly to the type of disposition that was given by local authorities. These findings were derived entirely from the present research, i.e., from an analysis of individual casefiles (chiefly probation and court documents). They were not obtained by asking local authorities--particularly judges--why they had made certain specific decisions or types of decisions with respect to disposition. The extent to which information from the latter sources might have added to or otherwise modified the present picture, is unknown.

County of commitment and rejection by YA. Los Angeles probably had a slightly higher percentage of rejected cases than all remaining counties combined because its referrals had somewhat more severe (not just violent) commitment offenses. (Here, severity reflects authorized confinement time established by the court for each individual.) In turn, these commitment offenses were related to the following: (1) Non-Whites were more likely than Whites to have had a violent commitment offense; (2) L.A. county had a substantially higher percentage of non-Whites than did the remaining counties combined. A regression analysis showed that, after controlling for type of commitment offense, etc., county of commitment did not contribute to the decision to either reject or accept a case.

County of commitment and disposition by local authorities. Sixty-two percent (62%) of the rejected cases from Los Angeles county were sent to state prison; for all remaining counties combined, the figure was 46%. Given the fact that L.A.'s percentage of rejected individuals who were non-White was substantially higher than that in all other counties (77% vs. 51%), it is likely that this L.A. vs. non-L.A. difference in disposition can largely be traced to the same factors that seemed to account for the difference in dispositions between the major ethnic groups. Specifically, as mentioned above, rejected non-Whites (Spanish-surnamed + Blacks, combined) were more likely than Whites to have (1) had a violent rather than a nonviolent commitment offense, (2) possessed or utilized a weapon during their commitment offense, and (3) had 1 or more prior violent arrests. (Ethnicity aside, a substantially higher percentage of L.A. than non-L.A. cases had either possessed or utilized a weapon during their commitment offense.) Regression analysis which controlled for type of commitment offense, etc., indicated that county-of-commitment did not contribute significantly to the type of disposition made by local authorities. To be sure, other factors may have contributed to the observed difference in disposition, e.g., such factors as local sentencing practices or philosophies, available bed-space in local secure facilities, and available community-based alternatives for specified types of offenders. However, no systematic information was available regarding these factors.

Further Observations

Stability of Findings

Although the present study-sample was very similar to criminal court cases who had been committed to the Youth Authority during 1980--i.e., was quite representative in this regard--an additional three or four months of sampling would have been useful in determining the stability-through-time of the present results. We suspect that such sampling would have shown the results to be stable.

Screening Factors

Although this study suggested that the Youth Authority's Intake and Court Services Section applied the five screening factors in an appropriate and internally consistent way, it did not try to address the question of whether any better factors* existed or whether--qualitative, values-centered, and philosophical issues aside--any additional factors would perhaps have been useful. (One set of screening factors might, e.g., have focused directly on "future risk," that is, likelihood of repeat offending.) Questions relating to alternative or additional possible screening factors are quite complex and could only have been empirically addressed via a rather different and substantially expanded research effort.

Despite the present screening factors' emphasis on an individual's prior record and, indirectly, on his history of violence, these factors were not unrelated to future risk. For instance, (1) as this study suggested, rejected individuals were those with longer as well as more violent records, and with more prior commitments; at the same time, (2) since numerous research studies have shown that an individual's prior record is the best single predictor of his future offending, it is likely that persons with longer records--in this case, rejected individuals--were also those more likely to recidivate.

*E.g., "better" from given philosophical perspectives and, possibly, in terms of conceptual clarity, ease-of-rating, and validity of the rated-information itself.

Future Research

One area of potentially valuable research is that of disposition. Here, three questions stand out: Regardless of their final sentence by local authorities, how long did rejected cases actually remain locked up and/or on probation? How did the length of these sentences, these periods of lockup, and so on, compare with the institution-and-parole stays that those same rejected cases would probably have experienced if they had remained in the Youth Authority? (In this and related respects, were the alternative dispositions "fair"?) What were the justice system costs of the YA's screening policy--e.g., was money saved in the short- and long-run as a result of the alternative dispositions?

Similarly, upon release from custody, did rejected individuals perform differently than comparable cases who, prior to the July 1 policy, were not rejected by the Youth Authority? And, at a very broad level, what was the overall impact of the YA's screening policy on the justice system? Here, one might examine not just costs and performance (recidivism, etc.), but state and local overpopulation, redistribution of resources and responsibilities, and other areas of possible and probable impact.

END