

# PAY NOW OR PAY LATER?

## THE FUTURE OF JUVENILE JUSTICE IN ORANGE COUNTY

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### SUMMARY

*A child is society's most valuable asset.*

The formal Juvenile Justice System is made up of law enforcement, the Orange County Probation Department, the Social Services Agency, the Juvenile Court, and both prosecutorial and defense attorneys. The 2000–2001 Orange County Grand Jury examined the Orange County agencies that address problems relating to youth.

The Juvenile Justice System is the gatekeeper of the criminal justice system. The success or lack of success of the Juvenile Justice System has a direct impact on a multitude of community and societal issues, including but not limited to:

- Crime in the streets
- The need for more police
- Overloaded courts and judges
- The need for more jails and prisons
- The increasing, staggering costs for the administration of justice

The long-term costs can be reduced if communities enhance the effectiveness of the Juvenile Justice System, and place a greater emphasis on prevention, early intervention and intensive rehabilitation. Not only should society be concerned about the criminal justice system costs, but also the human costs of:

- Unsafe streets
- Fear of violent crime
- Human pain and suffering
- Loss of personal and public property
- The perception of a declining social structure

While the initial cost for an enhanced Juvenile Justice System may be high, the long-term benefits will far outweigh the dollars spent. This Grand Jury has examined some of the strengths and weaknesses of the Orange County agencies that are part of the Juvenile Justice System, and made recommendations for improvement.

Our community must decide to pay now or surely we will pay later.

## **PURPOSE/INTRODUCTION**

The 2000–2001 Orange County Grand Jury studied County agencies involved in juvenile justice. Some of the issues are so complicated that definitive answers are difficult to ascertain. This report provides an historical perspective of juvenile justice, the dollar costs of delinquency today and a glimpse of what the future holds. There are various programs, philosophies and concepts that should be embraced and supported by Orange County political leaders, agencies and juvenile justice practitioners.

What is the Juvenile Justice System? Many people would argue it is a "non-system", a collection of agencies, entities and individuals all wrestling with how to remedy the problems of juvenile crime and violence. Varying degrees of success and failure are experienced as those involved try to get a grip on this most illusive issue. Do the players in the Juvenile Justice System work together like a team; if not, can we afford financially to develop an effective collaborative approach? And then, there is the issue of delinquency prevention.

Trying to grasp the concept of delinquency prevention is like trying to hold onto a cloud. Can delinquency prevention be anything that helps a young person avoid involvement in criminal or pre-criminal behavior? Can early intervention be considered a prevention methodology? How is the effectiveness of prevention programs measured? How is political support developed for something that may not show results for years?

As a society, we must be willing to step forward to protect our most valuable asset, our children. Shall we pay now, or pay later?

## **HISTORY/BACKGROUND**

Historically, a significant public concern has been the issues of problematic youth behavior and the responsibility of society for children who are abandoned, neglected, or abused. The causes of deviant youth activity are complicated issues. Parents blame societal and economic pressures, the schools and social services; police, schools, courts, and social agencies blame parents and each other. Only as a society with all components working together without blame or agenda can there be hope for success.

### **Then**

The concept of juvenile justice has a long and sometimes questionable history. Throughout recorded history, societies have tried to keep children under control and to have them adhere to community expectations. At one time, children were subject to the same laws and punishments as adults. The first written code establishing a social order was the Code of Hammurabi, nearly 4000 years ago in Babylonia. A

principle of this Code was protection of the weak from the strong—protecting even slaves from their masters.

The Code of Hammurabi also established a patriarchal society where the man was head of the family. As an example, if a son acted out against his father, the punishment was swift and sure. It was written that if a son struck his father, the son's hand would be cut off!! While this was extremely effective in reducing recidivism, it did not provide many options for rehabilitation.

Other significant events in the development of juvenile justice include:

- Ancient Roman law established the age of responsibility for youth.
- Thirteenth century England originated the concept of "Parens Patriae" giving the Crown the power to be "Father of the Country", which provided guardianship and special protection for children.
- Eighteenth century Rome provided a significant contribution to juvenile justice with the establishment of the first institution for the treatment of juvenile offenders.

The development of juvenile justice in the United States was centered primarily in New England. Massachusetts established separate trials and records for juveniles, and the first official use of probation. Rhode Island first segregated children from adults awaiting trial. New York established Houses of Refuge. However, it was the State of Illinois in 1899, which established the first Juvenile Court Law that became the cornerstone for juvenile justice in this Country.

## **Now**

The current California Juvenile Court Law, Welfare and Institutions Code § 200, et seq., was codified nearly 40 years ago. While modified many times, it is still primarily protective, rehabilitative and for the most part, non-punitive. In recent years, there has been a movement toward treating juvenile offenders more seriously. The concept of punishment as part of the rehabilitative process was added to the Code. Over time and because of public concern, it has become easier to prosecute juveniles as adults for serious, violent crime.

The stated purpose of the Juvenile Court Law is to provide for the protection and safety of the public and each minor under the jurisdiction of the juvenile court, and to preserve and strengthen the minor's family ties whenever possible. Removal of a minor from the family can only occur when necessary for the minor's welfare, or for the safety and protection of the public. Even when removal of the minor occurs, it is the intent of the Code that the minor receive "...custody, care, and discipline as

nearly as possible equivalent to that which should have been given by his or her parents".<sup>1</sup> Minor and family reunification is a stated primary goal.

The basic philosophy of the Juvenile Justice System is still protective and rehabilitative, but the process has become more legalistic. Attorneys are prominently involved in the System. Rules of evidence, degrees of proof and judicial process are equivalent to adult criminal justice.

With over 2.8 million residents in Orange County, juvenile arrests totaled between 15,000 and 16,000 each year since 1995. The number of minors in custody varies month to month and with the season, but averages approximately 1000. These minors are detained in the juvenile hall facilities, probation camps and adult jail facilities.

The costs for juvenile justice are staggering. It is estimated the total annual price tag for juvenile justice in this County is \$250 million. The annual cost for one juvenile detention bed in Orange County exceeds \$36,000. At the intermediate step between juvenile hall and state prison, the California Youth Authority's cost is \$41,700 per year per person. Orange County Probation Department's annual budget is currently \$101 million, with \$64.4 million identified as juvenile justice costs.

Unfortunately, if efforts aimed at rehabilitation and intervention fail and these young people "graduate" to county jails or state prisons, the costs continue to escalate. These are only the dollar amounts and do not include the societal costs of pain and suffering, loss of productivity and a disenfranchised underclass of criminals preying on our communities.

## **Future**

What lies ahead for our justice system and our society? The Federal Bureau of Investigation reports that juvenile crime rates have fallen every year since 1994. Juvenile arrests for violent crime and murder have dropped to the lowest since the 1960s. While Orange County juvenile crime and arrest rate drops have not been as significant as the national numbers, the juvenile crime and arrest rates for violent crime have stabilized in the last few years.

For several years in Orange County and across the nation, gang-related crime has been declining following terrifying peaks in 1993 and 1994. However, local gang experts say a new wave of gang activity is bound to come, and in Los Angeles County, crime statistics show that an upturn may already be underway.

Another disturbing trend over the past several years is the apparent increase of juveniles committing sexual offenses on other juveniles. While not verified by complete statistical data, anecdotal information from the Probation Department and

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<sup>1</sup> § 202 (a) California Welfare and Institutions Code

the District Attorney's Office suggests that the number of juvenile sexual offenders is growing. The California Youth Authority also confirms a distressing increase in the number of sexual offenders.

Another factor that can have significant impact on Orange County's Juvenile Justice System is called the "Echo Boom"<sup>2</sup> (children of the "baby boomers"). Orange County's juvenile population (ages 10-17) is expected to jump from 28% to 33% over the next five years.<sup>3</sup> That represents an additional 100,000 youth (ages 10 to 17) living in Orange County by the year 2005. Even with a stable crime rate, the sheer increase in the number of teenagers indicates that there will be more youth getting in trouble with the law. This will lead to a greater need for services, which increases the cost to the County, and of course, taxpayers.

## **What Can Be Done**

Recent drops in violent crimes by juveniles and stabilization of other juvenile crime rates, coupled with a strong local economy, present policymakers with opportunities to implement crime reduction strategies that focus on prevention and early intervention. No longer is it necessary for policy makers to expend scarce resources reacting to skyrocketing crime rates. This is the time to direct these resources toward prevention and early intervention strategies before there is another juvenile crime epidemic similar to the late 80s and early 90s.

There are countless opportunities for developing and implementing a wide variety of prevention programs. The following list is important and could be of great impact. This listing by no means includes all prevention strategies.

Parenting Skills Training	Should be started by age 12, should be ongoing and provided in schools, colleges, churches, juvenile institutions, jails, prisons, maternity rooms and any other place deemed appropriate.
Abuse & Neglect Recognition and Prevention	People coming in contact with children; public agencies, service providers, mail carriers, and others should be trained to recognize and report suspected abuse and neglect.
Impulse Control	Techniques should be included in school curriculum.
Remedial Reading and Library	Reading programs and tutors must be provided in schools, libraries and institutions, utilizing

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<sup>2</sup> Probation Update, Vol. 14, No. 1, March 2001

<sup>3</sup> Business Plan 2001, Orange County Probation, March 2001 and Orange County Probation Department literature about Rancho Potrero Leadership Academy, 2000

Programs	mentors and volunteers to supplement teachers.
Anger Management	Provide basic information in schools at earliest ages, with additional programming for those exhibiting problems. Could be offered in jails and institutions for violent offenders.
After School Programs	Offer tutorial and remedial education programs afternoons, evenings and weekends. Athletic programs should also be included.
Substance Abuse Education	DARE or similar programs should be integrated throughout school curriculum.
Mentoring	Mentoring and Big Brother/Sister-type programs should be available to youth in need.
Pregnancy and Sexually Transmitted Disease Prevention	Realistic and common sense education should be provided in the schools prior to the onset of puberty and continued through high school.
Character Education	A value system that supports the positive development of youth with the attitudes, behaviors and skills that will allow them to succeed as adults.
Delinquency Trend Identification	Social scientists and juvenile justice experts should assist policymakers in proactive prevention decision making through extensive trend tracking and analysis.
Truancy and Dropout Prevention	Develop school and community-based programs to keep youngsters in school and involved.
Anti-Gang Programming	Provide specific information to prevent gang involvement and membership. This should be provided in elementary school, particularly in communities where gang involvement is prevalent.
Building Accountability and Responsibility	The concept of accountability and responsibility for one's behavior and conduct should be consistently woven throughout all prevention and education programs.
Conflict Resolution	Techniques and skills for peaceful dispute resolution should be taught beginning in elementary school.
Law-Related Education	Teach youth of all ages respect for the law, rights of others, foundations of justice and freedom, good citizenship and community involvement.

Vocational Education  
and Job Training

Provide programs for high school age students  
interested primarily in acquiring trade skills.

## **The 8% Solution**

The Orange County Probation Department's '8% Solution' is a collaborative, multi-discipline response that provides intensive all-inclusive services including probation, mental health, drug and alcohol abuse, education, job and family counseling and transition services. The 8% Solution was developed based upon a seven year research study conducted by the Probation Department which identified the '8% Problem'. The 8% Problem focused on a small percentage of identifiable youth that had been referred to the Juvenile Justice System for crimes committed a minimum of four times within a three year period. It was determined that these youth committed a large number of serious repeat offenses, while 70% of all juveniles arrested once are never rearrested.

As a result of this research study, an '8% Risk Profile' was developed. Because 8% Problem youth are dramatically different from those who are only arrested once and never return to the Juvenile Justice System, the Orange County Probation Department identified a profile of problems common to these young people. First, the study clearly demonstrated that youth who are 15 years old or younger when first referred to juvenile court for criminal behavior are much more likely to become serious, chronic offenders. Additionally, youth who become chronic juvenile offenders typically display at least three of the following four problems:

- School failure
- Drug and Alcohol abuse
- Disrupted or dysfunctional families
- Pre-delinquent behavior (runaways, gang associations, stealing)

Once a minor fits the 8% Risk Profile, he/she is placed in the '8% Solution' Program. Minors are picked up in the morning by Probation personnel, transported to one of the Youth and Family Resource Centers and returned home at the end of the day. A minor's family is also included and required to participate in this program. Noncompliance by the juveniles can result in a probation violation and return to secure detention. Minors detained in the juvenile halls and camps who meet the Risk Profile criteria become candidates for the program upon release.

The 8% Solution is very expensive because all the professionals and service providers are on-site daily. It is important to note that while the formal evaluation has not been completed, the preliminary results are very encouraging. If this program proves to be as effective as early results indicate, the money expended on the 8% Solution will be money well spent, and considerably less in the long run because of reduced justice system penetration by offenders.

In addition to the programs and concepts mentioned above, there are other juvenile justice issues and needs to be addressed. As indicated previously, a significant increase of juveniles and juvenile offenders is anticipated in the next few years. Add this to the current shortfall of juvenile detention beds, and it is clear that the Probation Department will be facing a crisis in the very near future. There is a projected need for an additional 1313 juvenile beds in Orange County by 2005.

The Probation Department and the Board of Supervisors must ensure that the 90-bed Rancho Potrero Leadership Academy, adjacent to Joplin Youth Center, continue with construction plans for a 2003 opening. The 60-bed addition to Juvenile Hall in Orange must be completed, and the 125-bed Los Piños Conservation Camp in the Cleveland National Forest must have the Special Use Permit from the U. S. Forest Service extended before the end of 2001.

It is also crucial that the Probation Department and the Board of Supervisors proceed with the proposed South Orange County Juvenile Hall. This facility, planned for 390 beds, would be built in phases starting with 150 beds, and is not only necessary for the additional juvenile detention beds, but is also essential to better serve the fast growing population of South County.

## **Education**

The Grand Jury is convinced that education, *quality education*, is the linchpin of our society. Education is the great equalizer, and regardless of a person's ethnic, racial or social status, educational success can *level the playing field* and *open the door to the dreams of mankind*.

Most young people entering the Juvenile Justice System have already suffered educational failure. Regardless of the reasons, once these youth fall behind in their education, they tend to drop out of the mainstream of society and gravitate toward undesirable peer relationships, criminal and antisocial behavior.

Education should be included as a delinquency prevention strategy; the mindset of the Juvenile Justice System should change to reflect this philosophy. The involved agencies should include the provision or acquisition of quality education as an effective way to reduce delinquent behavior. The Probation Department, law enforcement, educators and other Orange County service providers need to refocus mission statements and action plans to include quality education as a delinquency prevention strategy. Included with an academic education should be the opportunity to receive vocational training for those students bound for the workforce, not college, after high school. Cultivation of and training contributions from trade unions, businesses and faith-based groups should be included in these action plans. Providing business and life skills, such as interview proficiency and resume writing and balancing a checkbook, should be part of this training.

The Office of the Orange County Superintendent of Schools should have a significant role that provides leadership and guidance, directing an increased emphasis on quality education throughout this County's schools.

## **Finally**

The Grand Jury recommends that the Probation Department function as the lead agency for development and direction of the enhanced emphasis on delinquency prevention programming. The Orange County Juvenile Justice Coordinating Council and the Board of Supervisors are committed to improving the continuum of Juvenile Services and the development of needed system enhancements. However, the Probation Department is highly skilled in the Juvenile Justice System and the resocialization of offenders, and is the natural choice as the umbrella organization over countywide delinquency prevention.

The cost of implementation of these programs will be high. The cost of not implementing these programs will be higher. Both dollar amounts and human costs are involved. The decision is to pay now or pay later. It is society's decision.

## **METHOD OF STUDY**

The Grand Jury visited juvenile halls, camps and lockups, California Youth Authority facilities, all the Youth and Family Resource Centers and a number of group homes. Administrators from the Probation Department, Sheriff-Coroner Department, Juvenile Court, Orange County Department of Education, Orange County Library and other agencies serving youth were interviewed.

Planning documents, annual reports, periodicals, statistical analyses and various other publications were reviewed. Textbooks and other books written by juvenile justice experts were also reviewed.

Recognized experts in the field, members of the Southern California Juvenile Officers Association, and the Orange County Juvenile Justice Commission were also resources for this report.

## **FINDINGS**

In accordance with *California Penal Code*, § 933 and § 933.05, responses are required to all findings. The 2000–2001 Orange County Grand Jury has arrived at the following 4 findings:

1. The annual cost of Juvenile Justice for Orange County agencies is enormous, approximately \$250 million.

2. Delinquency prevention and early intervention programs in Orange County have shown promises of success in reducing juvenile crime. The Orange County Probation Department's '8% Solution' is a successful critical intervention program.
3. The County of Orange and its Probation Department are facing a crisis in the very near future of insufficient detention beds for juvenile offenders. By 2005, 1313 additional beds are needed.
4. Classes in life skills, such as resume writing, interview techniques, and handling checking accounts, along with vocational training, are important in the curriculum of public schools in Orange County.

A response to Finding 4 is required from the Orange County Superintendent of Schools.

Responses to all Findings are required from the Board of Supervisors and requested from the Orange County Probation Department.

## **RECOMMENDATIONS**

In accordance with California Penal Code § 933 and § 933.05, each recommendation requires a response from the government entity to which it is addressed. These responses are submitted to the Presiding Judge of the Superior Court. Based upon the findings, the 2000–2001 Orange County Grand Jury recommends that:

1. The Orange County Probation Department, in conjunction with the Orange County Superintendent of Schools, should devise a master plan to develop and provide delinquency prevention and intervention programming for an effective countywide application. The Orange County Board of Supervisors must support this effort in the County Strategic Plan. (Finding 2)
2. The Orange County Board of Supervisors should reprioritize and reallocate existing justice system funds, identify and actively seek new funding sources, and provide additional funding to support, coordinate, assess and expand a countywide delinquency prevention and intervention effort. (Finding 1 and 2)
3. The Orange County Board of Supervisors should ensure continued funding for the additional juvenile detention beds necessary to resolve the pending crisis of a shortage of juvenile facilities. This includes completion of the addition to Juvenile Hall and the construction of both the Rancho Potrero Leadership Academy and the South Orange County Juvenile Hall. (Finding 3)

4. The Orange County Board of Supervisors in conjunction with the Orange County Superintendent of Schools should develop, as part of the overall Strategic Plan of the County, a process that would encourage the participation of trade unions and business councils in the development of meaningful vocational training. (Finding 4)

Responses to Recommendation 1 and 4 are required from the Orange County Superintendent of Schools.

Responses to all Recommendations are required from the Board of Supervisors and requested from the Orange County Probation Department.

## **APPENDIX**

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Schumacher, Michael /Gwen A. Kurz, *The 8% Solution, Preventing Serious, Repeat Juvenile Crime*, Sage Publications Inc., 2000

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Rancho Potrero Leadership Academy, Orange County Probation Dept., 2000

Business Plan 2001, Orange County Probation Department, 2001

MacLellan, Thomas M. *Declining Juvenile Crime Rates*, National Academy Associates, FBI National Academy Associates, Inc. March/April 2001

*Orange County Comprehensive Multi-agency Juvenile Justice Plan*, The Orange County Juvenile Justice Coordinating Council, December 2000