Adolescent Development Factors California District Attorneys Use to Determine Whether Juveniles Should Be Tried in Criminal Court or Juvenile Court under the Provisions of Proposition 21, Codified as Welfare and Institutions Code Section § 707(d)

Chapter One: Introduction

A decision on whether or not to take a harder line on juvenile crime was made in California on March 7, 2000, when voters considered Proposition 21. The issues were whether the state's century-old juvenile court system, which was built around the key components of rehabilitation, confidentiality of minors, and individual treatment, could handle violent criminals. Proposition 21 reflects a national debate on the values of juvenile courts ("California Weighs," 2000). Proponent Pete Wilson, former Governor of California said, "We cannot ignore the fact that there are kids [in age] who are committing violent adult felonies, and we cannot tolerate it. And youth is no excuse for committing murder, robbery, rape, home invasions, or for terrorizing entire neighborhoods," reports Jeffrey Kaye of KCET-TV, Online Focus - Juvenile Justice, on California's Proposition 21, which would require more juvenile offenders be tried as adults (Kaye, n.d., ¶ 1).

> Opponents describe the Proposition another way.
>
> We are in the midst of a transformation in the way society treats young people. Tough-on-crime politicians have abandoned the idea that youths are worth society's rehabilitation and concern, instead embracing the notion that young offenders only deserve restraint and containment (Beiser & Solheim, 2000, ¶ 1).

Proposition 21 Background

In 1995, the state legislature convened a bipartisan Task Force on Juvenile Crime and the Juvenile Justice Response (Nieves, 2000). They concluded that harsher punishment was ineffective. The commission found that the vast majority of studies point to violence prevention programs, public education, drug rehabilitation and child care as the ways to deter juvenile delinquency.

Proposition 21, the "Gang Violence and Juvenile Crime Prevention Act of 1998," grew out of former Governor Pete Wilson's inability to get his juvenile justice initiative passed in 1996 and 1997 (Smallen, 2000). Declaring "open season against gang violence and juvenile crime," Governor Pete Wilson proposed a get "tough on crime" set of juvenile justice penalties, including treating some violent offenders as young as 14 as adults in criminal court (Moore, 1997). Wilson recounted that harsher sentencing laws should be a part of anti-gang programs that should also include intervention and prevention. Wilson's proposal covered offenders from teens who disobey their parents to juveniles who commit murder. He believed that the death penalty must be a possibility in crimes committed by superpredators.

Due to the nature of violent crimes in the late 1980's and early 1990's, superpredators became a term used to describe a new breed of juveniles (Bilchik, 1999). Superpredators are juveniles for whom violence has become a way of life. These new style delinquents were unlike youth of past generations. Although Wilson believes that some 13-year-olds should be tried as adults, he agreed to lower the current age from age 16 to age 14 (Bilchik, 1999). At the same time, he sponsored a measure to recruit 250,000 mentors for youth and to reduce teen pregnancy (Moore, 1997).

Wilson faced legislative opposition. State Senator John Burton said, “I think this is a dumb, stupid, mean-spirited program. I don’t think the Legislature is going to put 13-year-olds to death. This package doesn’t do it. It doesn’t provide for programs to turn kids around in the first place” (Moore, 1997, A1).

Senate Pro Tem President Bill Lockyer, a democrat from Hayward, sponsored plans to provide prevention and early intervention programs (Moore, 1997). He believed that the governor was taking the wrong approach.

> Unfortunately, when you pin the money available on very expensive court trials, which adult trials require, then you spend your money on the system of litigation, rather than preventing crimes. I think most of us now are convinced, as are Californians that we need to shift our emphasis from detention to prevention of crime (p. A1).

The enactment of Proposition 21 was years in the making (Sanchez & Booth, 2000). Former Governor Pete Wilson, who left office at the end of 1998, had been advocating changes prior to then. In 1998, an ultimatum was given to the Legislature in AB 1735 -- pass it or it will be put on the ballot (Opatrny, 1999). The measure went before California voters only after his attempts to toughen juvenile justice failed to pass the then Democratic-controlled legislature (Sanchez & Booth, 2000). Backers of a get-tough juvenile justice measure that would give prosecutors new authority failed to rally legislative support in 1998 (Opatrny, 1999).

But proponents came back in 2000, taking their controversial reforms directly to voters (Opatrny, 1999). Deputy Executive Director of the California District Attorneys Association, David LaBahn, co-sponsored the ballot measure with former Governor Pete

Wilson. Their aim was to remove violent offenders from the juvenile court and provide more resources for handling less serious juvenile defendants (Opatrny, 1999). Grover Trask, Riverside County's District Attorney and President of the California District Attorneys Association said, "When we created the juvenile justice system it was for truants and kids who got in trouble for stealing bikes" (Nieves, 2000, p. A1). Mr. Trask reported that out of 76,000 juvenile arrests during 1999, only a little over 2,000 fell within the "Violent" category. He stated that the overall trend is still troubling, despite a decline in crime in recent years.

Democratic Governor Gray Davis, Wilson's successor, endorsed the measure (Sanchez & Booth, 2000). He believed that the penalties would keep more dangerous juveniles from frightening their communities. He felt that the extra costs to the state that is already a national leader in prison construction and spending are worth it. Although Davis strongly supported education and prevention, he also acknowledged that Proposition 21 was necessary to protect society from those juveniles for whom prevention and intervention fail (Wilson, 2000).

This initiative is thought to be one of the most significant tough-on-crime proposals since the passing of Three–Strikes in 1994 (Opatrny, 1999). The proposition is the latest in a string of laws cracking down on juveniles (Moran, 2000). The age at which teens could be tried as adults was lowered to 14 in 1994. Many cities have enacted curfew laws for minors and adopted anti-gang injunctions that limit the civil rights of street gang members. Many of these gang members are teenagers.

Meanwhile, AB 1913 was proposed by Democrat State Assemblyman Tony Cardenas ("State Assemblyman," 2000). This bill would provide tougher penalties for

those who actively recruit gang members by force and in our schools. This bill was more concerned with crime prevention, while Proposition 21 deals with the question of what do we do with youth after a crime has been committed ("State Assemblyman," 2000). Sponsors of AB 1913 said that it would cost about $450 million compared to Proposition 21's price tag of about $330 million in annual costs and $750 million in one-time costs, as estimated by the state legislative analyst. Proponents of AB 1913 believe this is a comprehensive solution that makes more sense to use resources aimed at prevention, not intervention.

As with many controversial topics, there were proponents and opponents of Proposition 21. Both sides needed to gather around 419,000 signatures to qualify the measure for the November 2000 ballot (Bridge, 1999). Then, proponents and opponents raised the thousands of dollars necessary to initiate their campaigns.

There are three significant components to Proposition 21 ("Proposition 21," 2000, ¶ 1). First, this initiative states that district attorneys would now automatically try juveniles who are sixteen-years or older as adults for violent and heinous crimes. Second, district attorneys are now given the authority to make the decision to try a juvenile as an adult; whereas previously, this decision was made by a juvenile court judge. Third, district attorneys have the power to try adolescents under age sixteen for these same crimes. Table 1 summarizes the factors and the specific provisions addressed under the measure as summarized in *Children's Advocate*, a newsmagazine published by Action Alliance for Children, which is an advocacy organization.

Table 1

California's Proposition 21 legal factors and provisions

Legal Factors	Provisions
• Puts more juveniles in adult courts and prisons	• Gives prosecutors the power to move a juvenile case to adult court for serious crimes. Judges previously made this decision. • Requires adult trial for juveniles 14 or older charged with murder or specified sex offenses. • Makes it easier to send juveniles back to prison for probation violations. • Prohibits minors charged in crimes involving firearms from being released to their parents before a trial.
• Weakens confidentiality rights in juvenile proceedings for serious crimes	• Prohibits the sealing of juvenile court records for violent crimes. • Authorizes law enforcement agencies to make public the names of minors over 14 accused of serious felonies.
• Toughens punish-ment of gang-related crimes	• Creates a series of new, gang-related crimes with stiffer penalties, some with the death penalty. • Requires youth convicted of any gang offense to register with the police, as sex offenders do now. • Makes property destruction of more than $400 (instead of $50,000) a felony, and increases the penalty from six months to a year.
• Expands Three-Strikes law for juveniles and adults	• Adds several new "strike" (serious felony) offenses, such as shooting from a vehicle and throwing flammable objects.

("Proposition 21," 2000)

Prior to Proposition 21, juvenile court judges decided whether to send a juvenile offender into the adult system based on multiple factors, such as weighing the defendant's age, criminal record and the charge (Rovella, 2000). The previous law

provided minors with a hearing dealing with the question of whether or not he/she could be reformed. The minor had to prevail on five separate grounds or was adjudicated to adult court. The previous law protected society and the accused minor (Smallen, 2000).

In juvenile court, the harshest sentence available was incarceration in the California Youth Authority only until age 25. Since the passing of Proposition 21, youths can be sentenced to life imprisonment (Rovella, 2000; Opatrny, 2000). Proposition 21 also limits the latitude given adult court judges when sentencing minors by eliminating their ability to sentence juveniles convicted in their court to a juvenile facility (Rovella, 2000). Additionally, the proposition restricts judges' ability in referring youths convicted in juvenile court to probation or treatments centers as opposed to a lock-up facility (Opatrny, 2000). Under Proposition 21, the focus moved from rehabilitation to retribution (Smallen, 2000).

The arguments for Proposition 21 were based on the belief that juvenile crime was a serious threat to Californians ("Proposition 21," 2000). Proponents noted that from 1984 to 1992, juvenile arrests for serious crimes increased 46% and murders committed more than doubled. Supporters believed this initiative would create a real deterrent to crime as currently, juvenile offenders seem to "laugh off" their token punishments. Prosecutors believed that Proposition 21 was necessary to address the serious crimes committed by gang members and other teens (Opatrny, 1999). Prosecutors thought Proposition 21 would more easily allow the courts to separate wayward juveniles capable of reform from hard-core criminals who are most likely not able to be reformed.

Supporters also cited the recent drop in crime as evidence that the Three-Strikes law is working ("Proposition 184," 1994). In September [1994], Attorney General Dan

Lungren, "…gave the three-strikes law credit for reportedly reducing the crime level, which Lungren's office says dropped 7.7% during the fist six months of 1994" (¶ 5). California voters approved Proposition 184, the Three-Strikes law, by a huge 72% to 28% vote, in November 1994, which allowed repeat felons to be put away for life. With two serious or violent felonies, a third felony conviction will trigger a third strike. Three-Strikes demonstrate that getting tough on crime works; therefore, Proposition 21 will also deter crime.

At the same time, Proposition 21 would not hinder any of the existing programs that try to prevent youths from leading lives of crime ("Proposition 21," 2000). Proponents argued that some juvenile offenders cannot be reached and will only be stopped by the establishment of significant consequences ("Proposition 21," 2000). The California District Attorneys Association argued that the proposition would free up juvenile court resources by removing violent teens who are beyond rehabilitation from the juvenile system (Rovella, 2000). Matt Ross who led the campaign in favor of Proposition 21 said,

> Proposition 21 is supported by the vast majority of law enforcement. Former Governor Pete Wilson and current Governor Gray Davis are in support of it. Don't be misled by the No on 21 campaign. Who knows best about gang violence? That's police and law enforcement, and they're all in favor of Prop 21. ("Opponents of Juvenile Justice," 2000, p. 13)

Proponents of Proposition 21 included: Former Governor Pete Wilson, California District Attorneys Association, California Association of Sheriffs, California State Police Chiefs

Association, California Peace Officers Association, Justice for Murder Victims, and the California Republican Party ("Proposition 21," 2000).

There were two sides to this public policy issue for voters. Defense attorneys and others said that the measure would dramatically reduce judicial discretion, would be expensive, and was unnecessary (Opatrny, 1999). The contingency against Proposition 21 cited studies from New York and Florida. The studies showed that youths tried in adult courts had a greater chance of returning to criminal behavior than comparable youths who were tried for the same offense in juvenile court. Barry Krisberg, President of the National Council on Crime and Delinquency said, "Studies have shown repeatedly that trying juveniles as adults increases recidivism" (Nieves, 2000, p. A1**).** He went on to note that studies done in Florida, New Jersey, Utah and Minnesota all pointed out that this is not the way to go (Nieves, 2000).

The threat of adult court and prison does not stop serious juvenile crime ("Proposition 21," 2000). Researchers found that youths tried in adult courts had a greater chance of falling back into criminal behavior than comparable youths tried for the same offense in juvenile court. Florida has the second highest rate of violent juvenile crime in the U.S. yet their prosecutors are allowed to move juvenile trials to adult court.

While proponents of Proposition 21 cited the Three-Strike law, those against Proposition 21 cited statistics showing that youth violence in California had been decreasing for more than eight years ("California Weighs," 2000). The office of California's attorney general reported that between 1991 and 1998, the arrest rate for juvenile felonies dropped by 30%; 20% for violent felonies; and 60% for homicides. Arrests for juvenile homicides fell by more than 50% during the same time period.

Judges and defense lawyers opposed the measure argued that falling crime rates made Proposition 21 unnecessary (Rovella, 2000).

Those against Proposition 21 would rather put the hundreds of millions of dollars that will be spent on trials and prisons into education and prevention programs ("Proposition 21," 2000). Attorney Valerie Monroe calls Three-Strikes "the worst law I've ever seen in terms of fairness, common sense and enlightened penal policy" (Bridge, 1999, p. 1). African-Americans represent 7% of California's population, but comprise 31% of the prison inmates and 44% of third-strikers.

Opponents believe that a judge should continue to decide where a youth should be tried, not the prosecutors (Rovella, 2000). Others believe that all juveniles are capable of changing. Juveniles who are thrown into the adult prisons commit more crimes and return to prison more often than juveniles who are sent to juvenile facilities (Rovella, 2000). A critical aspect for opponents was their belief that youths are not capable of understanding their actions and should be given the opportunity for rehabilitation ("Proposition 21," 2000). Opponents of Proposition 21 included: Youth Law Center; Center for Juvenile and Criminal Justice (CJCJ); the California League of Women Voters; California Attorneys for Criminal Justice (CACJ); California Public Defenders Association; Juvenile Court Judges Association of California; California Council of Churches; Chief Probation Officers of California; and the Parent Teachers Association (PTA) of California ("Proposition 21," 2000).

An opinion letter written by Dan Macallair (2000), associate director of the San Francisco-based Center on Juvenile and Criminal Justice Policy Institute, stated,

> Since California already has laws that allow judges to transfer serious juvenile offenders as young as 14 to adult court, Proposition 21 serves little purpose. Sadly, this initiative is simply another example of how ambitious politicians and special interest groups will sacrifice the interests of California's children for political gain (¶ 13).

The statistics on juvenile crime vary depending on which side of the issue one takes. The U.S. Department of Justice Bureau of Justice Statistics released a study showing that since 1985, the number of juveniles sent to adult prison has doubled, while noting that the proportion of state prisoners younger than 18 has remained steady at 5% (Rovella, 2000). The number of juveniles sent to adult prison for violent offenses has tripled since 1985 while violent teens now represent 61% of all juveniles sent to adult prisons. California's juveniles commit about 15% of the state's homicides (Opatrny, 1999). According to the Justice Policy Institute in San Francisco, in 1992 there were 2,742 adult homicide arrests and 645 juvenile homicide arrests. In 1997, there were 2,212 total homicide arrests, which included the 353 juvenile arrests (Opatrny, 1999).

Matt Ross, who led the campaign in favor of Proposition 21, explained that when talking about moving juvenile offenders to adult court, they're talking about violent offenders, including rapists, murderers and attempted murderers ("Opponents of Juvenile Justice," 2000). Jan Scully, Sacramento County District Attorney, says that 308 juveniles were arrested for murder in California in 1999 (Rovella, 2000). Additionally, only 52 of the 4,000 juvenile cases her office handled proceeded to adult court. "The kinds of cases we are talking about are a fringe group—a relatively small amount of juveniles who basically are zapping the resources of our juvenile system" (Rovella, 2000, p. A1). Kent

Sheidegger, with the Sacramento-based Criminal Justice Legal Foundation, says, "The juvenile court is supposed to be for kids who have gotten into trouble, like joyriding and shoplifting. When you get into murder, that's a different thing" (Opatrny, 1999, p. 1).

Those who opposed the proposition painted a different picture (Rovella, 2000). California Department of Justice statistics show that there was a 17% decrease in juvenile felony arrests in the state between 1993 and 1998. San Francisco District Attorney Terence Hallinan stated that these statistics eliminate the need for tougher juvenile laws. What concerned the measure's opponents the most was the increased power it would give to California's prosecutors. "The judges are taken out of the loop, while the district attorneys would be making decisions in a back room," said Judge Leonard Edward, supervisor of the dependency branch of Santa Clara County's Juvenile Court (Rovella, 2000, p. A1). A Sacramento lobbyist for the American Civil Liberties Union, Valerie Small Navarro, believes the district attorneys and former governor's proposal is costly and unnecessary. "The bottom line is that it is incredibly expensive and what do we get? Nothing. There is not a single thing in the measure that prevents anything. It's only about taking away judges' discretion" (Opatrny, 1999, p. 1).

Proposition 21 became law when it was passed by California voters on March 7, 2000 by 62% ("California Shifts," 2000). This referendum dramatically changed what happens to juvenile offenders and who makes that decision. The law toughened the state's juvenile justice system and allowed prosecutors to charge teenagers as adults without going before a judge. Overall, this was a "get tough on crime" initiative (Beiser & Solheim, 2000).

Proposition 21 was codified as Welfare and Institutions Code Section § 707(d) (McKee, 2002). The new code allows prosecutors to file a broad range of felony charges against minors 14 years and older without first having a juvenile judge declare them unfit for juvenile court. With the passage of Proposition 21, prosecutors can file charges against minors 14 years of age and older directly in the criminal division of the Superior Court, rather than in the juvenile division of that court. Proposition 21 mandates that juveniles 14 and older who are charged by district attorneys with first-degree murder, attempted murder, or the most severe sex offenses be tried as adults (Rovella, 2000).

Proposition 21 carried a high price tag (Rovella, 2000). According to the nonpartisan California State Legislative Analyst and Director of Finance, the passing of Proposition 21 would have a onetime cost of $ 1 billion, followed by annual state and local costs of $ 430 million. State government analysts said that is would put new burdens on the court system and divert thousands of juvenile offenders away from probation and into prison, costing up to several hundred million dollars a year (Sanchez & Booth, 2002). Others estimated that Proposition 21 would cost more than $1 billion in just prison construction costs alone and $330 million a year to implement (Nieves, 2000).

Since 1970, the United States Government has cut back education spending by at least 25% and upped funding to incarcerate juveniles by $3.2 billion (Nieves, 2000). If the present rate of juvenile incarceration continues, one out of every 20 children born in 1997 will spend time behind bars (Templeton, 1998). The figures will be one out of 11 for all males and one in four for African-American males.

Current status of Proposition 21

Prosecutors note that they are using Proposition 21's direct file option to file juvenile crimes into adult courts sparingly (Lafferty, 2001). The law saves time by bypassing fitness hearings. A fitness hearing means that a court hearing is held to decide if a minor should be tried as an adult (Ferdico, 1992).

While defense attorneys agree that prosecutors have been treading lightly, the law still has challenges (Lafferty, 2001). The constitutionality of Proposition 21 has already been challenged. The California Supreme Court agreed to review *Manduley v. Superior Court* (2001). The ACLU (American Civil Liberties Union) has filed a broad challenge while other entities are waging battles against specific components of the law.

In March 2002, the California Supreme Court upheld the constitutionally of prosecutorial discretion to file charges against a minor in criminal court in *Manduley v. Superior Court of San Diego County* ("California Upholds Proposition," 2002). Because of the serious nature of the crimes committed, the Court ruled in *Manduley v. Superior Court* (2001) that juveniles do not have statutory rights to be under the jurisdiction of the juvenile court.

> By a 6-1 vote, the [Supreme Court] justices declared the controversial measure constitutional, saying that is does not violate the separation-of-powers doctrine or defendants' due-process and equal-protection rights…Thursday's ruling sends juvenile defendant Morgan Victor Manduley and seven underage companions back to San Diego County Supreme Court for arraignments as adults on charges stemming from a racially motivated attack on five migrant workers (McKee, 2002, p. 1).

Critics also report that Proposition 21 has been unevenly implemented, causing even more confusion (Lafferty, 2001). Santa Clara County Deputy District Attorney, Kurt Kumli said, "You can take what you want. You can implement what you see fit. You can be San Francisco and pretend it doesn't exist, or you can be L.A. and direct-file 225 cases in the first year" (Lafferty, 2001, ¶ 3). Prosecutors say that the technique of direct filing can save as much as a year's time, the time it could take to conduct a fitness hearing.

Kumli, who supervises juvenile prosecutions, stated, "Proposition 21 has actually improved the juvenile justice system" (Lafferty, 2001**,** ¶ 5). A new program, deferred entry of judgment, allows first-time offenders to admit their crimes, complete one year of probation, and then they can get their record expunged. Kumli reports, "Nearly 200 youths are in the program and only three have re-offended and been booted from the program" (Lafferty, 2001**,** ¶ 5).

But not everyone agrees on the success of Proposition 21 (Lafferty, 2001). Public defenders and the defense bar in Alameda and Contra Costa counties have resisted the program. If a juvenile client slips while on probation, deferred entry turns into a guilty felony plea. Susan Hutcher, a Contra Costa assistant public defender, says, "It gives them [prosecutors] an awful lot of discretion. At some point, if the prosecutor doesn't like the way that the case is progressing, the defendant could be yanked from the program" (Lafferty, 2001**,** ¶ 6).

Other Bay Area prosecutors don't think that Proposition 21 has substantially affected they way they carry out business in the courts (Lafferty, 2001). San Mateo Deputy District Attorney Eddie Thomas, Jr. said, "Not a lot has changed. It just makes the process a lot quicker" (Lafferty, 2001**, ¶ 7**). From a prosecutor's standpoint, Assistant

District Attorney Jackson says, “We are going to end up with the same result. We just don’t have to wait six months” (Lafferty, 2001**,** ¶ 7).

The Problem

Since the passing of Proposition 21 in March 2000, there are legal factors that must be addressed in determining if a juvenile is tried as an adult (Welfare & Institutions Code Section § 707(d)). The Welfare and Institutions Code Section § 707(d) states that an evaluation be based on the following legal criteria:

> (a) The degree of criminal sophistication exhibited by the minor. (b) Whether the minor can be rehabilitated prior to the expiration of the juvenile court’s jurisdiction. (c) The minor’s previous delinquent history. (d) Success of previous attempts by the juvenile court to rehabilitate the minor. (e) The circumstances and gravity of the offense alleged in the petition to have been committed by the minor (p. 122).

Dr. Marty Beyer (1997) is an independent research consultant in Washington, DC who provides training to judges, lawyers, and corrections staff on meeting the needs of individual delinquency cases. He lists other non-legal factors an attorney should consider in making the decision whether or not to try an adolescent as an adult: the adolescent’s thought processes; moral development; unresolved trauma; identity development; purpose(s) served by behavior; school experience; the young person’s strengths; needs; services adolescent has received; effective rehabilitation; and potential harm from incarceration in an adult facility (Beyer, 1999).

The background on California’s passing of Proposition 21 lays the foundation for the study’s problem. The effects of the Gang Violence and Juvenile Crime Prevention

Act of 1998, codified as Welfare and Institutions Code Section § 707(d), have not been considered to date. Public policy changes, such as the implementation of this new legislation, should be examined. To date, no one has studied what factors a district attorney considers in deciding whether or not to try a juvenile as an adult in criminal court.

Purpose

The California District Attorneys Association offers one three-day seminar on juvenile justice each year (California District Attorneys Association, 2005). Nothing in these seminars teaches prosecuting attorneys that adolescents are still changing physically, socially, emotionally, cognitively, and morally into early adulthood (Santrock, 2005). Knowledge of adolescent development could significantly impact a district attorney's decision to prosecute an adolescent as a juvenile in juvenile court or as an adult in criminal court. Therefore, the purpose of this study is to discover the effects of understanding adolescent development on prosecuting attorneys' decisions to try juveniles as adults in criminal court.

Significance

Proposition 21 directly and significantly affects adolescents who are accused of committing specific crimes from 14 to 17 years of age since now they can be sent directly to criminal court and prosecuted as "adults" ("State Assemblyman," 2000; "California Weighs," 2000; Kennard, 2005). To date, there seems to be no published study regarding the process that district attorneys use in making the decision to try an adolescent as an adult. Research should be done to find out if the law is being implemented according to case law and what impact the law is having on California's juvenile crime rate.

As with the implementation of any law, multiple interpretations abound. With a state law that impacts every district attorneys' office in California, follow-up research is critical to discover how district attorneys are actually making the decision to try a juvenile as an adult in criminal court in light of Welfare and Institutions Code Section § 707(d). From reading multiple legal arguments, district attorneys are clearly taking stands on how they will implement the law in their day-to-day practices (Kennard, 2005; Lafferty, 2001; Nieves, 2000; Opatrny, 1999 & 2000; "Opponents of Juvenile Justice," 2000; Rovella, 2000).

Some district attorneys state that it will make no difference in how they practice law (Opatrny, 2000). For example, San Francisco District Attorney Terence Hallinan planed to ignore the tough-on-juveniles provision of Proposition 21, while other district attorneys support the measure. Sacramento County District Attorney Jan Scully noted that California is moving in a direction in which other states have moved (Rovella, 2000). To help prosecutors implement the provisions of Proposition 21, the California District Attorneys Association, which endorsed the measure, drafted guidelines for California prosecutors to follow (Opatrny, 2000). Hallinan said that when the guidelines are released, he may review them, but intends to let his current procedures take precedent when possible.

During the March 2005 California District Attorneys Association's Juvenile Justice conference held in San Francisco, only one 1 ½ hour workshop was held on implementing Welfare and Institutions Code Section § 707(d), the direct file of juveniles to criminal court (California District Attorney Association, 2005). With only a guidelines manual (confidential source, personal communication, June 17, 2005) and one workshop,

it seems even more important to discover how district attorneys are implementing Proposition 21. It is possible that amendments, additions, and/or deletions need to be made to Proposition 21 with what is discovered about the implementation practices of California's district attorneys.

Lerner and Galambos (1998) succinctly substantiate the study's significance. For people who not only want to understand the nature of adolescence, but who also desire to apply this knowledge to enhance the lives of adolescents, there must exist a synthesis of research, policy, and intervention. Strong significance for this research lies in comparing the practices and implementation of Proposition 21 to existing research in the three arenas that are directly related from similar, yet different perspectives: the adolescent development arena, the juvenile justice arena, and the public policy arena. The significance of factors that contribute to the importance of how district attorneys decide to prosecute juveniles as adults comes from each of the three arenas.

The importance of this particular study lies in its originality. To date, it appears that no one has published the effects of Proposition 21 and how district attorneys are actually making decisions as to try a juvenile as an adult in criminal court or as a juvenile in juvenile court.

A second important component is that when exploring the arenas of adolescent development, juvenile justice, and public policy, most of the research is not primary research; whereas this research is primary research. The majority of the research is secondary research and quotes other research and researchers. In a review of sixty articles for the dissertation literature review course, only a total of eight researchers completed primary research in a total of four articles.

A third important element of the study is its use of mixed methodology. The quantitative data will reveal which legal and adolescent development factors district attorneys use to decide whether an adolescent is tried as an adult or as a juvenile. The qualitative data generated from the follow-up telephone interviews will give further explanation and clarification to the district attorneys' decision-making processes and practices since the implementation of Proposition 21. The final qualitative data generated from the newspaper article analysis will provide yet further evidence of district attorneys' decisions.

The Three Arenas

The first area of significance comes from the adolescent development arena. Since the implementation of Proposition 21, this law needs to be analyzed in keeping with the adolescent development arena to determine if juvenile offenders are offered a chance to develop into healthy adults. In order for adolescents to develop into healthy and productive adults, they need to feel valued as a person; they need close and lasting relationships, and they need to be part of a productive group that is useful to others (Lerner & Galambos, 1998). Adolescents need to know how to use support systems, make informed choices, and believe in a future with real opportunities.

The second area of significance concerns the juvenile justice arena and implications on the juvenile justice system itself. When considering America's juvenile justice system, Thomas J. Bernard (1992), author of *The Cycle of Juvenile Justice*, believes there are five aspects that have remained the same for at least two hundred years. First, historically, juveniles commit more crime than other age groups. Second, there are specific laws that only juveniles are required to obey, such as curfews. Third, through

juvenile court, juveniles are punished less severely than adults who commit the same offenses. Fourth, many people commonly believe that the current group of juveniles commits more frequent and serious crime than juveniles in the past. They describe a "juvenile crime wave" at the present time. And finally, many people blame juvenile justice policies for these supposed "juvenile crime waves," arguing that they are either too lenient or too harsh.

The juvenile justice arena addresses how the history of juvenile justice laid the foundation for what's occurring currently in the juvenile justice system. This study is significant because research must be developed to respond to changes in both practice and theory (Woolard & Reppucci, 2000). Empirical analysis is vital to clarify the ways in which adolescents are similar to, and different from, adult defendants. Although there is some research on juveniles' capacities as defendants, there is only a small amount of literature on establishing adjudicative competence. Adjudicative competence refers to the judicial process for determining if the juvenile defendant has the ability to consult with his/her attorney and a total understanding of the proceedings against him/her (Grisso, 1998). The legal presumptions and policy changes affecting juvenile defendants have outpaced our empirical knowledge (Woolard & Reppucci, 2000).

The third area of significance stems from the public policy arena. The public policy arena considers how the history of public policy and the United State's policy history views children and adolescents. The title of chapter one in the book *Children's Rights in the United States: In Search of a National Policy* (Walker, Brooks, & Wrightsman, 1999) is Children are Persons… Or Are They? The authors believe that children are entitled to certain rights, such as nurturance, protection, and self-

determination. Furthermore, they must develop competency in decision making so that they will have the skills necessary to know how to handle the right to self-determination in a mature fashion.

Childhood and Adolescence

The whole concept of childhood and adolescence has its own history (Bernard, 1992). Prior to the 1400s, there really wasn't any concept of childhood per se. Around 1400, the first idea of childhood developed because the infant morality rate began to decline. When it became more likely that children born to parents would live, the parents became more attached to their children at earlier ages (Bernard, 1992).

The second idea of childhood impacts all three arenas: adolescent development, juvenile justice, and public policy (Bernard, 1992). Whereas the first idea of childhood stemmed from parents' beliefs, the second idea originated from teachers and moralists. They believed that children had the same inclinations toward evil as adults, but if proper techniques were used, they could still be influenced (Bernard, 1992). There are four elements to this philosophy: because of man's fallen human nature, the infant was naturally inclined toward evil; that infants will become set in their evil ways and by the time they are adults, it will be too late to do anything about it; that because infants and children are sill malleable they could be shaped, molded, and formed into a law-abiding, righteous, God-fearing adults; and finally, that practicing this philosophy would result in a righteous, law-abiding, God-fearing society.

Historical Significance

All three arenas address concepts that are not new. In 1690, John Locke laid the foundation for children's rights when he stated that people are born free, as they are born

rational; but we don't actually have the exercise of either (Walker, et al, 1999). Age brings them on. The child must be subject to his nurse, tutors, and governors until his age and education bring him the ability to reason and govern himself and others. Because of the necessities of his life, the health of his body, and the information of his mind, he would need to be directed by the will of others, and not his own. This restraint and subjection are inconsistent with, or spoiled him of the liberty of sovereignty he had a right to; he gave away his empire to those who had control over him because of his age.

Historically, children and adolescents have been treated differently regarding public policies (Walker, et al, 1999). In 1924, the Declaration of Geneva, drafted by the Save the Children International Union, was the first official document that proposed that children should be the first to receive relief in emergencies. In the struggle for children's rights, the term "children first" became a fundamental tenet.

Conceptual Framework

In considering the research study, a conceptual framework must be established. Legal factors district attorneys must consider in deciding to prosecute a juvenile offender as an adult in criminal court include: the degree of criminal sophistication demonstrated by the minor committing the crime; whether or not the juvenile can be rehabilitated prior to the expiration of the juvenile court's jurisdiction; the juvenile's previous delinquent history; the success of any previous attempts to rehabilitate the minor; and the circumstances and gravity of the offense committed by the juvenile (Welfare and Institutions Code Section § 707(d), p. 122).

To most effectively determine what a district attorney understands about adolescent development and how that interacts with his/her decision, many factors would need to be compared. Because the legal system uses the term *minor*, the examples are written using the term minor instead of adolescent. For example, is age more important than the minor's decision making abilities, or is psychological maturity more important than maturity of judgment? Perhaps the minor's previous delinquent history is more important than neurological deficits that affect the minor's temperament and behavior. Or could it be the minor's cognitive (intellectual) development and metacognition (analytical) abilities are more important than the minor's risky behavior that is considered minor experimentation? Or does the success of previous attempts by the juvenile court to rehabilitate the minor factor more important than whether the minor can be rehabilitated prior to the expiration of the juvenile court's jurisdiction?

As mentioned in, *Measuring Social Judgments: The Factorial Survey Approach* (Rossi & Anderson, 1982), the most appropriate framework for researchers would be "real-life" judgments (Rossi & Anderson, 1982). For example, it would be ideal to observe a juvenile who is initially booked in juvenile hall for a violent or heinous crime and note all the factors that determine whether the juvenile will be tried as an adult or a juvenile. The unfeasibility reasons are addressed in Chapter Three.

When "real-life" judgments cannot be used to discover the decision-making process, another framework must be selected. The judgments of all possible combinations of factors a district attorney may use could be created in lieu of "real-life" judgments (Berk & Rossi, 1982). Possible cases vary in several ways: age of offender, extenuating circumstances, or whether or not the juvenile has a previous record. In the criminal code,

some offenses call for mandatory treatment provisions that involve the harshest possible treatment, while other offenses may carry a wider choice of treatments, ranging from probation to mandatory counseling, and/or serving time in the California Youth Authority.

Since using "real-life" judgments is not possible, the next best strategy would be to present concrete, actual cases of juvenile offenders under Proposition 21 and ask each respondent how he/she would have tried the case: juvenile court or adult court. Thus, one could summarize a number of trial records in order to present a respondent record on which he/she could make a judgment (Berk & Rossi, 1982). This is impossible since the researcher is not in one of the 127 categories of people who are allowed access to juvenile records (confidential source, personal communication, June 17, 2005).

The framework for this study is actually the methodology necessary to answer the research question. Peter H. Rossi and Steven L. Nock in their book, *Measuring Social Judgments: The Factorial Survey Approach* (1982), and a more recent book, *Just Punishments* (Rossi & Berk, 1997), substantiate the use of the factorial survey approach using vignettes as a foundation for measuring social judgments and uncovers the variations in social definitions of phenomena that change (Rossi & Nock, 1982). Their methodology is being adapted in that the factorial survey approach will be used, but respondents will rate how important a factor is using a Likert Scale.

Berk and Rossi (1982) cite several advantages of using hypothetical vignettes. First, it is possible to choose the characteristics of juvenile offenders to emphasize the salience of those characteristics in which one is particularly interested. In this case, factors related to knowledge of adolescent development will be selected and compared.

Second, it is possible to create sets of vignettes in which juveniles' characteristics are unrelated to each other, so that the effects of differences in particular characteristics can be separated from those with which it is ordinarily associated. Finally, these vignettes can be written so that certain details can be omitted and factors that are more relevant are selected. This allows the freedom to select which factors will be considered in the study based upon the literature review.

Chapter Two explores the substantial research that supports the arenas of adolescent development; juvenile justice; public policy; and current research trends in adolescent development, juvenile justice, and public policy. The adolescent development arena begins by defining adolescence and developmental domains. Then the chapter demonstrates how adolescents are developmentally different from adults in the following areas: differences in neurological and biological development; differences in psychological maturity; differences cognitively; differences in decision-making; differences in maturity judgment; and differences in moral development. Special problems associated with adolescents' developmental differences, including risk-taking behaviors, are addressed.

The second literature arena addresses how adolescents are treated differently from adults in the juvenile justice system. This section includes: the foundation of the juvenile justice system; age and the juvenile justice system; juvenile delinquents; Supreme Court decisions affecting juvenile justice; the stages of juvenile justice; prosecuting adolescents as adults; the cycle of juvenile justice; history lessons; and modern juvenile justice reform.

The third literature arena addresses how public policy considers the rights of children and adolescents. This segment explains the history of adolescent development on public policy; the legal rights of adolescents; adolescent development and informed consent; *Dusky v. United States*, adolescent decision making and competency; adolescents' understanding of trial-related information; adolescent immaturity; and the current trend of trying adolescents as adults. Procedural safeguards used with adolescents complete the third arena.

The final literature arena is mostly in direct opposition to the first three arenas as it looks at the current trends in adolescent development, juvenile justice, and public policy. Although the first three arenas have many similarities, and overlap, this section demonstrates the popularity of public opinion as opposed to research-based findings in making policy decisions.

Research Questions and Summary of Methodology

The major purpose of this study is to discover the effects of understanding adolescent development on prosecuting attorneys' decisions to try juveniles as adults in criminal court. The research study will utilize both quantitative and qualitative research methods. In order to triangulate the results, three components will be analyzed. The study will use a quasi experimental design using a Likert Scale that will be sent to randomly selected California's counties' district attorneys who indicate their willingness to participate in the study. The surveys consist of various legal factors and adolescent development knowledge that may affect decisions made by district attorneys regarding trying juvenile offenders as juveniles or as adults.

District attorneys who indicate a willingness on their survey to participate in an interview will be followed-up with an interview via phone. After doing a general analysis of the surveys, the survey results will help generate and shape the follow-up interview questions. Since actual juvenile court records cannot be obtained due to confidentiality, references to district attorneys in Proposition 21 related to juvenile cases will be found in local newspapers and county's District Attorney web sites and analyzed.

Limitations

There are some limitations to this study. District attorneys are extremely busy with heavy case loads. Completing a survey and volunteering for a follow-up telephone interview in addition to an already overbooked schedule will be challenging. Another limitation is that different counties implement Proposition 21 in various ways. Who actually makes the decision in each county varies.

Qualitative findings are highly context and case dependent. According to Patton (2002), three kinds of sampling limitations are common in qualitative research designs. First, research is based on the selectivity of the people who were sampled for interviews and the selectivity in document sampling. Only California district attorneys will be surveyed; not defense attorneys or private attorneys. Only district attorneys whose names appear in California's newspapers will be included in the document analysis.

Another limitation involves the interview data. Patton (2002) cautions that interview data limitations can include possible distorted responses due to politics, anxiety, personal bias, anger, and simple lack of awareness. Additionally, the emotional state of the interviewee at the time of the interview affects the interview. The third limitation concerns the documents. Documents, such as newspapers and web sites, may

be inaccurate or incomplete since the researcher is depending on the writers' accuracy and objectivity in reporting district attorney's actual responses and decisions.

Definitions of Terms

The research and literature review covers three different arenas. Since many aspects of public policy and juvenile justice involve legal language, the most commonly used terms throughout the study are defined using the subsequent list of key terms and definitions. Some legal terms that are familiar and commonly used in adult court, actually use different terminology in the juvenile court system and therefore require definitions.

Terms

Adolescence. Adolescence is considered to be a transition between childhood and adulthood that involves biological, cognitive, and social-emotional changes (Santrock, 2005). In the United States, and most other cultures today, adolescence begins at approximately 10 to 13 years of age and ends between the ages of about 18 and 22.

Adjudication. Adjudication describes the judicial process for determining guilt in either the criminal court or juvenile court (Grisso, 1998). It means to hear and settle a case by judicial procedures.

Adjudicative hearing. This is a fact-finding process done in juvenile proceedings where the juvenile court determines whether or not there is sufficient evidence to sustain the allegations in a juvenile petition (Ferdico, 1992). This adjudicatory hearing occurs after a juvenile petition has been filed and after a detention hearing, if one is necessary. No further formal court action is taken if the petition is not sustained. If the petition is sustained, the next step is a disposition hearing to determine the most appropriate treatment or care for the juvenile.

Biological development. Biological development includes all aspects of the physical changes in an individual's body (Santrock, 2005). These biological processes include the genes inherited from one's parents, motor skills, brain development, height and weight gains, and the hormonal changes of puberty.

Capacity. Before punitive sanctions may properly be imposed in either juvenile or criminal court, the cognitive and experientially based abilities of the defendant that are minimally necessary need to be determined (Zimring, 2000).

Cognitive development. The ability to perceive and think is called cognitive development (Gordon & Browne, 2004). This developmental aspect includes: general knowledge, memory, problem solving, analytical thinking, computing skills, curiosity, memory, attention span, beginning reading, and other cognitive processes.

Competence to stand trial. When there is a criminal proceeding, the court must determine if the defendant has sufficient present ability to consult with his or her attorney with a reasonable degree of rational understanding (Grisso, 1998). The defendant must also have a rational and factual understanding of the proceedings against him or her.

Decision-making process. The process of decision-making involves a six step-by-step process (Ryder & Harter, 2002). In step 1, the decision to be made is identified. In step 2, the individual gathers and examines information related to the decision to be made. During step 3, the possible alternatives are identified. Step 4 includes the evaluation of each consequence for each alternative determined in step 3. In step 5, the best alternative is selected and acted upon. Finally, in step 6, the results are evaluated.

Deferred entry. Instead of proceeding to trial in certain charges, the court may hold a hearing to determine whether deferred entry of judgment is appropriate under

Penal Code Sections § 1000-1000.4 ("Deferred Entry," n.d.). This means that the entry of judgment may be deferred for a minimum of 18 months to a maximum of three years. The court can refer the defendant to the probation department so it can complete an investigation and make recommendations. Or the court may grant deferred entry of judgment if the defendant pleads guilty to the charge(s) and waives time for the pronouncement of judgment. After the report from the probation department is received, the court then makes the final determination regarding treatment, education, or rehabilitation for the defendant.

Detention hearing. When referring to juvenile justice, a detention hearing is held by a judicial officer of a juvenile court to determine whether a juvenile is to be detained in juvenile hall, continue to be detained, or to be released while juvenile proceedings in the case are pending (Ferdico, 1992). A detention hearing must be held to determine the legality of the authority under which a juvenile is confined if the juvenile's detention will be for longer than a specified time period (usually 48 hours).

Development. When referring to the term development, it is generally defined as changes that occur in a systematic and age-related capability that occurs across the population around a given age (Steinberg & Schwartz, 2000). The development usually involves some sort of lasting improvement in one's competencies and capabilities that is considered universal, predictable, enduring, and adaptive.

Developmental contextualism. Contextualism is a paradigm which suggests the role of social, cultural, and historical change in an individual's development (Lerner, 1976; Lerner & Kauffman, 1985). It includes how a behavior exists in its ecologically

valid or natural, real-life setting. The role of the environment must always be taken into account.

Developmental psychology. Developmental psychology is the scientific study of changes in physical, cognitive, social, and emotional development over the life cycle (Steinberg & Schwartz, 2000). This psychological science studies the similarities and differences in the psychological function with the goal being to discover what stays the same and what changes over the life span (Lerner, 1976).

Developmental transition. When there is a great deal of change, both within the individual and within the social environment during a certain period of life, this is considered to be a developmental transition (Peterson, 1988).

Diminished responsibility. Because of the offender's immaturity, the circumstance where the minimum abilities for blameworthiness and resulting punishment exist, but the court determines that a lesser punishment is justified because of the offender's immaturity, is referred to as diminished responsibility (Zimring, 2000).

Direct file. In certain kinds of cases, this provision allows prosecutors to choose between filing a petition in juvenile court and prosecuting against the juvenile in criminal court ("Glossary of Terms," n.d.).

Direct placement. When a judge places a juvenile directly in a private or public residential facility without committing the juvenile to the state, one has completed a direct placement ("Glossary of Terms," n.d.).

Discretionary waiver. This provision gives juvenile court judges the discretion to waive jurisdiction over certain individual cases involving minors that allows them to be prosecuted in adult criminal court ("Glossary of Terms," n.d.).

Disposition hearing. After an adjudicatory hearing and the successive receipt of this report of any predisposition investigation, a hearing is held in juvenile court to determine the most appropriate form of treatment and/or custody for a juvenile who has been adjudged as a dependent, delinquent, or a status offender (Ferdico, 1992).

Extension of jurisdiction. The juvenile court may, under certain circumstances, retain its custody over a juvenile beyond the maximum age of the juvenile court's jurisdiction because of the mechanism called extension of jurisdiction (Grisso, 1998).

Fitness hearing. A fitness hearing is the same as a transfer hearing (Ferdico, 1992). This is a preadjudicatory hearing in the juvenile court to determine whether the juvenile court's jurisdiction should be kept over a juvenile, who is suspected to have committed a delinquent act, or whether this should be waived and the juvenile is transferred to criminal court for prosecution.

Forensic evaluation. The term forensic means: connected to, relating to, or used in courts of law (Ferdico, 1992). In this case, an evaluation is connected with the court of law.

Formal operations. The ability to use abstractions and hypothetical thought in thinking about the world describes the developmental transition youths attain in Piaget's theory called formal operations (Grisso, 1998). This typically develops around ages 12 to 14, although the age of attainment varies widely. It may also develop unevenly across context in a young person's life.

Identity. Adolescents must refine a stable definition of themselves and their outlook on life (Beyer, 1997). The central identity core comes from early nurturing and success through which children learn they are lovable and capable.

Informed consent. Informed consent is when a juvenile court intake worker's agreement with the youth and the youth's family that the particular case will not be filed for adjudication if both the youth and his/her family agree to certain conditions, such as: community service or counseling (Grisso, 1998). The purpose is to reduce the chance that the youth will engage in illegal behaviors in the future.

Jurisdiction. Jurisdiction refers to the court's range of authority for interpreting and applying the law (Grisso, 1998).

Jurisdictional age. When referring to the jurisdictional age in juvenile court, this is the age range for which the juvenile justice system is authorized to make legal decisions and retain custody (Grisso, 1998). This includes both the lower or upper age that defines the age groups for whom courts are authorized to interpret and apply the law.

Jurisprudence of youth. When the court serves to maximize the social control of young people it is known as the "jurisprudence of youth" (Bonnie & Grisso, 2000).

Juvenile. A person under an age fixed by law (as 18 years) is considered a juvenile (Merriam-Webster, 1996).

Juvenile delinquency. Researchers who trace the history of the juvenile justice system have two different meanings regarding the origination of juvenile delinquency around 1800 (Bernard, 1992). Those who refer to delinquency as a modern phenomenon believe that behaviors that are commonly thought to describe juvenile delinquency first appear around the 1800s and did not exist prior to then. The second meaning views juvenile delinquency as a modern idea where the way of thinking originated about the 1800s. This perspective of juvenile delinquency refers to a particular way of understanding and interpreting youthful offending as opposed to behaviors.

Magical thinking. This is a unique childlike inability to approach situations with an adult decision-making process (Beyer, 1997). The child's wish becomes the child's reality.

Mandatory waiver. This provision requires juvenile courts to waive cases under certain circumstances ("Glossary of Terms," n.d.). In a mandatory waiver situation, the juvenile court receives the case initially. Then the juvenile court conducts some sort of preliminary hearing to ensure that the mandatory waiver statute applies. Finally, an order is issued transferring the case to criminal court. However, when an offense has been excluded by law from the juvenile court's jurisdiction, the case originates in criminal court, and the juvenile court usually does not have any involvement.

Moral metcognition. When an individual's knowledge or awareness of the nature, principles, and processes (e.g., strategies) of morality exist it is referred to a moral metacognition (Swanson & Hill, 1993).

Neuropsychology. When the term *neuro* is combined with *psychological*, it refers broadly to the extent to which the physiological processes and anatomical structures within the nervous system influence psychological characteristics, such as: behavioral development, temperament, cognitive abilities, or all three (Moffitt, 1993).

"Normative" development. When the vast majority of the population of individuals of a certain chronological age demonstrates patterns of behavior, cognition, and emotion that are regular and predictable it is considered "normative" development (Steinberg & Schwartz, 2000).

Parens patriae. Parens patriae is Latin for "parent of the country" (Ferdico, 1992). This doctrine holds that the government has innate power and authority to protect

the person and property of minors, insane persons, and other persons under a legal disability. It is also referred to as pater patriae.

Personal fable. When an individual believes that his/her behavior is somehow not governed by the same rules of nature that apply to everyone else, this concept is referred to as a personal fable (Cauffman & Steinberg, 2000). For example, when a cigarette smoker believes that he/she is immune to the health consequences of smoking.

Probable cause. When the court determines that there is sufficient evidence regarding the acts of which the accused is charged to justify arrest, referral, detention, or other processing of the case toward adjudication, this is known as probable cause (Grisso, 1998).

Prosecution direct file. In some states, including California under Proposition 21, the statutes allow prosecutors to decide whether they wish to file a case in juvenile court or not are known as prosecutorial direct file (Grisso, 1998). Direct field is typically restricted to certain serious offenses and specifies a lower age limit (e.g., 14 or older).

Prosecutorial discretion. Prosecutorial discretion gives the prosecutor the power over where to try a juvenile offender (Ward, 2003).

Puberty. A period of rapid physical maturating that involves both hormonal and bodily changes that take place primarily in early adolescence is referred to as puberty (Santrock, 2005).

Recidivism. When an offender relapses to a former pattern of behavior or offends again after efforts have been made to reduce the possibility of further offending, this behavior is called recidivism (Grisso, 1998).

Reverse waiver. The reverse waiver provision permits a juvenile who is being prosecuted as an adult in criminal court to petition to have the case transferred back to juvenile court for adjudication or disposition ("Glossary of Terms," n.d.).

Right. When referring to someone's rights, this is a legal entitlement that provides protection that authorities in the justice system cannot arbitrarily set aside (Grisso, 2000).

Risk behavior. Dryfoos (1990) cites four areas of risk behaviors that occur in later childhood and adolescence. First, delinquency, such as: crime and violence. Second, substance abuse, such as: drug and alcohol use and abuse. Third, early childbearing, such as: unsafe sex, teenage pregnancy, and teenage parenting. And finally, school failure, such as: school underachievement, school failure, and dropping out.

Risk-behavior lifestyle. A risk-behavior lifestyle may be indicated by the continuing engagement in several or very serious problem behaviors with a set of close friends who also participate in these same activities (Elliott, Huizinga, & Menard, 1989).

Social-emotional development. Social-emotional development includes a child's relationship both with him/herself and others (Gordon & Browne, 2004). It also covers one's self-concept, self-esteem, and the ability to express one's feelings.

Statutory exclusion. Statutory exclusion is when the state legislature predetermines the question of criminal prosecution (Ward, 2003).

Three-Strikes. Californians approved Proposition 184 by a 72% to 28% vote in November 1994 ("Proposition 184," 1994). The law was designed to put repeat felons away for life. With two serious felonies, a third felony conviction will trigger a third strike, regardless if the third offense is violent or not.

Transfer. When there is a referral of a juvenile to criminal court for trial on allegations of offending it is called a transfer (Grisso, 1998). A transfer includes judicial waiver of jurisdiction. Additionally, various laws exclude certain juvenile cases from juvenile court automatically based on factors such as: the type of offense, the juvenile's age, and offense history.

Youthful offender. Any child found delinquent in juvenile court is referred to as a youthful offender (Grisso, 1998). However, new laws have given the term a more specific meaning. Some states have created "youthful offender" laws. This means that youths with certain serious offenses may be provided sentences greater than for findings of ordinary delinquency. These often extend well beyond the maximum age of a typical juvenile court jurisdiction.

Summary

With the passing of California's Proposition 21 in 2000, the decision to try adolescents as juveniles or adults is now decided by district attorneys as opposed to juvenile court judges. Though the law states which legal factors must be considered in determining if a juvenile is tried as an adult, to date, the problem is that is it unknown how district attorneys actually make those decisions. Therefore, the purpose of this study is to discover the effects of understanding adolescent development on prosecuting attorneys' decisions to try juveniles as adults in criminal court.

The study will be conducted using the conceptual framework from the books, *Measuring Social Judgments: The Factorial Survey Approach* (Rossi & Nock, 1982) and *Just Punishments* (Rossi & Berk, 1997), using the factorial survey approach. The study utilizes both quantitative and qualitative methods including a survey, follow-up phone

interviews, and analysis of documents using newspaper articles and district attorneys' county web sites. The next chapter provides a comprehensive literature review in the four key arenas: adolescent development; juvenile justice; public policy; and current trends in adolescent development, juvenile justice, and public policy.

Chapter Two: Literature Review

Significant literature in four key areas will be examined: how adolescents are developmentally different from adults; juvenile justice; public policy; and current trends in adolescent development, juvenile justice and public policy. The bulk of the literature presented was published from 1995 – 2005; however, relevant research published before 1995 is included as it pertains to the histories of adolescence and juvenile justice, and public policy.

Adolescents Are Developmentally Different From Adults

Adolescence Defined

Adolescence as defined by Jaffe (1998) is the life period that starts with the onset of puberty or the move to middle school and ends when an individual is economically self-sufficient and has taken on several adult roles. An adolescent "comes of age" through

many biological, cognitive, and social changes. The adolescent phase also involves shifts in relationships with parents and peers, developing more responsibility, and a deeper appreciation for the consequences of individual behavior.

In order for adolescents to develop into healthy and productive adults, many needs must be met ("Great Transitions," 1995). These needs include: feeling valued as a person; forming close and lasting human relationships; establishing a place in a productive group; being useful to others; making use of support systems; making informed choices; and belief in a future with real opportunities. In a democratic society where technology is important, competency is needed in many domains. Adolescents must master social skills, engage in inquiring and problem solving strategies that enhance lifelong learning, acquire technical and analytic abilities necessary in a world-class economy, and become ethical, responsible citizens with a healthy respect and tolerance for diversity among individuals ("Great Transitions," 1995).

Developmental Domains

Development is typically studied in different domains, such as: biological, psychological, social-emotional, moral, and decision making (Santrock, 2005). Lerner (1995) states that individual differences in adolescents are connected among biological, cognitive, psychological, and sociocultural factors. No one domain acts alone or as the "prime mover" of change. Bronfenbrenner's (1979) theory reflects the theoretical framework for the ecology of human development that goes beyond the domains described in terms of sociology, social psychology, or anthropology of human development. The crucial part played in psychological growth by biological factors, including the impact of genetic tendencies, must not be overlooked.

Adolescents Differ From Adults Biologically and Neurologically

Adolescent development is the period of rapid physical transitions as seen in changes in height, weight, and body proportions (Finkelstein, 1993). Part of this physical development is hormonal changes. Looking from a physiological standpoint, hormones act on the brain to effect behavior in two ways: organizational effects and activational effects (Buchanan, Eccles, & Becker, 1992). Organizational effects directly impact early brain development, including sex hormones that can influence personality and behavior. These hormonal organizational effects are permanent and do not depend on any other subsequent hormonal changes. Activational effects include hormones that may trigger specific behaviors through their simultaneous impact on both peripheral and neural-based processes. Some activational effects are dependent on prior hormonal changes while other activational effects tend to be immediate or slightly delayed (Buchanan, Eccles, & Becker, 1992).

Research regarding hormonal effects on behavior among adult humans and nonhuman animals is described as rudimentary and methodologically flawed by Buchanan, Eccles, and Becker (1992), although some hormone-behavior relations have emerged. The sex steroids testosterone and estradiol have activating effects on the nervous system. Moderate concentrations of estradiol have been consistently connected with positive aspects of mood and behavior, such as: happiness, mental alertness, and concentration, while lack of estradiol seems potentially tied to emotional lability and depression. When there is an overly high concentration of sex steroids, negative symptoms, such as aggression and anxiety may result.

Neurological differences. Related to biological development is neuropsychology (Moffitt, 1993). Moffitt (1993) combines *neuro* with *psychological* to broadly refer to the degree to which physiological processes and anatomical structures within the nervous system influence psychological characteristics, such as: behavioral development, temperament, cognitive abilities, or all three. As the data implies, if some individuals' antisocial behavior is stable from preschool to adulthood, then researchers are compelled to look for its roots early in life, like factors that are present before of soon after birth. Moffit gives examples of the individual variations in brain functions that may bring about differences between children in areas such as: activity level, emotional reactivity, or self-regulation (temperament). Additionally, other differences include areas of behavior development, such as: speech, motor coordination or impulse control, and cognitive abilities, such as: attention, language, learning, memory, or reasoning.

Numerous factors influence infant neurological development (Moffitt, 1993). Individual differences in the neuropsychological functions of the infant's nervous system have been empirically linked to antisocial outcomes. Several factors may interrupt neural development, such as: maternal drug abuse, poor prenatal nutrition, or pre-or postnatal exposure to toxic agents. Hertzig's (1983) study shows the significance of subtle neurological deficits and how they can influence an infant's temperament and behavior. These neurological deficits are related to difficulties in rearing the infant, and exhibited in behavioral problems in later childhood.

Temperament differences. Thomas and Chess (1977) equate temperament with behavioral style. How a child behaves is influenced by environmental factors in its expression. Temperament refers to the characteristics which are evident in the early

infancy period. Temperamental categories include: quality of mood, consistency, energy level, rhythmicity, approach-withdrawal, adaptability, and intensity of reaction. Good examples of this are temperamental characteristics involving activity level and mood (Lerner & Lerner, 1983).

Adolescents Differ From Adults in Psychological Maturity

According to Offer (1969), adolescents cope with a variety of changes during this adolescent psychological transitional period. The adolescent must learn to build up confidence in him/herself and his/her abilities, make decisions about his/her future, and neutralize the ties with his/her parents in order to become a mature and individual adult.

According to Cauffman and Steinberg (1995; 2000), psychological maturity encompasses elements of perspective (defined by having a sense of morality and context), responsibility (defined as having identity, autonomy, and self-reliance), and temperance (which is the regulation of emotion, the avoidance of extremes, and not being impulsive). Cauffman and Steinberg (1995; 2000) observed differences between adolescents and adults in their decision making behavior that are most likely the result of non-cognitive, psychosocial factors, specifically, responsibility, perspective and temperance. Early adolescents and adults differ in many of these areas when the development of these traits was researched.

Opposite of psychological maturity, is adolescents' immaturity (Cauffman & Steinberg, 2000). Adolescents' psychological immaturity falls into two broad categories: cognitive differences and psychosocial differences. The first category attributes youthful immaturity to cognitive differences between adolescents and adults. For example, there are deficiencies in the way adolescents think. The second category includes those who

attribute immaturity to psychosocial differences, such as deficiencies in adolescents' social and emotional capabilities. Cauffman and Steinberg's (2000) findings that adolescents are less psychologically mature than adults regarding how they make decisions in antisocial situations lend scientific credibility to the argument that juvenile offenders may warrant special treatment because of diminished responsibility.

Adolescents Differ From Adults Cognitively

Graber and Peterson's (1991) research on cognitive development suggests that there are integrated, multilevel changes in thinking that take place during adolescence. Cognitive abilities are improved during early adolescence as individuals become quicker and more capable of processing information. These improved skills affect adolescents' decision making abilities. Children and adolescents have insight about their own thinking processes (Flavell, 1979; 1987). Metacognition refers to thinking about thinking. Adolescents may lack adult metacognitive skills—the ability to reflect on and monitor one's own thought processes (Ormond, Luszcz, Mann, & Beswick, 1991). Researchers concluded that metacognition plays an important role in attention, language acquisition, reading comprehension, writing, memory, problem solving, oral communication of information, oral persuasions, oral comprehension, social cognition, self-control, and self-instruction (Flavell, 1979).

Metacognitive knowledge is that part of a child or adult's stored world knowledge that has to do with people as cognitive creatures who have varied cognitive or thinking tasks, goals, actions, and experiences (Flavell, 1979). An example of metacognitive knowledge is a child or adolescent who acquires the belief that they are better at math than at spelling, unlike their peers. Metacognitive experiences are defined as,

"…conscious cognitive or affective experiences that accompany and pertain to any intellectual enterprise" (p. 906).

These metacognitive experiences can have very important effects on cognitive goals or tasks, metacognitive knowledge, and cognitive actions or strategies (Flavell, 1979). First, they can lead a person to start new goals and to revise or abandon old ones. Second, metacognitive experiences can affect the child's metacognitive knowledge base by adding to it, deleting from, or revising it. Third, these experiences can trigger strategies aimed at either of the two types of goals: cognitive or metacognitive.

Adolescents Differ From Adults in Decision Making and Maturity of Judgment

Decision making is the process of choosing among alternative courses of action (Fischoff, 1992)**.** The two major types of decision making models are the normative decision model and the behavioral decision model. The first model, the normative decision model, describes how decisions should be made and includes five steps to be taken in making any decision. First, one must identify the possible options (Fischoff, 1992)**.** Next, the consequences that might result from each option must be acknowledged. Third, one must evaluate the attractiveness of each consequence. Fourth, if action is taken, the likelihood of each consequence is assessed. And finally, the integration of these steps represents a logically defensible decision rule.

The second model, the behavioral decision making model, examines how people actually make decisions (Furby & Beyth-Marom, 1992). This perspective uses the same five stages, but the emphasis is on the decisions people actually make rather than the decisions they should make. This method focuses on how people identify alternative options, how they identify the possible consequences, how they assess the favorability

and likelihood of those consequences happening, and what decision rules they use to reach a choice.

The first influence on decision making is the adolescents' use of information (Furby & Beyth-Marom, 1992). In the initial stages of decision making, one is involved with the gathering and organization of information. Adolescents can differ from adults in how they consider different or fewer options, how they think about their available choices, or in the ability to identify different consequences when evaluating and comparing alternatives. Another factor in adolescent decision making is the value difference. Because of developmental influences, sometimes youthful decision makers differ from adults in the subject values that they connect to various supposed consequences in the process of making choices.

Bonnie and Grisso (2000) identified another decision making concern. Adolescents may make decisions that they probably would not make several years later in considering a risk. This problem can occur because of adolescents' distorted time perspective and a tendency to discount long-term consequences, such as the risk of long-term prison confinement in favor of immediate consequences, like being "cool" in their peers' eyes. These developmental factors can affect the adolescents' interactions with their attorneys, their behavior in court, and their decisions regarding the defense or disposition of their case.

In considering adolescents' decision making abilities, adolescents' choices may be different from those that adults think they themselves would have taken (Furby & Beyth-Mahom, 1992). By examining decision making steps specified by decision theory, Furby and Beyth-Marom (1992) identified possible reasons why adolescent decision

making might differ from that of adults. Adolescents choose to engage in "risky behaviors" while adults would deem these choices unadvisable. One possible reason is that adolescents and adults might consider different options. They also might differ in their identification of the possible consequences that could follow from one or more options being considered. Adolescents might value some of the possible consequences of options differently than adults do, and they might assess the likelihood of some of the consequences differently. Finally, adolescents may use a different decision rule than adults do.

Adolescent decision making and age. Cauffman and Steinberg (2000) reported a significant, though modest correlation between decision making and age. When data were analyzed using three separate aspects of the decision making situation as the dependent variables (consequential, non-consequential, and unknown consequence), they discovered that antisocial decision making was significantly affected by both sex and age, but not by interaction between the two (Cauffman & Steinberg, 2000).

When older adolescents are compared to younger adolescents and children, adolescents demonstrate a greater depth and extension of their chronological viewpoint (Greene, 1986). They anticipate a more complex view of future experimentation, and describe future aspirations with greater planning, organization, and practicality. While younger adolescents differ from older adolescents in metacognitive skills, there are similarities between adolescents and adults in drawing causal inferences (Keating, 1990). Risk decision making differences observed between adolescents and adults may well reflect differences in capabilities, and not simply priorities. The particular capabilities

involved are not those which are assessed by measures of logical reasoning (Cauffman & Steinberg, 2000).

Cauffman and Steinberg (2000) examined age differences in three psychosocial areas: responsibility, perspective, and temperance. Then they determined that they were highly intercorrelated. When they looked at decision making characteristics and different levels of psychosocial maturity, they found that individuals who are more psychosocially mature exhibit less antisocial decision making. Their results indicate that psychosocial maturity is a more powerful predictor of decision making than age. When adolescents' psychosocial functioning decreases: they score lower on measures of self-reliance and personal responsibility; have more difficulty seeing things in a long-term perspective; are less likely to view situations from others' perspectives; and have more challenges controlling their aggressive impulses.

Generally, adolescents are presumed to be less independent in their decision making than adults, and are influenced by both parents and peers (Allen, Leadbeater, & Bonnie, 1990). Allen, et al, (1990) measured adolescents' decision making outlook and strategies for making decisions. They described having a positive expectation for adolescents' decision making skills that included: the adolescent's capacity expectations, how they identified with adults' values, and how they perceived their peers' values. Adolescents demonstrate these decision making skills when they negotiate about power and control in their changing relationships with their peers and parents. Compared to younger children, adolescents demonstrate greater autonomy or independence in relation to their parents. However, there is some evidence suggests that they are more subject to parental influence than young adults (Scherer, 1991; Scherer & Reppucci, 1988).

Adolescent decision making and the courts. In *Bellotti v. Baird* (1979), Justice Powell upheld that minors' Constitutional rights cannot be equivalent with adults' rights because minors lack decision making skills. Adolescents often lack the experience, perspective, and judgment to identify and avoid choices that could be harmful to them (Gardner, Scherer, & Tester, 1989). In another court case, *Parham v. J.R.* (1979), Chief Justice Burger stated, "Most children, even in adolescence, simply are not able to make sound judgments concerning many decisions, including their need for medical care or treatment" (Gardner, Scherer, & Tester, 1989, p. 896).

Adolescents differ from adults in maturity judgment. Cauffman and Steinberg's (2000) research on immaturity of judgment provides an explanation of how adolescents differ from adults in maturity judgment. They explain that judgment is the process of decision making, not a particular result or outcome of a specific decision. Maturity of judgment refers to the way that the process of decision making changes with the adolescent's development. Judgment is a result of both the decision making process and the adolescent's changing development; it is neither exclusively cognitive nor exclusively psychosocial (Cauffman & Steinberg, 2000).

In Cauffman and Steinberg's previous research (1995; 1996), they broke maturity of judgment into three core components. The first core component is responsibility, which includes: self-reliance, a healthy autonomy, and clarity of identity. The second core component is perspective, which is the ability to recognize the complexity of a situation and see it as part of a larger context. And finally, the third core component is temperance, which refers to one's ability to limit impulsive and emotional decision making. One is able to evaluate situations systematically before acting. This could

involve seeking input from others when appropriate, and avoiding decision making extremes. The maturity judgment findings affect not only the juvenile's decision to commit the crime, but also the juvenile's competency to stand trial once the crime is committed (Nurcombe & Partlett, 1994).

Adolescents Differ From Adults in Moral Development

Moral development theory explains the relationship between moral judgment and moral behavior (Swanson & Hill, 1993). Both Piaget (1976) and Kohlberg (1984) believe that judgment is necessary to the determination of actions as moral. Other researchers have suggested that factors other than judgment may also be implicated in constructing moral behavior (Colby, Kohlberg, Gibbs, & Lieberman, 1983). Over a twenty-year study, they examined explanations of moral behavior that acknowledge an individual's awareness of moral knowledge rather than focus solely on moral action or moral stage structures (Colby, Kohlberg, Gibbs, & Lieberman, 1983).

Two approaches to moral development address what is considered a morally right action (Kohlberg & Candee, 1984). The first approach is when moral actions are consistent with the content of moral judgment; it is called "moral responsibility." This means that there is a responsibility that includes both an acceptance of and the consequences of one's actions. In the second approach, there is a consistency between what one says one should or would do and what a person actually does.

Special Problems Associated with Adolescent Developmental Differences

Special problems associated with adolescent developmental differences addresses adolescents and risky behaviors; however, this term must first be defined. When the term *risk* is used in research literature (Slovic, 1964) and in the general language (Morris,

1981), risk is defined as a chance of loss, that chance being greater than 0% but less than 100%. The definition of risky behavior is an action (or inaction) that entails a chance of loss (Furby & Beyth-Marom, 1992). Risk taking may or may not be deliberate. If an adolescent chooses to engage in a certain behavior without being cognizant that it entails a chance of loss, the adolescent could be taking a risk, even though he/she is not conscious of doing so.

Risk-taking behaviors. Baumrind (1987) identified two trends in risk-taking behaviors. The first trend is that some risk-taking behavior in adolescents is normative. Some experimentation with drugs, sex, odd diets, or new ideas are typical for many adolescents. The second trend is that risk-taking behaviors increase in adolescence. However, the developmental course that a particular behavior follows when it reaches its height of risk is unique to the specific behavior (Baumrind, 1987).

Since the majority of adolescents will participate in risk behaviors, Lerner and Galambos (1998) raise the question, *how do we know when the behavior is likely to pose significant threats to the adolescent's health and well-being in the long term?* Three explanations answer their question. First, when a risk behavior begins early, it is most likely to become a real problem. For example, those who begin delinquent acts at age nine or ten are more likely to be headed for trouble. Second, if the adolescent continues the risky behavior as opposed to experimentation, this is another indication of future challenges. Finally, the adolescent may already be in considerable trouble when he/she becomes immersed in a risk-behavior lifestyle to the exclusion of a constructive, positive lifestyle. If the adolescent is engaged in multiple or very serious problem behaviors and

has a set of close friends who also engage in these activities, the adolescent is considered to be practicing a risk-behavior lifestyle.

Lerner and Galambos (1998) identified three individual factors (age, expectations for education, and school grades) and three contextual factors (peer influences, parental influences, and neighborhood influences) that appear central in the origin of risk behaviors or their prevention. In realizing the actualization of risk behaviors among adolescents, one must consider the integration among individual, familial, peer, and community levels.

Benthin, Slovic, and Severson (1993) reported that adolescents' actual participation in risky activities is related to very distinctive social and cognitive factors. Examining this from a cognitive perspective, adolescents who engage in the actual "risky" activity actually report less fear of risks; less ability to avoid the activity; less seriousness of effects; less risk to self and others; greater knowledge of risks; more personal control over risks; and higher participation in risky activity by others (Benthin, Slovic, & Severson, 1993). Looking at the "risky" activity from a social perspective, participants report greater peer influence; greater benefits relative to risks; and less desire for regulation of the activity by authorities. When adolescents engage in multiple risk behaviors, Jessor (1992) says that there may be evidence of what he calls a "risk behavior syndrome."

Risk-taking and the personal fable. Cauffman and Steinberg (2000) relate risk behaviors to the personal fable. A personal fable is defined as the belief that an individual's behavior is somehow not governed by the same rules of nature that apply to everyone else. Studies show that adolescents, at least from age 15 and older, are no more

likely than adults to suffer from the "personal fable." This is contrary to the stereotype of adolescents as distinctly egocentric. For example, they are not doomed by deficiencies in their logical abilities. They are no less likely than adults to employ rational algorithms in decision making situations. There is substantial evidence that adolescents are well aware of the risks they take.

Risk-taking and temporal perspective. Attitude toward risk is closely linked to differences in temporal perspective (Greene, 1986; Grisso, 1981). Adolescents are viewed as spontaneous decision makers, compelled by the urgent consequences of their choices (Gardner & Herman, 1990). They tend to "live for the moment," not because they believe they will live forever, they just have difficulty seeing beyond the immediate. In general, adolescents seem to discount the future more than adults. In a study about adolescent risk taking and AIDS, adolescents were inclined to underestimate distant consequences of a choice when making a decision. In some settings, this contributes to risky behavior (Gardner & Herman, 1990).

The New Paradigm and Adolescent Decision Making

Despite the extensive research on adolescent decision making, an emerging developmental and contextual paradigm challenges the legal relevance of past research regarding adolescents' competence to consent (Woolard, Reppucci, & Redding, 1996). Generally, past research has found that adolescents are as cognitively competent as adults to give consent; however, past laboratory based research has failed to consider several highly important contextual and socioemotional variables. These include the adolescents' attitudes towards risk, and the effects of both peer and parental pressure, that may influence adolescents' actual real life performance.

Adolescents Are Treated Differently from Adults in the Juvenile Justice System

"I propose that the rights, privileges, duties, responsibilities of adult citizens be made available to any young person, of whatever age, who wants to make use of them."

John Holt (1974)

The Foundation of the Juvenile Justice System

There are historical differences in how adolescents are treated, especially pertaining to the juvenile justice system (Bilchik, 1999; Hartman, 2000; Redding, 1997; Reppucci, 1999; Wizner, 1984). Juvenile courts in the United States were founded on the Sixteenth Century European education reform movement under the doctrine of parens patriae (the State as parent) (Bilchik, 1999). The parens patriae doctrine gave the State the power and responsibility to protect children whose parents failed to provide appropriate care or supervision (Bilchik, 1999). A key element was focusing on the welfare of the child. By adopting this protective role, the State's intervention could reform and develop troubled youth into productive citizens. The movement was founded on the belief that children were lacking fully developed moral and cognitive capacities. This justified the State's intervention to provide for their protection. Hartman (2000) refers to this as a paternalistic belief that stemmed from a moral obligation of the State to act for the benefit of society.

The American criminal justice system has attempted to be two systems: one for adults and one for children and adolescents (Wizner, 1984). The adult criminal system has three purposes that are intended to protect society: apprehension, prosecution, and

punishment of offenders. The goals of the juvenile justice system are the identification, evaluation, and treatment of maladjusted youngsters for their own benefit, with the purpose being to rehabilitate, not to punish (Reppucci, 1999).

Instead of punishing juvenile delinquents, the juvenile court judge had a variety of dispositional options to provide treatment in the best interest of the child (Bilchik, 1999). This treatment would last until the child was rehabilitated or became an adult (Reppucci, 1999). The proceedings were to be informal so that the juvenile could be diagnosed, treated, and provided care. There was not be by any stigma attached to the child and all records and proceedings were confidential. If juveniles were incarcerated, they were separated from adults to avoid the corrupting influence of adult criminals.

With the establishment of the first juvenile court in Illinois, by means of the Juvenile Court Act of 1899 (Bilchik, 1999), these guidelines were altered (Redding, 1997). The juvenile court was established specifically for neglected, dependent, and delinquent children under the age of 16. The intent was that it mainly handle minor offenses.

Since the 20th Century, children's immaturity provided the reasoning for denying them certain rights and for shielding them from their own immature behavior (Redding, 1997). "Infants" below the age of reason (under the age of seven) were considered incapable of performing a criminal act and were exempt from prosecution and punishment (Bilchik, 1999). Youth between seven and 14 could be treated as adults rather than as children if the court decided they had acted as an adult (Redding, 1997): therefore, children as young as seven years of age could stand trial in court as adults

(Bilchik, 1999). If the child was found guilty, he/she could be sentenced to prison or to death. All people 14 years and older were considered to be adults (Redding, 1997).

Even from the beginning, there were some juveniles who committed very serious crimes and the juvenile court was thought to be inappropriate (Wizner, 1984). Four years after the juvenile court's establishment in 1903, the Chicago Juvenile Court transferred 14 children to the adult criminal system. By the 1970s every state, the District of Columbia, and the federal government had laws authorizing, or requiring, the criminal prosecution of certain juveniles in adult courts (Hamparian, Estep, Muntean, Priestino, Swisher, Wallace, & White, 1982).

Age and the Juvenile Justice System

In the mid nineteenth century, Blackstone (1884) described the civil law and how it distinguished the age of minors (those under 25 years old) into three stages: infantia (from birth to seven years of age); pueritia (seven to fourteen); and pubertas (from 14 on). The pueritia period or childhood, was subdivided equally into two parts. Seven to ten and half was one part; 10 ½ to 14 the second part. Individuals in the first stage of infantia and the first half stage of childhood were not punished for any crime. Those in the second half-stage of childhood, were considered punishable if they were found to be capable of mischief, but with many mitigations. During the age of puberty, minors were liable to be punished.

Twelve years of age was recognized by the Ancient Saxon law as the age of possible discretion (Blackstone, 1884). This was a dubious stage of discretion. Under 12

it was held that the youth could not be guilty in will; neither after 14 could he be supposed innocent of any capital crime which he in fact committed. The law since the time of Edward the Third regarding the capacity or non-capacity of committing a crime, is not measured by age, but by the strength of the delinquent's understanding and judgment. For example, an eleven-year-old may have as much cunning as another who is 14. Likewise, less than seven years of age an infant cannot be guilty of felony, but at eight years old he may be guilty of felony.

From the beginnings of the juvenile justice system, adolescence was recognized as a stage of developmental immaturity that rendered youth's transgressions less liable than those of adults and required a special response (Platt, 1977). When the United States first established a separate court for juveniles in 1899 (Stevenson, Larson, Carter, Gomby, Terman, & Behrman, 1996), the court's key principles included the following four ideas. First, children have different needs than adults and therefore, need adult protection and guidance. Second, children are entitled to constitutional human rights and adult involvement ensures those rights. Third, most all children can be rehabilitated. And finally, children are everyone's responsibility. This rehabilitative approach to the juvenile court grew rapidly, and by 1925, 46 states, three territories and the District of Columbia had created separate juvenile courts (Snyder & Sickmund, 1999).

Apparently youths were brought to trial under the same procedures as adults; however, the courts recognized that sometimes youths' immaturity justified special considerations (Bonnie & Grisso, 2000). To decide whether the youth were criminally responsible, judges were guided by the infancy defense. This common law notion reflected the developmental capacities of children.

There is current debate regarding the distinction between adolescents and adults on the basis of differences in maturity. Steinberg and Cauffman (1996) found that one could justify a difference between adolescents 16 and younger and those who are 17 and older. Their tentative conclusion was that there are important psychosocial differences between early adolescence and adults that probably have implications for judgment. This is consistent with other points of view that distinctions must be made between younger and older adolescents. Within the psychological literature on adolescent development there appears to be a scientific basis in present day America under the law for distinguishing between individuals who have reached the age of 17 versus those who have not reached the age of 17.

Juvenile Delinquents

Ozone, Hill and Wright (1998) studied a group of institutionalized young offenders and examined the meaning of crime and consumption for these youths. In a nation of abundance and plenty (Padilla, 1992), Ozone, et al (1998) found that these young people are convinced that conventional society will not likely deliver the material accumulation to live a better life. They challenge the dominant culture's premise that respect and obedience will ultimately be exchanged for success and knowledge. Nevertheless, society's dominant groups control access to institutions and are more likely to create and influence culture (Hebdige, 1979).

The youths see and must confront this contradiction in society (Hebdige, 1979). Living in a violent and uncertain environment, they resolve this contradiction by gaining control of their lives, taking what they want, and living fully in the moment. While it isn't

uncommon for youths to rebel against society's values or their parents' values, when they resist through illegal activities, like selling drugs or stealing cars, dominate groups label them as "deviant." Therefore many economically poor have renounced the culture in which society functions (Padilla, 1992). They have lost faith in society's capacity to work on their behalf. They turn to criminal activity to provide money to support the life they seek. When they steal a car, they are fully engaged in the moment, and they resist the authority of a society that will not give them what they want. During these moments, they gain control over their lives. They seek out products that will give them the sensual experiences or signal their status in the community. However, the dominant society cannot tolerate this resistance when it takes the form of consuming stolen cars and selling drugs. Eventually, these youths are caught and incarcerated.

Moffit (1993) identifies two hypothetical types of delinquents with different developmental pathways for delinquent behavior: life-course-persistent and adolescence-limited. These two groups differ in etiology, developmental course, prognosis, and classification of their behaviors as either pathological or normative. A large group participates in antisocial behavior during adolescence but not during adulthood (Moffitt, 1993). A smaller group continues their serious antisocial behaviors throughout adulthood.

Rather than be held fully accountable for juvenile crime with punitive sanctions under criminal law, historically, delinquent youth were to be rehabilitated. Because of the more benevolent purposes of juvenile courts, they were not required to give due process of law that was required to implement criminal sanctions against adults (Grisso, 1996). Between 1900 and 1967 family courts shunned formal adversarial hearings (Nurcombe & Partlett, 1994). They leaned heavily on judicial discretion in dealing with abused,

neglected, abandoned, orphaned, wayward, or delinquent children. The juvenile courts were allowed wide judgment in their custodial and rehabilitative responses to delinquent youths. These policies were followed for more than 60 years (Grisso, 1996).

But by the 1960s many observers began to loose faith in the effectiveness of juvenile rehabilitative programs (Grisso, 1996). The juvenile courts' processes were criticized as unfair, arbitrary, and overly discretionary. Meanwhile, communities became outraged by the growth of juvenile crime. These two trends began the contemporary legislative era in 1967.

Supreme Court Decisions Affecting Juvenile Justice

During the contemporary era, rights rather than protection became the legal benchmark (Nurcombe & Partlett, 1994). The courts continually revisited the interpretations of juvenile courts to justify the maintenance of a separate court system for young offenders. The courts applied a three-way balancing test to weigh the rights of minors to individual self-determination, against the State's paternal duty to protect them and their family's privacy interest in executing parental authority (Nurcombe & Partlett, 1994). The Supreme Court found in *Kent v. United States* (1966) and *In re Gault* (1967) that minors have individual rights to self-determination (Nurcombe & Partlett, 1994). However, the State must protect minors against delinquency and maltreatment, regardless of their consent, because by law, minors are incapable of determining what is in their best interest.

In *Kent v. the United States* (1966), the Supreme Court held that the juvenile court can waive its jurisdiction and transfer a juvenile defendant to criminal court only after the statutory requirement of a full investigation has been satisfied. This statute gave the

juvenile court significant discretion over what factors could be considered in a transfer, but a license for arbitrary procedures was not conferred by the Court. In order to guard society's special concern for children, the Court further held that a hearing regarding the juvenile's circumstances, effective assistance of counsel, and a statement of reasons were procedural protections for children. The Court found that the jurisdiction for having a juvenile court is to determine the needs of the child and society, while providing guidance and rehabilitation for the child. Criminal responsibility, guilt, and punishment were not the objectives of the separate juvenile justice system. "There is too much at stake for the young person facing waiver to adult court, to permit the decision to be made without a careful and fair assessment of known criteria" (Wizner, 1984, p. 42).

Because of the special emotional, social, and cognitive characteristics of children, the Supreme Court *In re Gault* (1967) said that the Constitutional rights of youth may need extra protection. Previously, juvenile criminal situations were handled like civil matters in the juvenile courts so the young offenders did not have due process rights to defense counsel or formal hearings (Grisso, 1996). The Court's proceedings determined whether or not a juvenile would be labeled a delinquent. If the juvenile was labeled a delinquent, the youth was committed to a state institution. This changed with *Gault*. The court decided that the same general due process protection that is available to adult defendants in criminal court should also be available in juvenile court, especially when the proceedings led to a juvenile's confinement. Grisso (1981) interprets the court's decision regarding the greater vulnerability of juveniles by stating that some juveniles would need a judge who would be required to consider whether or not the juvenile had the ability to make a knowing, intelligent, and voluntary waiver of rights.

As part of *In re Gault* (1967), the Court reviewed the juvenile court's history and determined that the state's role of parens patriae did not supersede a juvenile's due process rights in the proceedings in question. The special protections of the juvenile court should continue to exist, but the Court added the additional guarantees of due process and fair treatment.

Stages of Juvenile Justice

Congress enacted federal legislation in the Juvenile Justice and Delinquency Prevention Act of 1974 (Pub. L. No. 93-415) that provided financial incentives to states when it found that delinquent children were routinely housed in adult jails. The incentives were provided to stop incarcerating status offenders, to remove children from adult jails, and to separate children from adults in all facilities. There is still tension between giving minors greater individual due process protections under the law and preserving the juvenile system's less adversarial, more protective and rehabilitative practices (Pub. L. No. 93-415).

Recent trends suggest that the current juvenile justice system is experiencing what could eventually be viewed as a second revolution in juvenile justice if one considers the first revolution the birth of the juvenile justice system in Cook County, Illinois in 1899 (Hellum, 1979). In the U.S. Supreme Court in *Kent v. U.S.* (1966) and *In re Gault* (1967), the courts found abuses of the discretion given to the courts. This set in motion the juvenile justice system's second era (Hellum, 1979). This era has three distinct stages. Patterned after the rights of adults in criminal courts, the first stage introduced protective due process rights in juvenile court. Though the U.S. Supreme Court made decisions that

required changes in due process rights, the Court made it clear that the juvenile court still has the responsibility to rehabilitate delinquent youths (Grisso, 1996).

The second stage was represented by recommendations made by the Juvenile Justice Standards Project for determinate sentencing (Shepherd, 1996). The purpose was to reduce apparent procedural arbitrariness. The juvenile courts tried to apply vague standards while considering a youth's individual differences in making a decision about rehabilitative potential. In efforts to reduce this problem, the Juvenile Justice Standards Project began promoting sentences that would treat juveniles uniformly based on their offenses (Wizner, 1984).

The ideas behind the Juvenile Justice Standards Project had wide appeal (Barnum, 1987). Groups with very different philosophies could support it. The "get tough" advocates liked it because it gave violent youths what they "deserved." Child advocates liked it because it restrained judicial abuse of discretion (Barnum, 1987). Clinicians supported it because it advocated teaching adolescents' responsibility, which was viewed as therapeutic.

Currently, the United States is in the third stage of the juvenile court's new era. The current trend in reforms is to make the severity of determinate penalties for adolescent violent offenders more like those for adults who are convicted of the same offenses (Barnum, 1987; Wilson & Hernstein, 1985). On both state and federal fronts, efforts are multiplying to sentence juveniles as adults. Some want to eliminate the protective segregation of juveniles from adult inmates and limit parole for juvenile offenders (Templeton, 1998). States are getting tougher on juvenile offenders in two key ways (Frazier, Bishop, & Lanza-Kaduce, 1999). First, they are shifting away from the

traditional rehabilitation models to punishing juveniles through legislation of new or expanded legal means. Second, more juvenile offenders are moved to criminal court for processing and punishment as adults.

Prosecuting Adolescents as Adults

Prosecuting juveniles "as adults" has been a legal option since the earliest days of the juvenile justice system (Hamparian, et al, 1982). In the past, juveniles' transfers were based mostly on the judicial discretion that was to consider adolescents' individual characteristics. This was especially important when evaluating possible differences in adolescents' rehabilitative potential. Current legal reforms are in stark contrast from considering individual differences. Some states place juvenile cases automatically under the jurisdiction of criminal courts simply by virtue of the charges of homicide or other serious violent offenses (Grisso, 1996). Wizner (1984) states, "We are not capable of agreeing upon a precise definition of the juvenile offender who should, in every case, be referred to the adult court" (p. 46).

The change from valuing individual differences to applying a more punitive approach to juvenile offenders ignores a key question (Wong, 2002). Do adolescents have the cognitive abilities to comprehend the nature of their crimes and the legal measures and consequences of their actions? The juvenile justice system provides the opportunity for young offenders to be rehabilitated according to their individual assessments. However, the State is moving away from the original role of parens patriae toward a more punitive approach for juvenile offenders.

In the sentencing of juvenile murderers, some states are requiring that juvenile courts apply determinate sentences that mandate secure incarceration and require its

prolongation beyond the usual jurisdictional age specified under the juvenile system (Bonnie, 1989). Most every state has changed their statutes to make it easier to transfer juvenile offenders to adult criminal court for trial. Additionally, some states require that murder by juveniles with an age requirement of 14, 15 or 16 is automatically charged in criminal court (Bonnie, 1989; Feld, 1987). Specific states provide an automatic transfer for many other violent offenses beyond murder. Sometimes the applicable age is down to the thirteenth birthday (Grisso, 1996).

Between the mid-1980s and 1993, the juvenile arrest rate for murder more than doubled (Snyder, 2005). The juvenile arrest rate for murder fell each year from 1993 to 2000. The rates held constant in 2001 and 2002. In 2003, 20% of arrests involving youth eligible in their state of residence for processing in the juvenile justice system were handled within law enforcement agencies; 71% were referred to juvenile court; 7% were referred directly to criminal court. The remaining 2% were referred to a welfare agency or another police agency (Snyder, 2005).

In looking at the juvenile justice system one can view the theoretical pendulum swing from parens patriae towards mature juvenile language (Wong, 2002). The danger is in treating juvenile offenders as adults, while ignoring the juveniles' undeveloped mental capacities. When looking at the characteristics of young offenders, there's a correlation between mental illness, developmental immaturity, and the need for mental health treatments to prevent recidivism, described as a juvenile's return to criminal behavior. When considering the relationship among these characteristics, there is confirmation that juveniles do not have the mandatory competency to stand trial in criminal court.

The general public, practitioners, and lawmakers desire a criminal justice policy that deters individuals from criminal behavior; however, they also desire a system that punishes offenders and enforces payback (Ward, 2003). They want to see criminals "pay" for harms caused, but that may not always be compatible with punishment that results in maximum avoidance. Any deterrence model is influenced by the recurrent pressure between the practical rationalization of punishment for future societal benefit and the retributionist satisfaction of "just desserts" for causing specific harms. Typically the law is more reactive responding to immediate public concerns than directive responses which focus on long term public benefits. These differences often result in retributive policies that only hold the promise of deterrence and can simply turn into political action. This is done at the expense of policies that could actually concentrate on the identification and elimination of incentives for criminal behavior.

The Cycle of Juvenile Justice

Several theorists have evaluated both the philosophical and institutional developments in juvenile justice policy (Bernard, 1992). Bernard contends that cycles typically consist of a mostly punitive phase of juvenile justice policy, followed by a phase that is predominantly rehabilitative. Since 1920, this cycle has been repeated three times. When public and justice officials are convinced that juvenile crime is at an exceptionally high level, the justice system responds with severe punishments and few treatments. This forces officials to choose between punishing offenders harshly or not doing anything. This "forced choice" favors punishment and ultimately leads to the introduction of major reforms that emphasize the leniency of offenders. In the last phase, permissive public policy is blamed for the persisting juvenile crime. This results in the

steady growth of harsh treatments. Consequently, the cycle begins again. Table 2 depicts Bernard's (1992) juvenile justice cycle.

Table 2

Cycle of juvenile justice

"Juvenile crime is thought to be unusually high. There are many harsh punishments and few lenient treatments. Officials often are forced to choose between harshly punishing juvenile offenders and doing nothing at all."	"Juvenile crime is thought to be unusually high and is blamed on the `forced choice.' That is, both harshly punishing and doing nothing at all are thought to increase juvenile crime."
"Juvenile crime is thought to be unusually high and is blamed on the lenient treatments. Harsh punishments gradually expand and lenient treatments gradually contract."	"A major reform introduces lenient treatments for juvenile offenders. This creates a middle ground between harshly punishing and doing nothing at all."

(Bernard, 1992, p. 4)

Despite the fact that juvenile offending has remained fairly stable over the past two decades, Jenson and Howard (1998) found that renewed interest in juvenile justice policy is generally over highly punitive intervention measures. In recent years, the stability of property crime rates suggests that growing public concerns about juvenile justice policy is a reaction to changes in the types of juvenile offenses. The most obvious change in offending concerns violent crimes. Snyder (1997) reports that after more than a decade of stability, arrests for juvenile violent crime increased 71% between 1987 and 1994 (Snyder, 1997).

History Lessons

Thomas J. Bernard, author of *The Cycle of Juvenile Justice,* (1992) cites seven history lessons from the founding of the first juvenile institution in New York in 1825. Lesson one; the cycle of juvenile justice was addressed previously. In lesson two, the ideas of juvenile delinquency includes concepts about delinquency that "sell." For example, ideas that are successful when competing with other ideas "sell." Within some large problem groups lie the delinquents with which the public is already familiar (Bernard, 1992). Lesson three addresses the idea of juvenile justice. The responses to delinquency that "sell" are faintly modified versions of responses to the larger problem group of which delinquents are thought to be a subgroup. Lesson four concerns the economic interests of the rich and powerful. Responses to delinquency that "sell" aren't concerned with the rich and powerful people, but attempt to change the behavior of poor and powerless people. The economic interests of the rich and powerful are not harmed.

Lesson five considers the moral and intellectual superiority of reform (Bernard, 1992). Responses to delinquency that "sell" imply that reformers are intellectually and

morally superior, while delinquents and their parents are morally and intellectually inferior. In lesson six, the unfair comparison is addressed. Reformers "sell" their own reforms by unfairly comparing harsh assessment of actual past policy practices with a hopeful evaluation of the new reform, based on their own good intentions. Since it is assumed that these good intentions will become actual practice, it appears that the problem of delinquency is solved. Finally, in lesson seven, the power of the state is increased by the positive appraisal of how effectively the reform will solve delinquency. This is based on the presumed intellectual and moral superiority of the reformers (Bernard, 1992).

Modern Juvenile Justice Reform

Short-lived increases in juvenile crime during the late 1980s and early 1990s caused state legislatures to respond by moving away from rehabilitative approaches for youthful offenders to more punitive solutions. This trend resembles a return to the days prior to our current juvenile justice system where children as young as seven were tried as miniature adults. If the children were found guilty, they could be sentenced to life in prison or death (Brakel, Parry, & Weiner, 1985; Vernia, 1992).

In the early 1990s, youth crime rates were at historic highs, drug use and teenage pregnancy showed no sign of dwindling, and a huge demographic bulge of young barbaric hordes appeared to be on their way (Collie, 2005). The forecast called for more crime and violence than ever seen before. Authors of the book, *Body count: Moral poverty…and how to win America's war against crime and drugs,* (Bennett, DiIulio, & Walters, 1996) forecasted a teen crime wave they called the era of the super-predators. This advanced the theory that these super-predators would sharply increase the level of

teenage violence by the turn of the century (Becker, 2001). These are offenders who are "remorseless, radically present-oriented and radically self-regarding. They lack empathic impulses; they kill or maim or get involved in other forms of serious crime without much consideration of future penalties or risks to themselves and others." In the 1990s, lawmakers continued to justify more punitive remedies for juveniles by highly publicizing violent teen events of the super-predator theory that never materialized (DiIulio, 1995).

In 2001, DiIulio addressed his superpredator theory (Becker, 2001). “John J. DiIulio Jr. conceded today that he wished he had never become the 1990s intellectual pillar for putting violent juveniles in prison and condemning them as `superpredators,’” he was quoted as saying in *The New York Times* (Becker, 2001, p. A19). “If I knew then what I know now, I would have shouted for prevention of crimes.” Instead, DiIulio created an entire theory around the concept that with a new generation of street criminals, they were the “youngest, biggest and baddest” generation any society had ever seen.

His theory was eventually discredited. Instead of the juvenile crime rates rising, the rate of juvenile crime dropped by more than half (Becker, 2001). Franklin E. Zimring, professor of law at the University of California at Berkeley and director for the university’s Earl Warren Legal Institute, commented, “His prediction wasn’t just wrong, it was exactly the opposite. His theories on superpredators were utter madness” (¶ 15).

DiIulio defends the quality of his research (Becker, 2001). He believes the data he used was correct. The data came from crime statistics and projections of future growth in the teen population. He is actually relieved they were wrong. He is currently working on prevention of crime by building relationships between caring adults and kids and arguing

for more federal money for prevention programs. DiIulio is now the director of the new White House Office of Faith-Based and Community Initiatives.

While Professor Zimring believes DiIulio has done some great work, others are far more critical (Becker, 2001). Jerry Miller, president of the nonpartisan National Center of Institutions and Alternatives, said, "The superpredator thing led to horrific legislation. While he may have backed away from the ideas, he has never really recanted it. And that makes me nervous" (Becker, 2001, ¶ 26).

The Federal Bureau of Investigation (FBI) assesses trends in the number of violent crimes by tracking four offenses that are consistently reported nationwide by law enforcement agencies and are pervasive throughout the United States (Snyder, 2005). The four crimes include: murder and non negligent manslaughter; forcible rape; robbery; and aggravated assault. Together they form the Violent Crime Index. Growth in juvenile violent crime arrests began in the late 1980s and peaked in 1994. Specifically in California, the Violent Crime Index was 36% of the juvenile arrests rate. The juvenile arrest rates are calculated by dividing the number of arrests of people ages 10-17 by the number of person ages 10-17 in the population. In 2003, there were 273 arrests for Violent Crimes Index for every 100,000 youth between 10 and 17 years of age.

Interpretation cautions that while juvenile arrest rates partly reflect juvenile behavior, many other factors can affect the size of these rates (Snyder, 2005). Factors that can influence the significance of arrest rates in a given area include: the citizens' attitudes toward crime; the jurisdiction's law enforcements agencies' policies; and the policies of other components of the juvenile justice system.

In 2003, United States law enforcement estimated that 2.2 million arrests of juveniles under the age of 18 were fewer than the number of arrests in 1991 (Snyder, 2005). According to the FBI, juveniles accounted for 10% of all arrests; and 15% of all violent crime arrests in 2003. Of the 2.2 million juveniles arrested, 92,300 were arrests for offenses under the Violent Crime Index; 33% of these arrests were for juveniles under the age of 15.

The rate for each of the Violent Crime Index offenses has declined steadily since the mid-1990s (Snyder, 2005). Between 1994 and 2003, the juvenile arrest rate for the Violent Crime Index offenses fell 48%; creating the lowest arrest level since at least 1980. For the ninth consecutive year, the rate of juvenile arrests for the Violent Crime Index offenses declined.

From the peak of juvenile crime in 1993 to 2002, the juvenile arrest rate for murder fell 77% (Snyder, 2005). In 1993, there were 3,790 juvenile arrests for murder. Between 1993 and 2003 juvenile arrests for murder declined (68%). In 2003, there were 1,130 arrests for murder, about 30% of that in 1993. The decline in the number of violent crime arrests was greater for juveniles (32%) than adults (12%) between 1994 and 2004.

Heilbrun, Leheny, Thomas, and Huneycutt (1997) report that during the last decade, most states have made juvenile law reforms. Underlying questions concern the immaturity of more youths, at younger ages, regarding criminal adjudication that brings more juvenile offenders under the jurisdiction of criminal courts. Most of the states' revision of codes center on violent offenses, especially gun homicides. These typically pertain to the adjudication of youths charged with serious and violent offenses. Instead of

focusing on traditional rehabilitation and treatment, revised codes focus more on punishment and accountability.

When deciding how to punish juvenile offenders, most states implement one or more of three methods (Bonnie & Grisso, 2000). The first method lowers the age of judicial waiver and the criminal court's jurisdiction which permits juvenile courts to waive jurisdiction in cases involving younger offenders. The second method includes the statutory exclusion of certain offenses from juvenile court jurisdiction which allows such charges to be filed automatically and exclusively in the criminal court system. Finally, prosecutors are given discretion to file charges against youths above specified ages in either juvenile or in criminal court (Bonnie & Grisso, 2000).

It is commonly believed that the use of adult criminal court for juveniles is a response to serious violent crime; however, twenty-one states either require or allow adult prosecution of juveniles for certain property offenses (Griffin, Torbet, & Szymanski, 1998). In 19 states, juveniles who are charged with drug offenses authorize or mandate prosecution in criminal court. More juvenile offenders are being subjected to adult sentences and adult prisons for an increasing number of less serious offenses. Since 1992, 47 states and the District of Columbia have made their juvenile systems more punitive through statutory exclusion, judicial waiver, or prosecutorial discretion. In 25 states, legislatures gave criminal and juvenile courts new sentencing options (Torbet, Gable, Hurst, Montgomery, Szymanski, & Thomas, 1996).

According to Zimring (1998), the most striking characteristics have been the universality of legislative responses to youth crime by increasing sanctions for youthful offenders by transferring these youths into the adult criminal courts. Another get tough

strategy is called the "blended jurisdiction." This is the expansion of punishment power in the juvenile court past legal adulthood. A third common legislative change involves depriving delinquency proceedings some of the special protections that in the past separated juveniles from criminal adjudication.

The state of Florida is being watched for its major juvenile justice reforms (Frazier, et al, 1999). "Since 1978, Florida has transferred more juveniles to criminal court than most other states together" (p. 2). Consequently, they have more juveniles including those under 16 years of age, in adult prison than any other state. Prosecutorial waiver, or more commonly referred to as direct file, and judicial waiver procedures were introduced in Florida in 1978 (Frazier, et al, 1999). Transfers to criminal court increased dramatically over the next 15 years. This marked the beginning of the end of judicial waiver as a method of moving juveniles to criminal court jurisdiction. In 1979, 48% of transfers were direct filed (Bishop, Frazier, & Henretta, 1989), whereas by 1993, 93% were direct filed (Frazier, et al, 1999).

But despite this reform, the new transfer provisions have had a negligible impact (Frazier, et al, 1999). A telephone survey was conducted with judges and prosecutors to determine the reasons the transfer practices had such little impact.

> Direct file was the preferred method of transfer for 79 percent of the prosecutors (but only 36 percent of the judges), and prosecutors wanted to expand its availability even more. Over 60 percent of them favored lowering of the age of eligibility for direct file (¶ 40).
>
> In a related `get tough' effort, Congress has enacted legislation through the appropriations process that requires that States consider further changing their

> laws to allow for easier transfer of youths to the adult criminal justice system (H. Res. 2267, 1998). In addition, as of January 2000, Congress is also considering legislation that would allow juveniles in the federal system to be held in adult jails right next to (and subject to verbal harassment from) adult inmates (H. Res. 1501, 1999) (Schindler & Arditti, 2001, p. 168).

Current statistics show a different picture of juvenile crime (Schiraldi, 2005). "Rep. J. Randy Forbes (R, VA) has warned that gangs are `ravaging our communities like cancer—urban, rural, rich, and poor—and they are metastasizing from one community to the next as they grow.' But those fears fly in the face of the real data on juvenile crime" (Schiraldi, 2005, ¶ 1). The public and policy-makers must not be moved by exaggerated news coverage. By government measures, juvenile crime is declining sharply. This year [2005] the Justice Department reported that gang crime declined 73% over the past decade.

Deputy District Attorney Jim Hickey, in charge of Los Padrinos Juvenile Court in Downey, said that there has been a decrease in violent juvenile crimes over the past 10 years (Mazza, 2005). Overall, there were 15,000 fewer arrests of juveniles in California during 2004. The Juvenile Justice in California report provides statistics on the juvenile population, including gender, racial and ethnic groups, and the number of arrests and offenses. Statewide, misdemeanor arrests outnumbered felony arrests more than two-to-one.

Adolescents and Legal Rights

"Children have rights only if adults allow them."

--A child (1995)

With the integration of psychological research with legal practice, there creates a need to clarify how legal policies and procedures fit (Grisso, Miller, & Sales, 1987). Developmental differences and similarities can have implications for legal constructs. For example, in determining competence, can children make legal decisions? In the area of responsibility, do children choose or cause their behavior? Regarding accountability, does wrongful behavior merit punishment? Since the legal system itself is often unclear regarding juvenile standards, clarity in legal standards is often difficult to achieve. In the early 1970s, the question of juveniles' competency began to be raised in some courts. Competency to stand trial is now an emerging legal standard being extended to juveniles (Grisso, Miller, & Sales, 1987).

In the United States Constitution, citizens are given many rights, such as: the right to privacy, confidentiality, legal representation, decision making, and self-determination (Rogers & Wrightsman, 1978). However, there is no consensus on the rights to which children are entitled. Some question whether children are entitled to rights at all. The topic is multifaceted and complex. Some advocates focus on children's rights to be nurtured and protected, while others contend that the thrust should be toward children achieving the freedom to make their own choices that influence their lives. Still others argue that equal rights for children are neither in their best interest nor in that of society (Purdy, 1992).

A paternalistic orientation toward children generally remains when considering children's rights and the juvenile justice system (Walker, et al, 1999). This is reflected in the Supreme Court's *Bellotti v. Baird* (1979) decision. The Court cited three reasons why constitutional rights of children should not be equal to those of adults. The first reason is

the peculiar vulnerability of children. The second reason is children's inability to make critical decisions in an informed, mature manner. The final reason is the importance of the parental role in child rearing.

With the Supreme Court's inconsistent rulings on children's rights, one might ask, does the United States have a coherent national policy on children's rights? Walker, et al, (1999) answer "no." Because there is not a national policy in place to guide decision making involving the "rights of children," legal decisions, agency policies, and everyday practices vary widely. This results in haphazard, inequitable, or even damaging decisions that involve children (Walker, et al, 1999).

With the State's duty to protect minors, the courts face the dilemma of balancing the minor's protection with the minor's capacity for self-determination (Nurcombe & Partlett, 1994). Recently, the courts have weighed in favor of the "mature minor." Over the past two decades, the treatment of juvenile offenders has moved away from individualized case dispositions towards the treatment of juveniles as adult offenders (Grisso, 1997). Changes in the laws modified or removed confidentiality provisions regarding juvenile court records and proceedings, eased the transfer of juvenile offenders to the criminal justice system, and expanded sentencing options in juvenile and criminal courts (Bilchik, 1999). Wong (2002) summarized the underlying theory behind juvenile justice policy that is no longer motivated by rehabilitation. The current juvenile justice system focuses on punishment, accountability, and public safety.

Legal Rights of Adolescents

The Institute for Judicial Administration (IJA) and the American Bar Association (ABA) has produced the Juvenile Justice Standards Project (Flicker, 1977). These

standards are intended to balance both the legal rights of children and child protection considerations. The comprehensive standards are generally adopted for the following purposes: to achieve uniformity in the law; to develop linkages within the system; to reexamine accepted concepts and premises underlying the current law; and to codify relevant case law amidst active decisions. The standards apply to federal, state, and local laws and can be used as a starting point for any jurisdiction that is concerned about the fair treatment of young people. Probation, courts, and corrective agencies, as well as defendants, victims, law enforcement officers, probation workers, judges, prosecutors, defense counsel, and administrators can use these standards to arrive at fair disposition of the matters brought before them (Flicker, 1977).

Besides a framework of justice, adolescents need real access to justice (Feld, 1988). Too often the provision of legal assistance to young people is inferior or nonexistent. Many adolescents and their families waive their legal right to counsel without full comprehension of the consequences of this decision (Grisso, 1980). Some have proposed that the solution to this problem is to create a nonrevocable right to counsel. Effective legal representation is the prerequisite to all other procedural safeguards (Feld, 1984).

Adolescent Development and Informed Consent

Adolescents create a quandary for legal policy makers (Scott, Reppucci, & Woolard, 1995). For the past century, adolescents have been classified with younger children as minors. As minors, they have been denied legal rights and privileges afforded to adults. However, when paternalistic policies are applied to adolescents, dependence, vulnerability, and incompetence seem less valid (Zimring, 1982). Some observers

(Melton, 1983) have suggested that adolescents' legal treatment is too restrictive and that they should be granted more of adults' rights and privileges. Alarmed by the increases in juvenile crime, others have argued that adolescents are overly protected from the consequences of their behavior; they should be held equally as responsible for their crimes as adults for the same crime (Dowie, 1993; Moseley-Braun, 1994; Regnery, 1989). Critics of the traditional paternalistic legal policies are quite likely to deviate in their political foundation: adolescent decision making is more similar to adult decision making than the law has previously assumed (Scott, et al, 1995).

The basis for most legal decisions regarding decision making competence is based on the medical doctrine of informed consent forms (Szczygiel, 1994). This doctrine is based on the premise that every person has the right to determine what is done to his or her own body. The courts built the legal doctrine of consent to medical treatment on the ancient notion from *Union Pacific Railway Company v. Botsford* (1891) that one's body should not be touched without one's approval.

The legal definition of informed consent is based on three components (Grisso & Vierling, 1978; Wadlington, 1983). The consent must be informed (made knowingly), competent (made intelligibly), and voluntary. Before consent can be deemed "valid," each of the three components must be satisfied (Scherer & Reppucci, 1988). Because adolescents have historically been deemed "incompetent" because of their age, they have been viewed as developmentally incapable of giving informed consent; therefore, by definition, their decision fails the second test of the informed consent doctrine (Applebaum, Lidz, & Meisel, 1987; Wadlington, 1983). Informed consent is an important consideration not only in medical situations but also in determination of whether an

adolescent charged with a crime should be allowed to waive his or her *Miranda* rights (Grisso, 1980).

Minors must be competent if they are to have the independent authority to make medical decisions, including those involving abortion and contraception (Scott, et al, 1995). However, the law does not prescribe precisely what capabilities make a teenager, but not a five-year-old, competent to decide about his/her custody when his/her parents divorce. Informed consent tests only serve as a general proxy of competence in evaluating adolescent decision making (Scott, et al, 1995).

Dusky v. United States

The United States Supreme Court in *Dusky v. United States* (1960) set forth the testing standards for determining competency to stand trial (Wong, 2002). This test determines whether the defendant demonstrates present ability to consult with an attorney. The defendant must demonstrate a reasonable degree of rational and factual understanding of the legal proceedings. To be considered competent to stand trial, the defendant must understand the criminal process, who the players are in the legal system, and contribute to his/her defense. Subsequently, the court expanded this test by adding the requirement that the defendant is able "to assist in preparing his defense" (*Drape v. United States*, 1985). All 50 states and the American Bar Association have adopted this test or some variation of it (Brakel, et al, 1985).

The defendant's current ability to understand consequences and make rational decisions is the focal point of evaluating for competency (Wong, 2002). Therefore, the defendant's state of mind when the offense was committed does not factor into a competency assessment. Reviewing the test to determine defendants' competency to

stand trial, and the difficulty of assessing juveniles' competency, illustrates the problem of treating juveniles as adults.

Bonnie (1992) cites that competence in the criminal process is best viewed as two related, but separable constructs: a foundational concept of competence to assist counsel and a contextualized concept of decision competence. Competence to stand trial has been identified by forensic psychologists as having three components. First, the functional element is what an individual is capable of doing and can understand and appreciate. Second, the causal element is the explanation or cause of the functional deficit (Bonnie, 1992). Finally, the interactive elements are the level of deficits relative to the demands of a given situation.

Adolescent Decision Making and Competency

Competency is a legal concept that can be formally determined only through legal proceedings (Appelbaum & Grisso, 1988). Since this can only be determined through a formal court hearing, it is the clinical examiner's role to gather the relevant information and decide whether an adjudication of competence is required. During the first 70 years of the juvenile court's history, an adult defendant's right to be competent to stand trial was not applied in the juvenile court (Grisso, et al, 1987).

There are three problems in applying the informed consent doctrine to adolescent decision making in legal situations (Scherer & Reppucci, 1988). First, in considering differences in age regarding the capacity to consent with competency or voluntarily, little empirical knowledge exists. Second, the term "competence" has never been clearly defined by law (Weithorn, 1984). The predominate legal standard for competency exists in the health care field. It emphasizes that the patient must have an "appreciation" of the

"nature, extent, and probable consequences of the conduct consented to" (Restatement (Second) of Torts Chapter 45, Section 892A (2), 1979). The law of torts governs civil liability to compensate for personal injury or other harm through money damages (Wadlington, 1983). The law of torts is still heavily rooted in judicial decision that provides legal precedents of application in future cases. Finally, legal definitions of maturity vary both between legal jurisdictions and between adjudicating individuals within the same jurisdiction (Weithorn, 1984).

Informed consent standards of legal competence, and the model based on these standards, focus on two aspects of cognitive functioning—capacity for reasoning and understanding (Scott, et al, 1995). Protective legal policies directed toward minors, however, are based not only on the presumption that adolescents differ from adults in these capacities. They are also based on choices, behaviors, and other decision making factors not included under an informed consent model, but which distinguish them developmentally from adults. For example, adolescents are presumed to be more susceptible to peer influences (*Lee v. Weisman,* 1992); to have a tendency to focus more on immediate rather than long-term consequences (Zimring, 1982); and to be less risk averse and thus more inclined to make risky choices than are adults (Gardner & Hermon, 1990).

Scott, et al (1995) proposed a model to compare adolescent and adult decision making that incorporates this broader range of factors –peer (and parental) influence, risk preference and perception, and temporal perspective—as well as those included under an informed consent model. Cauffman and Steinberg's (2000) findings give scientific credibility to the argument that juvenile offenders may warrant special treatment because

of diminished responsibility. They found that adolescents are less psychosocially mature than adults in ways that affect their decision making in anti-social situations. Specifically, adolescents score lower on measures of self-reliance and personal responsibility; have more difficulty restraining aggressive impulses; more difficulty seeing things in a long-term perspective; and are less likely to look at things from others' perspectives.

The courts have in mind something close to the factors Cauffman and Steinberg (2000) discovered in reading relevant rulings. American legal opinion refers to an individual maturity (or immaturity) of judgment. They believe these are similar to the psychosocial factors they discovered in their research. For example, in *Kent v. United States* (1966) the statutory criteria for waiver to adult court included such factors as the sophistication of the juvenile as determined by consideration of his home, environment, emotional attitude, and pattern of living.

Judges and policy makers are inclined to treat adolescents paternalistically. Kahneman, Slovic, and Tversky (1982) created an approach they call the judgment model. This view distinguishes adolescent decision making from that of adults. For developmental reasons, minors tend to use immature judgment and make "poor" choices. These choices may result in negative health or legal consequences.

Adolescents' Understanding of Trial-Related Information

Children function differently from adults within the court system (Cooper, 1997). Even when children's factual understanding is significantly increased by educational training, they still do not possess an understanding of the legal process necessary for competence to stand trial. Competence to stand trial cannot be presumed for juveniles, as it is for adults.

A study regarding juveniles' understanding of trial-related information conducted by Cooper (1997), suggests that a significant difference exits among the age groups in their performance on measures of competence. As expected, the scores for the 13-year-old children's pretest performance were substantially below that of the older children. However, the presumption that the 16-year-olds would perform substantially better than the three younger age groups was unsubstantiated. Only two of the 112 children participating in this study obtained scores on the measure at pretest (Cooper, 1997). These were above the cut score for competence. Under the assumption of competence, these children were already adjudicated by the juvenile court but were not competent according to *In re Causey* (1978).

Adolescent Immaturity

Zimring (1998) noted three characteristics in adolescents that explain why juveniles may be less culpable or responsible than adults for the same behaviors. First, adolescents may lack the necessary cognitive abilities to understand the moral content of commands and apply both legal and moral rules in social situations. Second, adolescents have a limited capacity to control impulsiveness. Third, many adolescents have not yet fully developed the ability to resist peer pressure. In attempting to try more juvenile offenders as adults, these characteristics that are unique to almost a quarter of the juvenile population are entirely discounted. These characteristics not only illuminate questions of culpability or responsibility, but when they are examined through the lens of developmental psychology, they demonstrate why a policy of transfer of juveniles to the adult court is not an effective deterrent for juveniles.

Most delinquent conduct is adolescent limited, meaning that young offenders will mature into useful citizens if they survive adolescence without ruining their life chances (Scott, 2000). Research has shown that criminal behavior is rare in early adolescence, peaks in mid-to late adolescence and declines abruptly after age seventeen (Moffit, 1993). Only a small group of young offenders will persist in a life of crime.

Trying Adolescents as Adults

The ethical obligation of mental health professionals to help courts, the media, and the general public understand that committing a serious crime does not make a child an adult (Beyer, 1997). Beyer states that those uninformed about child development have persuaded themselves that it is reasonable to punish 12, 13, 14, and 15 year-olds as if they were criminals. The Juvenile Justice Center states that just because a child commits a serious crime does not mean the child meets the requisite for competency to stand trial.

Zimring's (1998) framework for treating juvenile offenders includes two policy clusters for analyzing systems dealing with juvenile crime. The first cluster deals with diminished responsibility because of immaturity. This refers to factors that might weigh in a criminal lawyer's assessment of a juvenile offender's culpability or responsibility. The second cluster deals with the desire for juvenile offenders to reform. This deals with the way law responds to juveniles in the process of growing up. A systematic decision to transfer juveniles to the adult court rejects the idea that juveniles are treated differently by the law.

In considering juvenile's competency to stand trial, pre-institutionalization can be properly assessed by identifying juvenile offenders' amenability to treatment, therefore

preventing unnecessary transfers to adult court (Nurcombe & Partlett, 1994). Competency to stand trial is usually assessed through forensic evaluations. There are nine issues at stake in the forensic evaluation of juvenile delinquents: diagnosis; amenability to treatment; recommended disposition; dangerousness; waiver to adult court; competence to stand trial; competence to waive *Miranda* or due process rights; mental state at time of the offense; and mitigating factors.

The rehabilitative role of the juvenile court requires a more comprehensive forensic evaluation than required of adult defendants (Nurcombe & Partlett, 1994). However, *Dusky v. United States* (1960) enumerates a functional test that requires the defendant to be evaluated according to present functional ability or impairment to rationally assist legal counsel. More than just functional ability needs to be assessed in a forensic evaluation of juvenile offenders. In addition to evaluating competency to stand trial and mental state at the time of the offense, Wong (2002) recommended that the juvenile court should mandate that clinicians evaluate the offender's mental health. The juvenile court retains a rehabilitative role when they require a comprehensive evaluation and seek a composite treatment. The criminal court cannot provide that role.

Under the informed consent doctrine, tests of competence are designed to evaluate the process of decision making under a rational decision making model (Appelbaum & Grisso, 1988; Appelbaum, et al, 1987). Tests of competence under informed consent doctrine focus on the *process* of decision making and exclude emphasis on outcome (Appelbaum, et al, 1987). Legal standards tend to fall into one or more of four categories: "(1) to evidence a decision; (2) to actually understand the information about the treatment under consideration; (3) to engage in decision making in a rational way, with an

appreciation of the potential outcomes; or (4) to make a decision about treatment that is reasonable in itself" (p. 88). The ability to communicate one's choices is the most universal sign of competence. To assess a person's ability to remember information disclosed to them is best checked by asking them to paraphrase what they heard in their own words. Not only should the person comprehend certain information, but needs to have an understanding of what it means for them. For example, how will this affect my life (Appelbaum, et al, 1987)?

A rational manipulation of information is the ability to use logical processes to compare both the benefits and risks of various treatment options (Appelbaum, et al, 1987). This requires that a person has the ability to reach conclusions that are logically consistent with the beginning premises. Examiners should limit their influence of subjective elements by following a structured approach to questioning. There are four possible justifications for the application of competence to stand trial in juvenile delinquent proceedings in two general categories: legal and mental health (Grisso, et al, 1997). The mental health categories include protection from stress of duress and the provision of needed treatment.

In determining adolescent competence through risk assessment, the question must be asked, which offenders are most likely to recidivate and least likely to be rehabilitated (Feld, 1978; Redding, 1997)? Research on juvenile offending and recidivism patterns shows which juveniles pose the greatest threat to the community by recidivating and not responding to rehabilitative treatment (Redding, 1997). Serious offenders are best identified by their persistence rather than by the nature of their initial offense (Feld, 1987).

While numerous transfer laws are based on offense seriousness, this factor is not the best predictor of recidivism or rehabilitative potential (Redding, 1997). Many states mandate transfer for first-time violent offenders (Feld, 1987; Stevenson, et al, 1996). Even when transfer is discretionary, many of the juvenile transfers do not have an extensive prior record (Bortner, 1986). While seriousness of the offense is a strong predictor of transfer, it is a poor prediction of future criminality (Clear, 1988). The cumulative seriousness of all offenses, however, does predict recidivism (Stouthamer-Loeber & Loeber, 1988). Past behavior is the best predictor of future behavior.

The number of contacts with the juvenile justice system is a far better predictor of recidivism than is the seriousness of the first offense (Stevenson, et al, 1996). A small number of repeat offenders (who usually commit both minor and violent offenses) (Yoshikawa, 1994) are responsible for the most of the offenses committed by juveniles (Tracy, Wolfgang, & Figlio, 1990). Juveniles having five or more contacts with the juvenile justice system accounted for 61% of all juvenile offenses. A United States Department of Justice study of violent juvenile offenders in two large cities found that 75% to 82% of the violent offenses by juveniles were committed by chronic offenders (Howell, Krisberg, & Jones, 1995). These chronic offenders committed an average of 35 to 52 offenses each (Lacayo, 1994). These juveniles became the "career criminals" (Henggeler, 1989).

Adolescents and Procedural Safeguards

In re Gault (1967) involved the delinquency adjudication and institutional confinement of a youth who allegedly made a lewd telephone call of the "irritatingly offensive, adolescent, sex variety" (387 US at 4; Feld, 2000, p. 107). Feld (2000) best

summarized this case. Fifteen-year-old Gerald Gault was taken into custody by the police and detained overnight without parental notification. The following day he was required to appear at a juvenile court hearing. The probation officer stated that Gault was a delinquent minor needing the court's custody. While Gault was interrogated by the judge regarding the alleged telephone call, he apparently made incriminating responses. Gault was not advised of his right to remain silent or the right to counsel, nor was he provided an attorney. The judge returned Gault to a detention cell for several days after his hearing (Feld, 2000). At the dispositional hearing the following week, the judge committed Gault as a juvenile delinquent to the State Industrial School until he turned 21.

When juvenile courts were originally envisioned, they were intended to be non adversarial with representation by counsel or with counsel fulfilling a dramatically different role than that of counsel in a criminal proceeding (Ellis & Luckasson, 1985). The goal was always treatment for the juvenile, not punishment. Determining competency to stand trial was incongruous to the system. *In re Gault* (1967) the United States Supreme Court recognized that an accused is entitled to due process protection in juvenile delinquency proceedings (Cowden & McKee, 1995). Due process mandates that a juvenile respondent be afforded a right to counsel and reasonable opportunity to prepare a defense.

Procedural safeguards were mandated by the Court for juveniles charged with crimes and facing confinement (Feld, 2000). The Court mandated elementary procedural safeguards. These safeguards include: advance notice of charges; a fair and impartial hearing; assistance of counsel; an opportunity to confront and cross-examine witnesses; and the privilege against self-incrimination. If Gault had been convicted as an adult, a

criminal court judge could have sentenced him to a maximum of a fifty-dollar fine or up to two months imprisonment. The Supreme Court stated in *Gault,*

> There is no material difference in this respect between adult and juvenile proceedings of the sort here involved. In adult proceedings, this contention has been foreclosed by decision of this Court. A proceeding where the issue is whether the child will be found to be `delinquent' and subjected to the loss of his liberty for years is comparable in seriousness to a felony prosecution. The juvenile needs the assistance of counsel to cope with problems of law, to make skilled inquiry into the facts, to insist upon regularity of proceedings, and to ascertain whether he has a defense, and to prepare and submit it (387 U.S. 1, 1967).

The legal system has historically viewed children as immature and lacking the same capacity as adults (Woolard, et al, 1996). When compared to adults, children are less reliable witnesses, less capable of making informed decisions, and less deserving of punishment for illegal acts. An example of this was found in *Parham v. J.S.* (1979). Children do not have a constitutional right to challenge their civil commitment. The Supreme Court reported that even in adolescence, most children are not able to make sound judgments. The Court is showing more ambivalence regarding children's capacities. In *Thompson v. Oklahoma* (1988) the Court decided it was unconstitutional to execute juveniles under the age of 16. They found that adolescents are less mature and responsible than adults. However, one year later, in *Stanford v. Kentucky* (1989) the Court upheld the death penalty for juveniles 16 and older.

Over the last decade, United States policy makers have called for significant changes in law and social policy that challenge the historical existence of the juvenile justice system that rests on the developmental assumption that juveniles are different than adults (Griffin, et al, 1999). In response to growing fears about violent juvenile crime, many politicians and policy-makers have called for lowering the age at which juveniles can be transferred to adult court and exposed to the adult criminal system. What has been considered the jurisdictional boundary with the age firmly fixed at 17 or 18, has been lowered. In many states, 14 or even younger is the lower age limit for criminal prosecution (Griffin, et al, 1999). Some states no longer even have an age limit.

As society tries to combat child maltreatment and juvenile violence, the issue of children's capacity has taken on increased importance (Woolard, et al, 1996). It has been said that the law is "policy analysis without benefit of theory," but Saks' (1989) view is that the principal problem is policy analysis without benefit of data (p. 1110). Saks believes that contextually relevant research has the potential to change the state of affairs. Developmental and community psychologists have an impact on law and policy, specifically by conducting contextually relevant research on children's capacities.

In this chapter, pertinent literature to key areas was addressed. Adolescence was defined followed by ways that adolescents differ from adults, and problematic adolescent development. How adolescents are treated differently from adults in the juvenile justice system and the history of juvenile justice were explored. The issue of prosecuting adolescents as adults was presented. The final section addressed adolescents and their legal rights, including Court decisions affecting those rights.

Chapter Three presents the methodology for the research project featuring the research designs selected, the research methodology for both quantitative and qualitative components, the instrumentation and measures, details on the factorial survey approach, variables, and both internal and external validity. Additionally, statistical and data processing procedures are presented. Chapter Three lays the groundwork for the actual research.

Chapter Three: Methodology

Introduction

Prior to California passing Proposition 21 in 2000, judges decided whether or not juvenile offenders' cases were moved to adult court for serious crimes ("Proposition 21," 2000). This legislation shifted the power from judges to prosecutors. Proposition 21 requires adult trials for juveniles 14-years-old or older charged with murder or specified sex offenses. Confidentiality laws regarding juvenile offenders have also changed. Proposition 21 prohibits the sealing of juvenile court records for violent crimes. Proposition 21 also toughens punishment of gang-related crimes and expands the Three-Strikes law for juveniles and adults.

One of the most controversial aspects of this initiative, codified as the Welfare and Institutions Code Section § 707(d) (McKee, 2002), is the change in power from judges to prosecutors. Since the passing of this initiative, what has happened to youth in California's juvenile justice system? Although there are many statistics available, exactly how does a prosecuting attorney make this important decision? Because of the political

nature of a district attorney's position, this decision making process is difficult to determine.

Challenges of "Real-life" Judgments

Many factors can contribute to a district attorney's decision to prosecute a juvenile offender as an adult in criminal court (Allen, et al, 1990; Baumrind, 1987; Benthin, et al, 1993; Beyer, 1997; Bonnie & Grisso, 1000; Cauffman & Steinberg, 1995; 2000; Fischoff, 1992; Graber & Peterson, 1991; Hertzig, 1983; Lerner & Galambos, 1998; Moffit, 1993; Nurcombe & Partlett, 1994; Woolard & Reppucci, 1996). To most effectively determine what role a district attorney's understanding of adolescent development plays in his/her decision, multiple factors need to be compared. As mentioned in, *Measuring Social Judgments: The Factorial Survey Approach* (Rossi & Anderson, 1982), the most appropriate data for researchers would be "real-life" judgments. For example, it would be ideal to observe a juvenile who is initially booked in juvenile hall for a violent or heinous crime and note all the factors that determine whether the juvenile would be tried as an adult or a juvenile. Although this method would be relevant, there are several challenges of using "real-life" judgments.

The first challenge of using real-life judgments is the pressure placed on California's district attorneys to prosecute juveniles as adults since the passing of Proposition 21 in 2000. It would be impossible to distinguish all the variables a district attorney considers in a short amount of time simply by observing. Plus, one would need multiple usable observations about decisions by district attorneys to discover the underlying complex layers.

The second challenge of using real-life judgments to try adolescents as adults is cases requiring a district attorney's decision to try a juvenile as an adult are fairly rare events. The majority of district attorneys' cases involve trying adults, not making decisions about juveniles being tried as adults. Sacramento District Attorney, Jan Scully reported that in 1999, 308 juveniles were arrested for murder in California (Rovella, 2000). One would have to observe many cases that do not involve juveniles in hopes of finding a researchable case. The Office of the Attorney General reports in its *California Criminal Justice Profiles*, crime trend data for the most recent 10 years ("California Criminal," 2005). In 2005, 218,779 juveniles were arrested statewide in California. One-hundred eighty-five juveniles were arrested for homicide in 2005 ("California Criminal, 2005). Juvenile cases eligible to be tried in adult court could be few and far between.

A final challenge of real-life judgments is that they are constrained by confidentiality factors. It would be impossible to obtain parental permission in advance unless the parents knew about the juvenile's eminent violent act. By the time a juvenile is booked in juvenile hall, and parental permission is obtained, a district attorney could have already made a decision leaving yet another unobservable case. Additionally, for those juveniles who are considered for adult court and the decision is subsequently made that they remain in juvenile court, their juvenile records are sealed until adulthood (confidential source, personal communication, June 17, 2005); therefore, making these records inaccessible. These three factors argue against using real-life judgments. With the complexity of using real-life judgments, another method must be found. This study will help answer the question of what legal and adolescent development factors determine

whether district attorneys decide to try juveniles as adults using a Likert Scale of 18 factors.

The Research Methodology

The research question was, "What impact does the understanding of adolescent development have on California's district attorneys' decisions to try juveniles as adults in criminal court?" The study included both quantitative and qualitative research methods to answer the research question. The quantitative quasi-experimental design component used a survey. The qualitative component included triangulation of the qualitative interpretation of the survey, interviews, and document analyses. The quantitative methodology will be explained first, followed by the qualitative methodology.

Quantitative Research Methodology: The Hypothesis

The hypotheses was, California's District Attorneys', Assistant District Attorneys', Chief Deputy District Attorneys', and Deputy District Attorneys' decisions under the Welfare and Institutions Code Section § 707(d) Direct File proceedings during the Spring 2006 whether to try a juvenile offender an as adult in criminal court or in juvenile court will be based on legal factors not adolescent development factors.

Whether a juvenile is tried in juvenile court or in adult criminal court is the dependent variable. There are 18 independent variables selected by the researcher from about 40 possible independent variables. The first five independent variables were the requirements under Welfare and Institutions Code Section § 707(d) direct file that an attorney must legally consider in making the decision to try a juvenile as an adult. The

remaining 13 independent variables were the factors selected by the researcher about adolescent development (Table 3).

Table 3

Independent variables

Independent Variables: Required by Law Under 707(d) Direct File	Independent Variables: About Adolescent Development
1. Minor's degree of criminal sophistication	1. Minor's age at time of the alleged offense
2. Whether the minor can be rehabilitated prior to the expiration of the juvenile court's jurisdiction	2. Neurological deficits that affect the minor's temperament and behavior
3. The minor's previous delinquent history	3. Minor's cognitive (intellectual) development and metacognition (analytical) abilities
4. Success of previous attempts by the juvenile court to rehabilitate the minor	4. Minor's risky behavior is considered adolescent experimentation
5. The circumstances and gravity of the offense alleged in the petition to have been committed by the minor	5. Minor's belief that his/her behavior is not governed by the same rules that apply to everyone else
	6. Minor's decision making skills
	7. Minor's maturity of judgment

	8. Minor's psychological maturity
	9. Minor's limited capacity to control impulsiveness
	10. Minor's ability to resist peer pressure is not fully developed
	11. Minor's risky decision making due to poor logical reasoning abilities
	12. Minor's potential physical and/or psychological harm from incarceration in adult facility
	13. Minors understanding of trial related information

A list of all the possible independent variables was generated. Twenty-two factors came from the article, *More Than Meets the Eye: Rethinking Assessment, Competency and Sentencing for a Harsher Era of Juvenile Justice* (Beyer, 1997). Another 21 factors came from the literature review. Those were added to the legal requirements for Welfare and Institutions Code Section § 707(d) creating a total of 48 possible independent variables or factors. Then similar factors were grouped together for better clarity. For example, the five different purposes of the crime were grouped together.

Background and demographic information on the district attorneys was included on the survey. Demographics collected included: age, gender, heritage/ethnicity, marital status, number of children, ages of children, number of years as an attorney, number of years in a district attorney's office, and county/city. The control variables included: attorneys' gender, ethnicity/heritage, and martial status. The intervening variables included: whether or not the attorney is a parent, ages of children (if applicable), number of years as an attorney, and number of years in the district attorney's office.

Population and Sample

The population for this study was California's 58 counties and four cities with district attorney divisions which were identified through the California District Attorney's Association (CDAA) (2005), which has been in existence for over 90 years with 2,500 members headquartered in Sacramento. CDAA provides legislative advocacy for its membership and a forum for the exchange of information. The association also serves as a source of continuing legal education and innovation in the criminal justice field.

The specific parameters that defined the population were the titles of District Attorney, Assistant District Attorney, Chief Deputy District Attorney, or Deputy District Attorney in the district attorney's office (confidential source, personal communication, June 17, 2005). This provided sample homogeneity since the participants were uniform in structure. The sample heterogeneity was represented in the number of years the respondent had been an attorney; the number of years served in a district attorney's office; and the size of the county.

The population was divided into small, medium, and large counties/cities. The number of counties corresponded with the percentage of counties for each of the three groups. For example, if 35% of the counties were large, then 35% of the sample population was from large counties. This way the sample population reflected the population proportionately. The sample was selected from the population through cluster sampling. Approximately one-fourth of the 58 counties were randomly selected. Each of the three group sizes was sorted by size.

A random number generator was used to determine which counties were selected from each of the three groups. District attorneys and the attorneys who work under their

leadership, included Assistant District Attorneys, Chief Deputy District Attorneys, or Deputy District Attorneys, in the randomly selected programs were given the opportunity to participate in the survey during Spring 2006. This was considered a dense sampling since the population covered the majority of a population and was used for small populations under study. In this case, the actual number of respondents served as the sample.

An E-mail request was sent to potential participants asking if they would be willing to complete a five to ten minute survey about their decision making regarding juvenile offenders. In this request, participants were informed about the nature of the study, ability to withdraw, right to privacy and confidentiality, voluntary participation, and time commitment.

Because of the number of possible survey respondents, this sampling was referred to as a random cluster sampling. Cluster sampling is a naturally occurring group of individuals (Gall, Gall, & Borg, 2003). Because of the sample population criteria, generalizations can be made beyond the population surveyed during the spring of 2006 to the entire parent population.

The Instrument

This Type 3 basic factorial design was found in *Measuring Social Judgments: The Factorial Survey Approach*, edited by Berk and Rossi (1982). The book, *Just Punishments* (Rossi & Berk, 1997), included a more recent study that used the factorial survey approach method in detail.

When the researcher determined the effects of two or more independent variables, individually and with each other, on a dependent variable, this was called a factorial experiment (Gall, et al, 2003). The main effect was the combined effect of each independent variable on the dependent variable. An interaction effect was the interaction of the effect of two or more independent variables on the dependent variable. The survey determined which factors were most important in district attorneys' decisions to try adolescents as adults in criminal court under the provision of the Welfare and Institutions Code Section § 707(d).

Gall, et al, (2003) further explain that creating a design and analysis for factorial experiments is complicated. There are many factorial designs to choose from based on various conditions, such as: the number of independent variables; whether the variables were fixed or random; whether there were treatments groups; or if participants were assigned to more than one treatment. In this case, there were 18 fixed independent variables and three groups based on the counties' sizes.

To create the survey instrument, a list of factors that district attorneys could consider in deciding to try an adolescent as an adult in criminal court was generated. The first five factors were legal factors required by law under Welfare and Institutions Code Section § 707(d). Ideally it would be best if all 48 factors could be compared, but this created a questionnaire that was lengthy. Eighteen variables were selected based on the number of questions generated that seemed reasonable to ask participants to answer. The first five variables were the ones required by Welfare and Institutions Code Section § 707(d). Another 13 factors about adolescent development were selected by the researcher based on the factor's strength from the literature review.

> A pilot study respondent commented on the wording of the survey factors. Attorneys will default to the statutory requirements every time. Also, the comparison of language the attorney [reads] all the time (legal jargon) versus the child development language (which is probably foreign to the attorney) will result in the attorney choosing that which is familiar rather than requiring the participant to think about the choices (confidential source, personal communication, October 28, 2005).

The recommendation was that legal jargon be replaced to cause respondents to give more reflective answers.

The survey instrument was generated by listing all 18 factors. Then a Likert Scale was created using a 1-4 number rating as follows: 1 – not important; 2 – somewhat important; 3 – important; and 4 – very important. The order of the factors was determined by the researcher to ensure that similar factors were not listed next to each other and the legal factors were dispersed throughout the 18 factors. The questions were then formatted for respondents to complete on the computer via an attachment. Refer to Appendix A for the complete survey.

Data Collection

The design of the study and the feasibility of the factorial survey approach as a data collection method were tested during the pilot study using six professionals who were interviewed by the researcher as part of the literature review. These included three district attorneys, a retired probation officer, a law history professor, and a juvenile hall supervisor. These participants were selected based on convenience and the assumption that participants had some legal background and interest in the research.

Pilot. The survey was piloted by volunteers in the instructor's CLDV 29 Child Growth and Development classes at Merced College during the fall of 2005 and the above mentioned professionals. Twelve students volunteered to complete the survey and timed how long it took them to complete it. Pilot participants were encouraged to make any suggestions, editions, and/or deletions, especially dealing with legal terminology and information about adolescent development. The first pilot study showed that the survey was too long and revised. Another shorter survey was then created, followed by another pilot study.

Three professionals critiqued the revised pilot study. Several important changes were suggested by the professional contacts. Lyn Bettencourt, (personal communication, November 30, 2005) a retired probation officer and current private investigator, suggested adding a factor about the minor's potential to become more hardened and a greater threat to the community from incarceration in an adult facility since this was an issue for some district attorneys. He also suggested adding in the adolescent development knowledge question an option stating that he/she learned about child and/or adolescent development on the job as part of case preparation and witness testimony. Dr. David Tannenhaus (personal communication, November 30, 2005), Professor of Law and History at University of Nevada, Las Vegas (UNLV), suggested adding whether the minor acted alone or was part of a group.

Participants. Potential participants were contacted via E-mail and invited to participate in the study. Respondents who indicated their willingness to participate in the study were ensured confidentiality as participants were assigned numbers as opposed to using participants' names. Only the researcher was aware of actual participants.

Respondents were E-mailed a survey as an attachment. The survey was completed electronically. Participants also had the option to print out their survey and return it via regular mail. Those who did not return their surveys within one month were sent a follow-up letter via E-mail with a second survey. If the participant still did not respond, he/she was contacted by phone to encourage survey completion.

Data Analysis

The data were entered into Excel, version 2002. First, descriptive statistics were computed for each survey question and for groups representing combinations of factors, such as the legal factors and the behavioral factors. Descriptive statistics included the mean, median, mode, and standard deviation. The data were coded for size of program, type of attorney, and total scores from the 18 survey questions which ranged from 18 (if each factor was assigned a 1) to 72 (if each factor was assigned a 4). Each of the 18 survey questions was also coded.

Attorneys were also grouped according to demographics, including attorneys who are parents of adolescents and/or adult children compared to those with no children or younger children. Attorneys were also grouped according to their years of experience in a district attorney's office.

Analysis of variance (ANOVA) was used to calculate the differences between the three county size groups. This showed how the factors differed in and of themselves by using the ANOVA. The inferential statistic is called the "F Ratio" (Gall, et al, 2003). The F Ratio is the average of the between group variability divided by the combined variability of each group. The between group variability needs to be large to get a

significant F value. One way ANOVA was calculated because all values were independent, random variables, normally distributed with equal variances.

Groups of factors were then created and scored. This generated a composite score. For example, all the legal factors were grouped together and analyzed. Other groupings included: cognitive factors; behavioral factors; psychological factors; and decision making and judgment factors. Table 4 lists the factors by groups. Note that only one of the 18 factors is not included in a grouping since there was only a single factor regarding age. The composite scores for small, medium, and large counties were also compared using ANOVA.

To determine the content validity, the researcher examined the extent to which the measures adequately represent the concepts by checking previous work done in the subject area and asking three experts in the subject area. Two books that used the vignette methodology, *Measuring Social Judgments: The Factorial Survey Approach* (Rossi & Nock, 1982) and *Just Punishments* (Rossi & Berk, 1997) were used as resources. If the interviewer or survey questions ask the appropriate kinds of questions to measure the desired outcomes under investigation, this is known as internal consistency (Gall, et al, 2003).

Table 4

Survey factors by groups with survey question number

Legal Factors	Cognitive Factors	Behavioral Factors	Psychological Factors	Decision Making and Judgment Factors
Minor's degree of criminal	Neurological deficits that	Minor's limited capacity to	Minor's belief that his/her	Minor's risky decision

sophistication in alleged offense (#9)	affect the minor's temperament and behavior (#11)	control impulsiveness (#17)	behavior is not governed by the same rules that apply to everyone else (#13)	making due to poor logical reasoning abilities (#10)
Whether the minor can be rehabilitated prior to the expiration of the juvenile court's jurisdiction (#12)	Minor's understanding of trial related information (#16)	Minor's ability to resist peer pressure is not fully developed (#24)	Minor's psychological maturity (#21)	Minor's decision making skills (#14)
Minor's previous delinquent history (#15)	Minor's cognitive (intellectual) development and metacognition (analytical) abilities (#19)	Minor's risky behavior is considered adolescent experimentation (#25)	Minor's potential physical and/or psychological harm from incarceration in adult facility (#26)	Minor's maturity of judgment (#23)
Success of previous attempts by the juvenile court to rehabilitate the minor (#18)				
Circumstances and gravity of the offense alleged in the petition to have been committed by the minor (#20)				
Minor's age at time of the alleged offense (#22)				

Internal validity was ensured by the content of the literature review and expert judgment, which included an interview with a juvenile probation manager, E-mail correspondence with experts in the field, phone calls to local district attorneys' offices, two district attorney interviews, and one interview with a university law history professor.

The calculated correlations and coefficients provided criteria validity. Construct validity was also measured by the correlation and coefficients in addition to the known group validity and factor analysis. Based on content, criterion and construct validity, the study met the criteria for internal validity.

External validity was also assessed. A pilot study was administered to three professionals using the same testing procedures that would be used in the study and revised based on input from those who completed the survey. Multiple treatment interference or selection treatment interaction was not a threat to external validity because the participants did not receive any treatments so there was no chance of treatment interaction, such as in a medical experiment. Specificity of variables could be a threat to external validity when the variables are not adequately described or operationally define, too specific, too broad, or difficult to replicate (Gall, et al, 2003). This threat was minimized by carefully defined variables. They were also defined so that the variable meaning extended beyond the setting in which the study was conducted.

Qualitative Research Methodology

This exploratory study used qualitative data collection. Methods were individual interviews and document analyses. Qualitative methods permitted investigation into chosen issues in great intensity with careful attention to detail, context, and nuance

(Patton, 2002). Qualitative research made it possible to gauge the reactions of multiple participants to a limited set of questions. This was considered an emic approach because the researcher was giving an insider's perspective.

The Sample

Respondents of the quantitative survey were given the option to participate in a fifteen minute follow-up phone interview. The interview generally took place one month after survey completion. The interview provided additional knowledge about the district attorney's decision making process of trying adolescents as adults without the need to follow real-life adolescent cases. Each respondent was contacted to arrange a phone interview time. During the phone interview, all the questions were open-ended which allowed the respondent greater flexibility in answering. The last question included a vignette where the attorney was asked if he/she would choose to prosecute the minor as an adult or as a juvenile and why. The vignette was sent via an E-mail attachment prior to the interview so that the interviewee could actually read it before the interview in order to make a decision rather than just hearing it over the phone.

Data Collection

Interview questions were developed from the quantitative survey results. Based on respondents' survey answers, questions focused on answering the research questions, particularly as they related to an attorney's understanding of adolescent development. Additionally, trends in survey results generated questions requiring attorneys to give specific examples from their experiences in the juvenile justice system. The interviews

also gave an opportunity to gain insight from attorneys about their opinions about the effectiveness of Proposition 21 and what they saw as the future trends in California's juvenile justice system. The list of follow-up phone interview questions is located in Appendix B.

The interviewees were selected from those who volunteered to participate in an interview on the completed the quantitative survey. Interviewees were from small, medium, and large counties, had various years of experience, and were at various parenting stages. This gave the researcher a strong handle on what "real-life" was like (Miles & Huberman, 1994). This confidence was supported by local groundedness, meaning data were collected in close proximity to the respondents' surveys. The emphasis was on the attorney's "lived experiences" regarding Proposition 21.

Interview questions asked for respondent's opinions, values, and knowledge about Proposition 21. The interviewer did not use "why?" questions (except for the vignette) since this could cause participants to feel their answers were inappropriate or that they needed to justify their responses. The time frame of questions addressed both present practices and beliefs about the future direction of the juvenile justice system. The sequencing of questions and asking questions singularly was also considered. Since the interviews were with attorneys, careful clarity and wording was used by incorporating legal terminology and wording.

In qualitative research, the researcher is the instrument. This factor was critical in determining reliability. Patton (2002) reminds researchers that the interviewer is responsible for the quality of information obtained during the interview. The interviewer must establish rapport with the interviewees while not undermining the researcher's

neutrality. The interviewer alerted participants to what is about to be asked by using prefatory statements, such as, "We've looked at the affects of Proposition 21, let's transition to the future." Probes and follow-up questions were used as needed. At the end of the interviews, the interviewer asked if there was anything else they wanted to add. This gave interviewees a chance to add information they may have previously omitted but believed was important.

Per interviewee's permission, all interviews were recorded using a mini-cassette tape recorder in conjunction with a speaker phone. The interviews took place by phone via prearranged interview times scheduled by a secretary or E-mail. Although the interviewer intended to tape record all interviews, the interviewer took notes. After the interviews were transcribed, each interviewee was given the opportunity to examine his/her interview transcript as a member check (Yin, 2003).

Data Analysis

There were three reasons this qualitative data were powerful according to Miles and Huberman (1994). Qualitative data is often "advocated as the best strategy for discovery, exploring a new area, developing hypotheses" (p. 10). Second, the qualitative data had strong potential for testing the hypotheses. And third, it was useful when qualitative data gathered from the same setting supplemented, validated, explained, illuminated or reinterpreted the quantitative data (Miles & Huberman, 1994). In carefully analyzing data objectively, one must ask, "How likely is it that if someone else did exactly what the researcher did, that they would come up with the same results?"

Criteria by Miles and Huberman (1994) was used to analyze the qualitative data, including gathering field notes through the interviewees' transcripts, affixing codes to the

field notes, and writing reflections or comments in the margins. Sorting through the materials to identify similar phrases and discovering the relationships between variables, patterns, themes, differences between sub groups, and common sequences were all part of the data analysis.

The third source of data collection was field notes. The typed field notes based on the interviews were converted into write-ups (Miles & Huberman, 1994). A write-up could be read, edited for accuracy, commented on, coded, and analyzed. The researcher paused and reflected on the write-ups after each interview. A written contact summary sheet focused and summarized questions about the field contact (Appendix D).

To help clarify and summarize documents, document summary forms (Appendix E) were completed (Miles & Huberman, 1994). These forms were used to put the documents in context, explain their significance, and give summaries. They were coded for later analysis. One challenge of compiling documents was the multiplicity of data sources and formats. Conceptual frameworks and research questions helped guard against the overload of information piles.

Data collection was a selection process. The researcher was careful to code the pieces that mattered most for the study (Miles & Huberman, 1994). Codes are tags or labels for assigning units of meaning to the descriptive information compiled during a study. Codes changed and developed as the field experience continued. All codes needed clear operational definitions.

Miles and Huberman's (1994) view of qualitative analysis includes three concurrent flows of activity: data reduction, data display, and conclusion drawing or verification. Data reduction is the "process of selecting, focusing, simplifying,

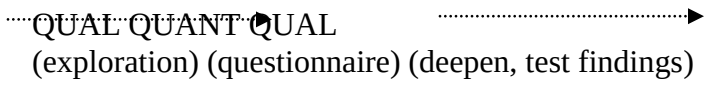
abstracting, and transforming the data" (Miles & Huberman, 1994, p. 10). Data display is an organized and compressed gathering of information that allows conclusions to be drawn. Finally, the conclusions to be drawn and verified are deciding what things mean, such as regularities, patterns, explanations, configurations, causal flows, and propositions.

Part of the strength of this study came from linking quantitative and qualitative data. Green, Caracelli, and Graham (1989) proposed that mixed studies could expand the score and breadth by using different methods in different components. Firestone (1987) suggests that while quantitative studies can "persuade" the reader by using established procedures that lead to results, qualitative research "persuades" through rich descriptive and strategic comparisons across cases.

The researcher selected Design 3 for this study. Design 3 alternates the two kinds of data collection, both quantitative and qualitative as diagrammed in Figure 1 (Miles & Huberman, 1994). The researcher began with exploring fieldwork by completing five interviews with professionals in the field, including a law and history professor, chief deputy district attorney, deputy district attorney, retired probation officer, and probation manager. Then the quantitative survey was developed. The quantitative questionnaire was deepened and tested systematically with the qualitative interviews and document analysis. Both quantitative and qualitative data were productive for the purposes of explanations, confirmations, and testing hypotheses. For this research, the triangulation method used was defined as, discovering the consistency of the findings through different data collection methods (Patton, 2002).

Figure 1

Design 3



Summary

Chapter Three began by stating the challenges of using "real-life" judgments. The research methodology for the quantitative component was explained, including the population, sample, and survey instrument. Then the methodology for the qualitative component was addressed, including respondents' interviews and document analysis. Chapter Four is a presentation of the data which leads readers to the final chapter.

Chapter Four: Results

A decision to take a harder line on juvenile crime was made in California on March 7, 2000, when voters passed Proposition 21 (Opatrny, 1999) by a 62% majority vote and it became law ("California Shifts," 2000). Deputy Executive Director of the California District Attorneys Association (CDAA), David LaBahn, co-sponsored the ballot measure with former Governor Pete Wilson (Opatrny, 1999). Their aim was to remove violent offenders from the juvenile court system and provide more resources for

handling less serious juvenile defendants. This initiative is thought to be one of the most significant tough-on-crime proposals since the passing of Three–Strikes in 1994.

This referendum dramatically changed what would happen to juvenile offenders, and who would make that decision. The law toughened the state's juvenile justice system and allowed prosecutors to charge teenagers as adults, without going before a judge. Overall, this was a "get tough-on-crime" initiative (Beiser & Solheim, 2000).

Proposition 21 was codified as Welfare and Institutions Code Section § 707(d) (McKee, 2002). The new code allowed prosecutors to file a broad range of felony charges against minors 14 years and older without first having a juvenile judge declare them unfit for juvenile court. Prosecutors can file charges against minors 14 years of age and older directly in the criminal division of the superior court, rather than in the juvenile division of that court. Proposition 21 mandated that juveniles 14 and older who are charged by district attorneys with first-degree murder, attempted murder, or the most severe sex offenses be tried as adults (Rovella, 2000).

The research question posed for this study in light of Proposition 21 was, "What impact does the understanding of adolescent development have on California's district attorneys' decisions to try juveniles as adults in criminal court?" The study included both quantitative and qualitative research methods to answer the research question. The quantitative quasi-experimental design component used a survey. The qualitative component included triangulation of the qualitative interpretation of the survey, follow-up telephone interviews, and document analyses of county web pages, mission statements, and news articles located in the respondents' counties.

Quantitative Research Methodology: The Hypothesis

The hypotheses was, California's District Attorneys', Assistant District Attorneys', Chief Deputy District Attorneys', and Deputy District Attorneys' decisions under the Welfare and Institutions Code Section § 707(d) Direct File proceedings during the Spring 2006 whether to try a juvenile offender an as adult in criminal court or in juvenile court will be based on legal factors not adolescent development factors.

The population for the survey part of the study was the 58 California counties with district attorney divisions, which were identified through the California District Attorney's Association (California District Attorney's Association, 2005). The CDAA headquartered in Sacramento has been in existence for over 90 years and presently has about 2,500 members. This professional organization provides legislative advocacy for its membership and a forum for the exchange of information. The association also serves as a source of continuing legal education and innovation in the criminal justice field.

The specific parameters that defined the study's population included a variety of professional titles commonly used in District Attorney's Offices. The titles included: District Attorney, Assistant District Attorney, Chief Deputy District Attorney, or Deputy District Attorney in the district attorney offices (confidential source, personal communication, June 17, 2005). In addition to the above mentioned titles, one survey respondent's title was Managing Deputy District Attorney.

County populations. A list of county populations was obtained from the Real Estate Center at Texas A & M University ("Real Estate," 2002). The county populations were ranked by size from the smallest county to the largest county. The natural population breaks were divided into three groups (Table 5). Los Angeles County was eliminated from the study because of its vast difference in size. Los Angeles County's

population is over three times larger than any other county in California. The Los Angeles County District Attorney Office is the largest prosecuting agency in the United States (Los Angeles County District Attorney's Office, 2006**)** and therefore was eliminated from the population since it has more attorneys than most of the counties combined.

Table 5

California counties' population by size

Small Sized Counties, Under 100,000

1. Alpine	1,190
2. Sierra	3,490
3. Modoc	9,599
4. Mono	12,766
5. Trinity	13,671
6. Mariposa	18,003
7. Inyo	18,244
8. Colusa	20,339

9. Plumas	21,359
10. Glenn	27,488
11. Del Norte	28,351
12. Lassen	34,661
13. Amador	37,837
14. Siskiyou	44,891
15. Calaveras	45,939
16. San Benito	56,243
17. Tuolumne	56,962
18. Tehama	60,075
19. Lake	64,446
20. Yuba	64,631
21. Sutter	86,760
22. Mendocino	88,551
23. Nevada	97,660

Medium-sized Counties, 100,001 to 1 Million

24. Humboldt	128,529
25. Napa	132,339
26. Madera	138,951
27. Kings	142,561
28. Imperial	152,448
29. El Dorado	172,889
30. Shasta	177,816
31. Yolo	184,364
32. Butte	212,968
33. Merced	237,005
34. Marin	246,045
35. Santa Clara	250,633
36. Santa Cruz	250,633
37. San Luis Obispo	254,566
38. Placer	307,004
39. Tulare	401,502
40. Santa Barbara	401,851
41. Solano	412,970
42. Monterey	414,629
43. Sonoma	468,450
44. Stanislaus	498,355
45. San Joaquin	649,868
46. San Mateo	699,216
47. Kern	734,846
48. San Francisco	744,230

49. Ventura	797,699
50. Fresno	866,772

Large-sized Counties, Over 1 Million

51. Contra Costa	1,009,144
52. Sacramento	1,352,445
53. Alameda	1,455236
54. Riverside	1,871,950
55. San Bernardino	1,921,131
56. San Diego	2,931,714
57. Orange	2,987,591

Eliminated from Population Sample

58. Los Angeles	9,937,739

("Real Estate," 2002).

One-fourth of the remaining 57 counties were randomly selected from each of the three group's corresponding percentage of counties. The small population consisted of 23 counties with populations of fewer than 100,000, which generated 40% of the overall population. Twenty-seven counties had a medium-sized population from 100,001 to 1 million, which generated 47% of the overall population. The large group population included seven counties over one million, representing 13% of the sample population.

A quantitative survey was developed using a list of 48 possible independent variables. The first five independent variables were taken directly from the Welfare and Institutions Code Section § 707(d) Direct File that an attorney must legally consider in deciding to try a juvenile as an adult in criminal court or as a minor in juvenile court. Thirteen other factors were selected by the researcher from the list of 43 factors generated from the literature review for a total of 18 variables. The factors that most closely

represented issues related to Proposition 21 and adolescent development were selected for the purposes of this study.

Background and demographic information on the survey included: gender, marital status, heritage/ethnicity, number of children, ages of children, number of years as an attorney, number of years in a district attorney's office, and county for a total of eight questions. The control variables were: attorneys' gender, ethnicity/heritage, and martial status. The intervening variables included: whether or not the attorney was a parent, ages of children (if applicable), number of years as an attorney, and number of years in the district attorney's office. The survey was piloted and revised. Then the survey was reviewed again by three professionals in related criminal justice fields and finalized.

The sample was selected from the population through cluster sampling. Approximately one-fourth of the 57 counties were randomly selected. The population was divided into small, medium, and large counties. Each of the three group sizes were sorted by size. A random number generator was used to determine which counties were selected from each of the three groups. The number of counties corresponded with the percentage of counties for each of the three groups. This was considered a dense sampling since the population covered the majority of a population and was used for small populations under study. In this case, the actual number of respondents served as the sample.

Contact information was obtained through the California District Attorneys Association web site (2005). Permission for attorneys to participate in the survey was obtained from the decision-maker in each county. Then an E-mail request was sent to potential participants asking if they would be willing to complete an 18-question survey

about Proposition 21 and adolescent development. The participants were notified that the Likert Scale survey would take less than 10 minutes to complete. Participants were also informed about the nature of the study, right to privacy and confidentiality, voluntary participation, and time commitment. Potential participants were also notified that they would have the optional opportunity to participate in a 15 minute follow-up telephone interview.

Counties' participation. A total of 26 counties were contacted to request their participation in the study. Fourteen counties chose not to participate: 11 counties stated specific reasons for not participating; while three counties did not give a response, but after 16 weeks of persistent contact, were added to the "no" category by default. Seventy-nine contact attempts were made on behalf of the researcher for an average of 5.64 contacts per county (Figure 2). The average length of time from initial contact to a no decision or decision by default was 5.82 weeks. The shortest contact time was three-and-a-half days while the longest contact time was 16 weeks.

Figure 2

Contact data from counties that chose not to participate

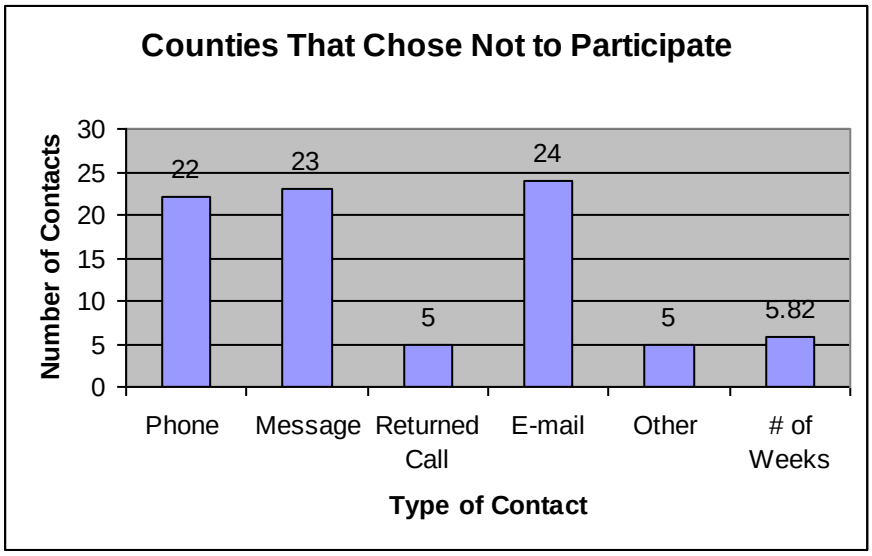


Figure 2 depicts the number of contacts made via E-mails, phone messages, and speaking directly to someone. Three counties requested a faxed request letter in order to make a decision. One large county was contacted via E-mail on behalf of the researcher by someone who personally knew the District Attorney.

The 14 counties who chose not to participate in the study responded to the request to participate through a variety of methods. Eight counties responded via E-mail, two counties mailed letters, and one county responded by telephone. Three counties responded by default. The title of the person who made the decision for their counties not to participate in the survey included the following: two District Attorneys; one Deputy District Attorney; one Supervising District Attorney for Juveniles; four administrative assistants/secretaries; two indicated that they checked with the District attorney; one Chief Assistant District Attorney; and two Assistant District Attorneys.

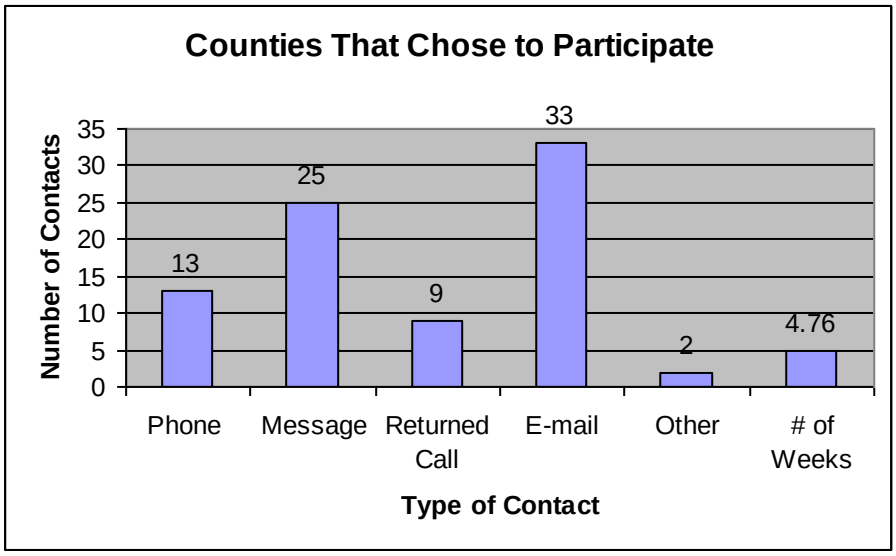
Reasons cited for not participating in the study varied. Four counties suggested that they did not want to do the survey or they had a personal rule not to do surveys. Being understaffed or staff not having enough time was stated by four counties. One

county indicated that they did not direct file and did not see the purpose of the study. Two counties implied that they did not work with juveniles or they only had one or two people who direct file. One county's district attorney was busy with a homicide case and re-election campaign. Another county stated that they could not give out the E-mail address for their Deputy District Attorney so they could not participate.

Twelve of the 26 counties contacted counties agreed to participate in the study. Eighty-two contact attempts were made on behalf of the researcher for an average of 6.83 contacts per county (Figure 3). The average length of time from initial contact to a yes decision was 4.76 weeks. The shortest contact time was one day while the longest contact time was 8.43 weeks, almost half the time as the average length for the "no" decision to participate. The title of the person who made the decision for their counties to participate in the survey included the following: four District Attorneys; three Deputy District Attorneys; one Supervising Deputy District Attorney; two Chief Deputy District Attorneys; one Office Manager; and one District Attorney's Personal Assistant.

Figure 3

Contact data from counties that chose to participate



Twelve attorneys completed the survey from twelve different counties. Six surveys were from small counties; five from medium counties; and one was from a large county. Through follow-up contacts, three other attorneys indicated they had previously completed the survey and E-mailed them. Apparently they were not received while the researcher's server was down. Despite a friendly request, the surveys were not re-sent by the attorneys. Five of the 12 respondents indicated a willingness to complete a follow-up telephone interview. Three interviews were with attorneys from small sized counties, one with an attorney from a medium-sized county, and one with an attorney from a large sized county.

The data were inputted into Excel, version 2002. Scores were coded by the researcher as follows. For the size of county: small = 1; medium = 2; large = 3; Gender was coded male = 1 and female = 2. Marital status was coded as: single = 1; married = 2; divorced/separated = 3; and widowed = 4. Ethnicity was coded as: Asian excluding Filipino = 1; Black/African-American = 2; Hispanic = 3; Native American = 4; Pacific

Islander = 5; White/Caucasian = 6; Other = 7; decline to state = 8; and 0 for not answered. Whether the survey respondent has children was coded as yes = 1 and no = 2.

A column was made for each of the four questions about ages of children; numbers of years as an attorney; number of years as an attorney in any California District Attorney's office; and county. The next 18 questions were coded as follows: 1 = not important; 2 = somewhat important; 3 = important; and 4 = very important.

The three questions about respondent's education and experience with adolescents were coded as follows. Understanding of adolescent development: 1 = thorough knowledge of adolescent development; 2 = good knowledge; 3 = basic knowledge; and 4 = little knowledge. Their formal education about adolescent developed included: 1 = workshops/seminars; 2 = high school courses on child development; 3 = college courses; 4 = learning on the job; 5 = other education on adolescent development; and 6 = no formal education on adolescent development. The question asking about their roles and responsibilities with juveniles and what they believe about education about adolescent development and their jobs was coded as: 1 = very helpful and relevant; 2 = helpful and relevant; 3 = somewhat helpful and relevant; 4 = not helpful or relevant; or 5 = I don't work with juveniles. The final question pertaining to the respondent's willingness to complete a follow-up 15 minute telephone interview was 1 = yes and 2 = no.

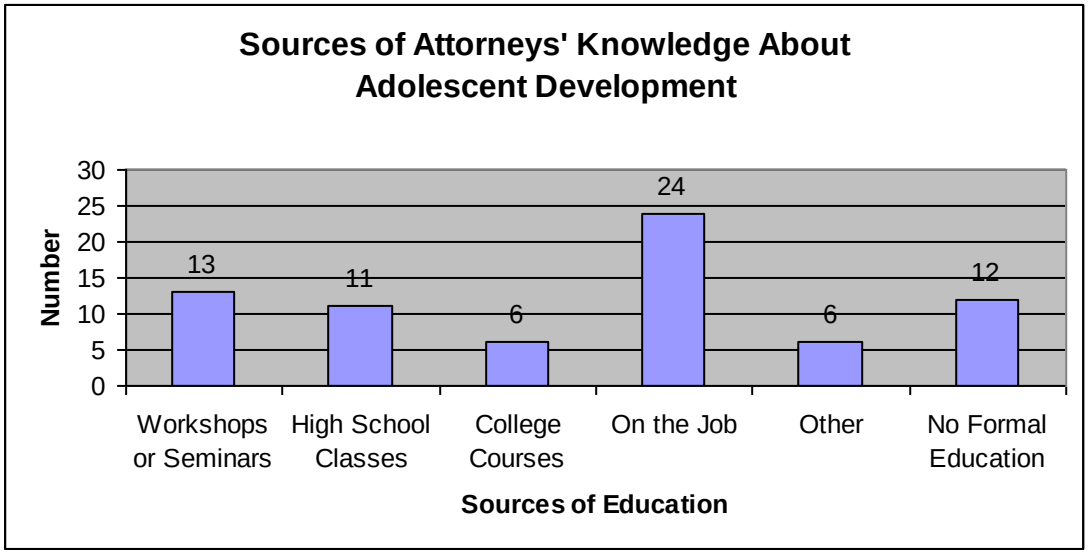
The survey was completed by 79% males and 21% females. Eight percent of the respondents did not answer the question regarding ethnicity while eight percent chose to decline to comment. Eighty-four percent of the respondents were Caucasian. Seventy-six percent of the respondents were parents while 24% were not parents. Of those who were

parents, 90% had a child 13-years-old or older, while 10% had children less than 13 years old. The mean number of years as an attorney was 22.34 while the mean number of years in a district attorney's office was 19.66.

How attorneys learned about adolescent development varied. Attorneys could select multiple sources about their formal adolescent development education. Figure 4 shows the sources numerically. The majority of an attorney's knowledge about adolescent development of youthful offenders was learned on the job. Twelve indicated that they had no formal education or training on adolescent development.

Figure 4

Sources of attorneys' knowledge about adolescent development



To get an overview of data, descriptive statistics were completed on each question including: average, standard deviation, median, mode, minimum, maximum, range, and count. Then additional statistics were completed on each individual question, including: standard error, sample variance, kurtosis, skewness, sum, largest, smallest, and confidence level. An overall district attorney score was given to each survey by adding

up the point value for questions number nine through 26. Table 6 shows the factors attorneys used to determine whether an adolescent should be tried as an adult or a juvenile divided into low (1.0 – 1.99), medium (2.0 – 2.99), and high (3.0 – 4.0) mean scores (N = 12).

Table 6

Summary of factors attorneys use in determining whether to try an adolescent as an adult or as a juvenile

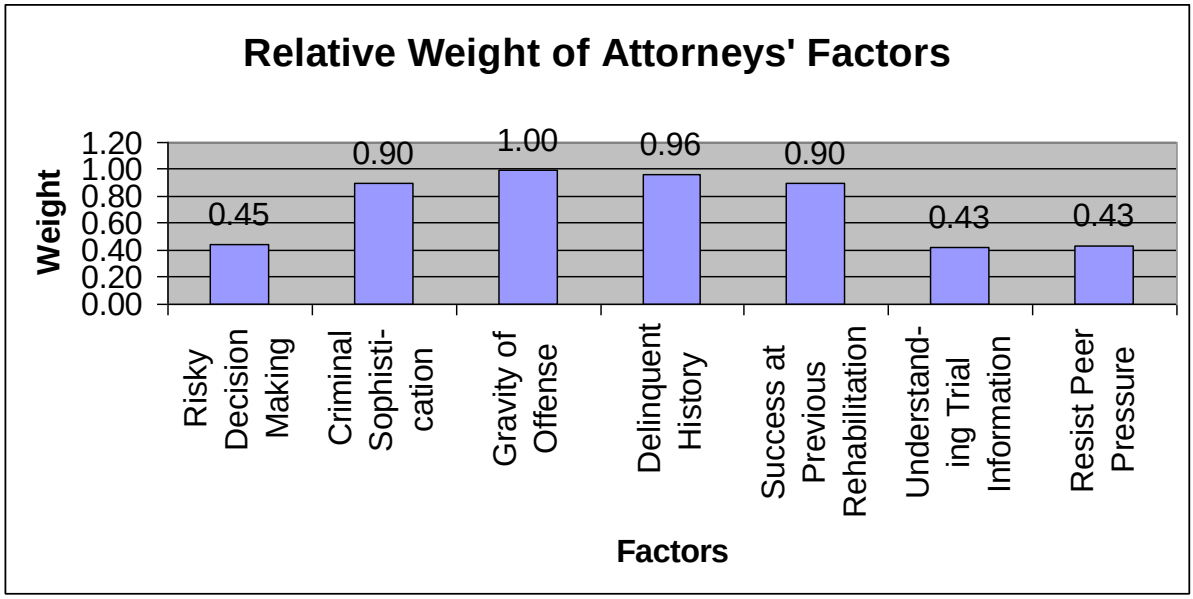
Low Mean (1.0 – 1.99)	Medium Mean (2.0 – 2.99)	High Mean (3.0 – 4.0)
Understanding of trial related information Mean 1.60 ± .64	Whether minor can be rehabilitated before the end of the juvenile court's jurisdiction Mean 2.92 ± .85	Degree of criminal sophistication Mean 3.37 ± .59
Ability to resist peer pressure Mean 1.63 ± .64	Age at time of offense Mean 2.92 ± 1.10	Circumstances and gravity of alleged crime Mean 3.76 ± .82
Risky decision-making Mean 1.68 ± .84	Minor's maturity of judgment Mean 2.18 ± .95	Previous history of delinquency Mean 3.60 ± .86
Temperament and neurological deficits Mean 1.71 ± .84	Minor's psychological maturity Mean 2.11 ± .92	3.36 Success at previous rehabilitation attempts Mean 3.36 ± .85
Limited capacity to control Impulsiveness Mean 1.790 ± .91	Risky behavior considered adolescent experimentation Mean 2.03 ± .97	
Belief that behavior is not governed by same rules that apply to everyone else Mean 1.79 ± .99	Decision-making skills Mean 2.0 ± .81	
Cognitive development & analytical abilities Mean 1.79 ± .81		
Minor's potential harm in adult facility Mean 1.89 ± 1.01		

The factors that were the most important to attorneys in deciding to try an adolescent as an adult in criminal court or in juvenile court were all legal factors: minor's degree of criminal sophistication used in alleged offense; circumstances and serious of the alleged offense committed by the minor; minor's previous history of delinquency, and juvenile's court's success at previous attempts to rehabilitate the minor. The factors that

were the least important to attorneys in deciding to try an adolescent as a juvenile or an adult were adolescent development factors: minor understands trial related information; minor's ability to resist peer pressure is not fully developed; and minor's risky decision making due to poor logical reasoning abilities. Figure 5 shows the relative weight of these factors.

Figure 5

Relative weight of attorneys' factors



Then the factors were analyzed by groups of factors: legal; cognitive; behavioral; psychological; and decision making and judgment. The average mean score for all the factors was 2.16 (N = 12). The six legal factors had the highest mean scores with the lowest scores of 2.92 for age at the time of offense and whether the minor can be rehabilitated before the end of the juvenile court's jurisdiction and the highest mean 3.76 for gravity of offense (Figure 6). The second highest group of factors was decision

making and judgment. Two of the three mean scores were over 2.0 (Figure 7). The remaining three groups of factors are shown in Figures 8, 9, and 10.

Figure 6

Legal factors

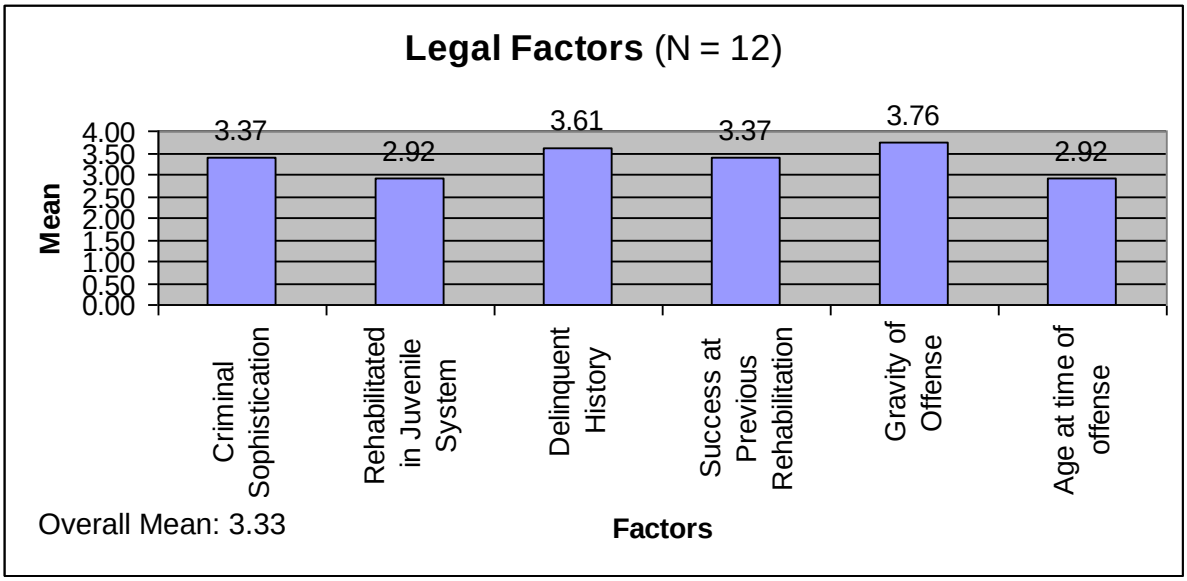


Figure 7

Decision making and judgment factors

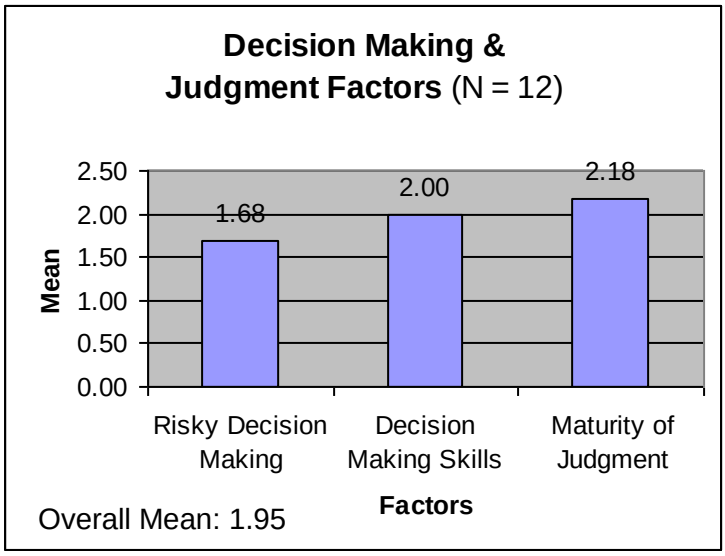


Figure 8

Cognitive factors

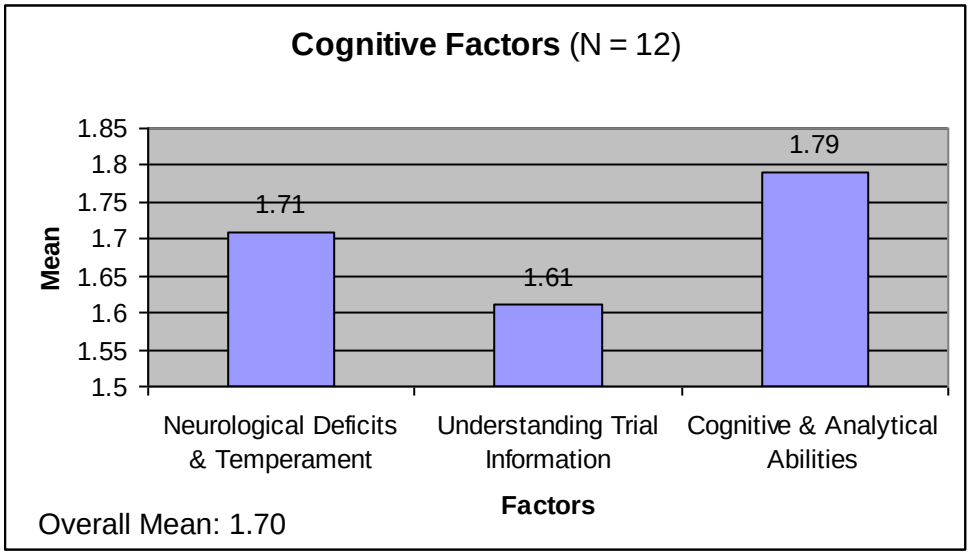


Figure 9

Behavioral factors

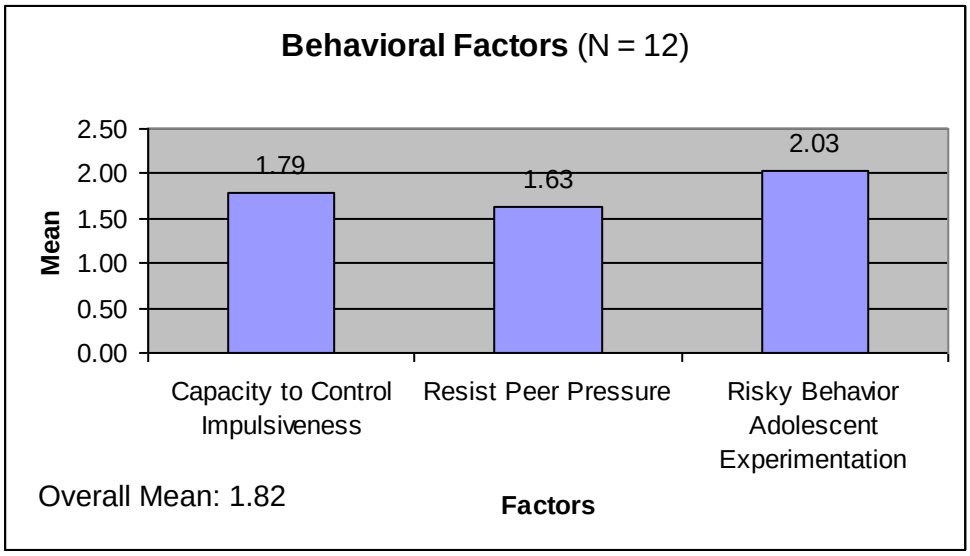
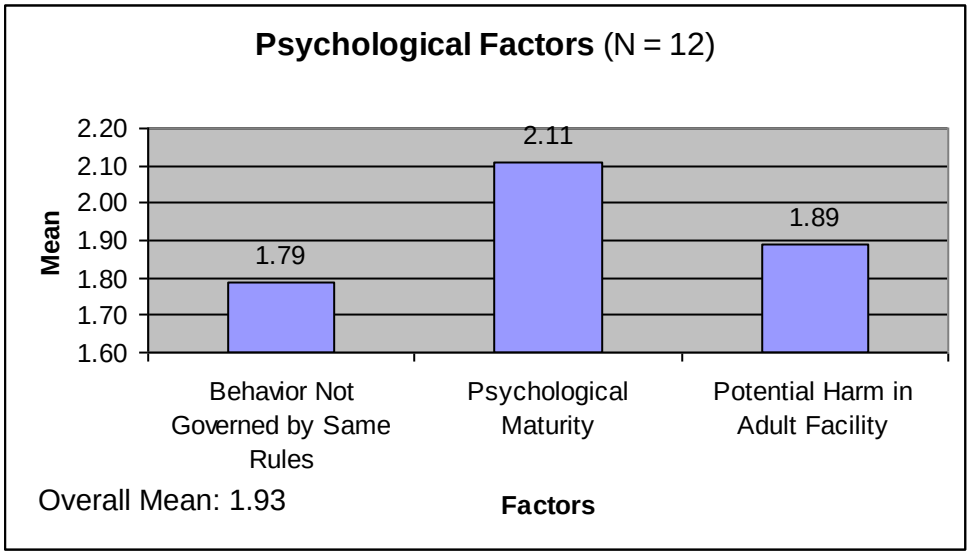


Figure 10

Psychological factors

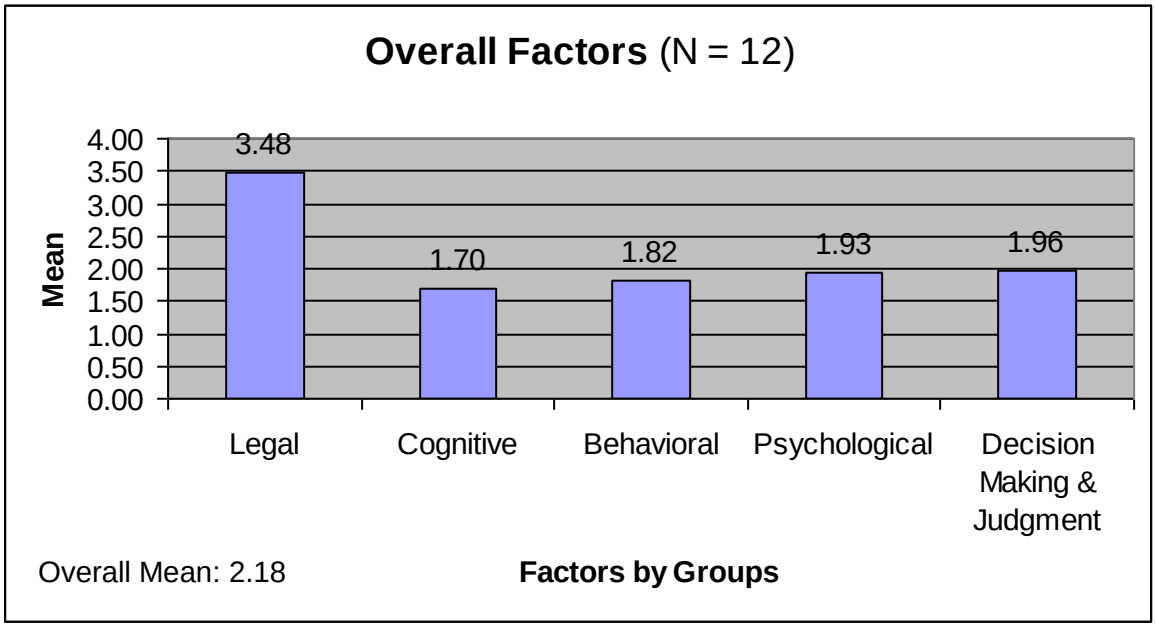


Finally, descriptive statistics were calculated for each of the five groups with combined factors mean scores (Figure 11). The average mean score was 2.16 (N = 12).

The highest mean score was the legal factors at 3.39. The second highest was decision making and judgment with a 1.96 mean.

Figure 11

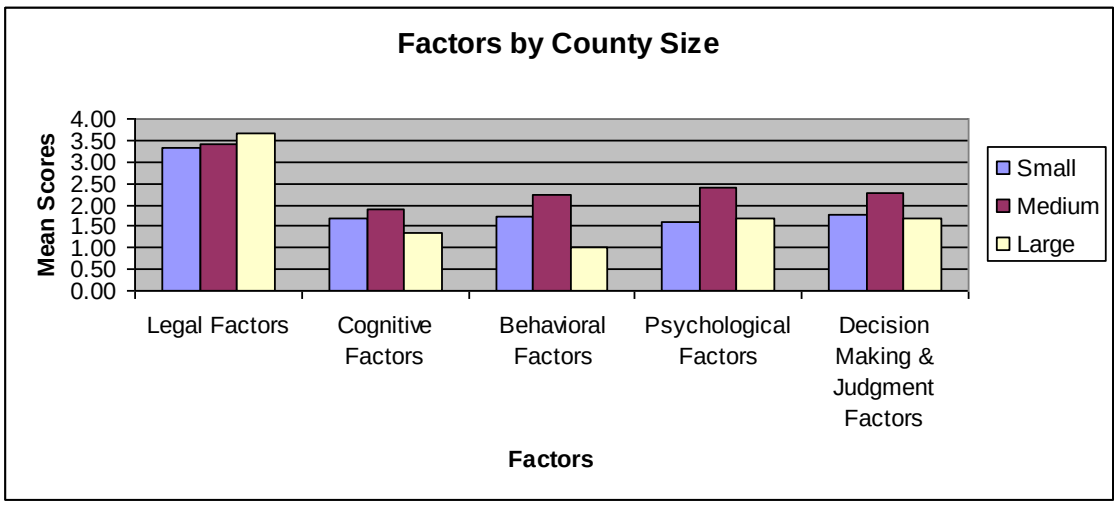
Over*all factors*



Next, descriptive statistics were calculated for the three different size groups: small, medium, and large counties. Figure 12 shows the overall factors by county size. The mean for legal factors was still the highest with all mean scores in the 3.0 range. The large counties had the highest mean score with 3.67. Cognitive mean scores were all in the 1.0 range. Medium counties had the highest mean score for cognitive factors with 1.89. Behavioral mean scores had a wider range of scores from 1.0 for the large counties to 2.23 for the medium-sized counties. Psychological mean scores also shared some variance. The means scores were from 1.61 for the small counties to 2.4 for the medium-sized counties. The final group was the decision making and judgment factors. The mean scores ranged from 1.67 for the large counties to 2.27 for the medium-sized counties.

Figure 12

Factors by county size



Analysis of variance (ANOVA) was used to calculate the differences between the three county size groups. This showed how the factors differed in and of themselves by

using ANOVA. One way ANOVA was calculated because all values were independent, random variables, and normally distributed with equal variance.

Composite scores were generated for each of the factors: legal factors; decision making and judgment factors; cognitive factors; behavioral factors; and psychological factors and compared using one-way ANOVA. The only factor that had statistical significance was the decision making and judgment factors (Table 7). This factor was noted three times more than the other factors.

Table 7

ANOVA County size factor decision making and judgment

Source of Variation	*SS*	*df*	*MS*	*F*	*P-value*	*F crit*
Between Groups	7.55	2.00	3.78	5.02	0.01	3.08
Within Groups	81.22	108.00	0.75			

To determine specific differences between county size means, ad hoc t-Tests were completed (Figure 13, Figure 14, and Figure 15). t-Tests are used when small samples ($N \leq 29$) are studied and the significance of the difference between two sample means are needed (Gall, et al, 2003). Since the scores were interval, normally distributed and the score variances were equal, t-Tests were selected as ad hoc tests. t-Tests provide accurate estimates of statistical significance.

Medium counties were over two times more likely to consider behavioral factors than were large counties. Small (1.72 mean) and large (1.0 mean) counties also showed a difference between the behavioral factors. Medium (2.40 mean) and large (1.67 mean) counties showed a difference on the psychological factors.

Figure 13

t-Test comparison of small counties and medium counties

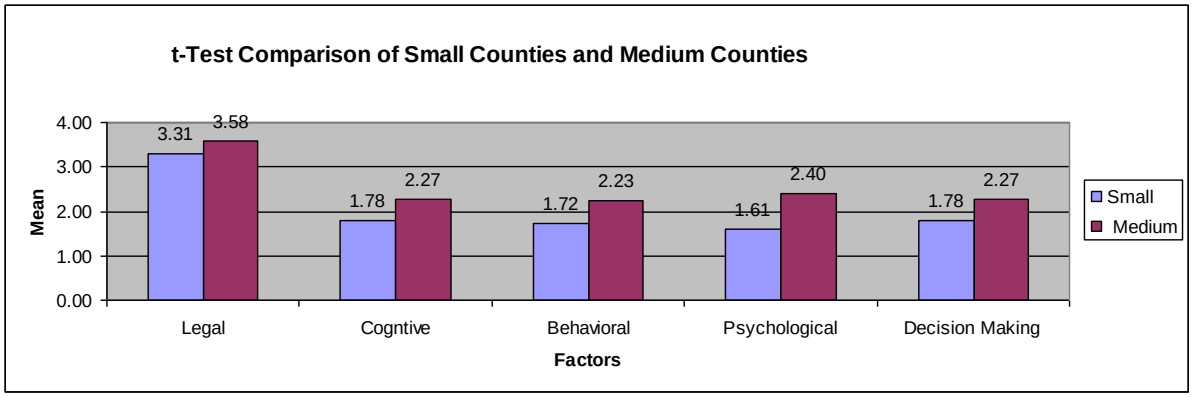


Figure 14

t-Test comparison of small counties and large counties

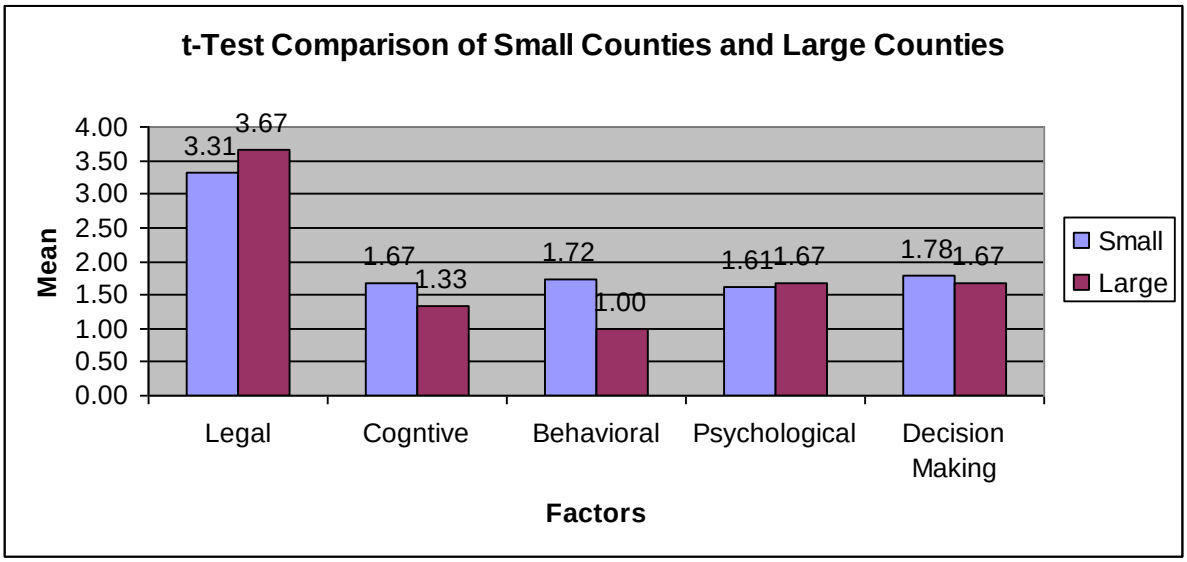
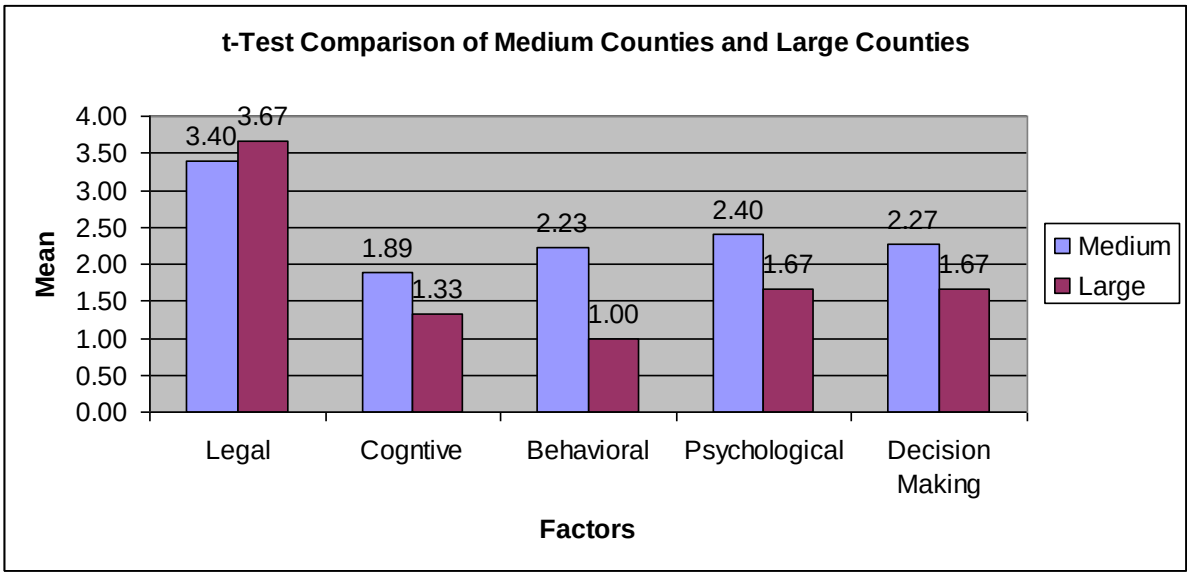


Figure 15

t-Test comparisons of medium counties and large counties



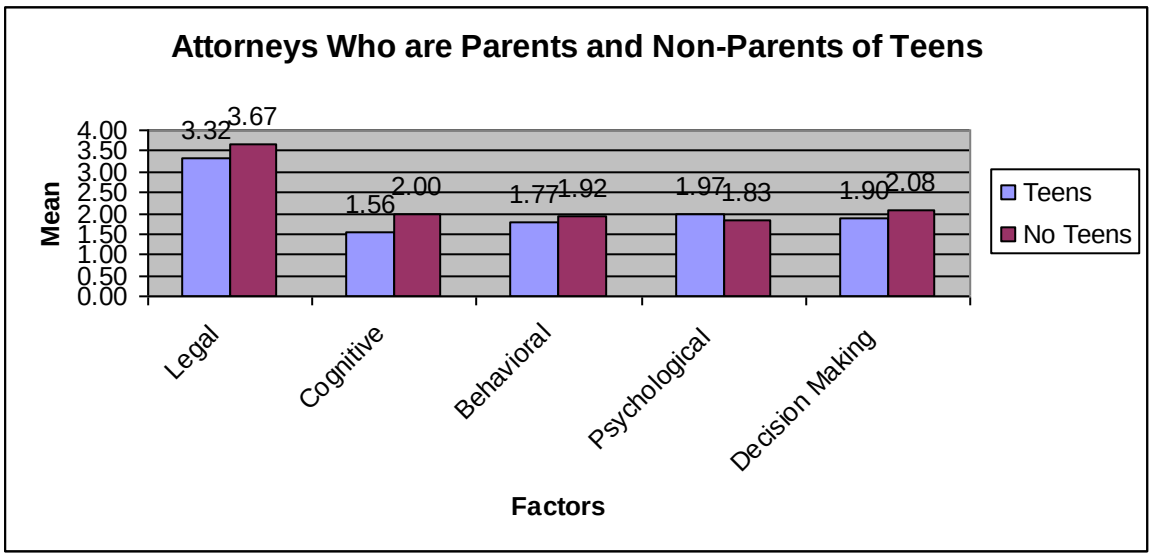
Attorneys were also grouped according to demographics, including attorneys who were parents of adolescents and/or adult children compared to those with no children or younger children. Attorneys were to be grouped according to their years of experience in a district attorney's office; however they all had a minimum of 11 years in the district attorney's office. Therefore, no groups were compared. After one district attorney telephone interview the researcher mentioned that all the attorneys had many years with the district attorneys office. The attorney shared that most attorneys decide within the first five years if the district attorney's office is a fit for them. If it is, they usually stay throughout their career as a prosecutor.

Composite scores were generated for each of the factors included: legal factors; decision making and judgment factors; cognitive factors; behavioral factors; and psychological factors and compared using t-Tests. The attorney group who were parents of teenagers was compared to the attorney group who were not parents of teenagers. The only factor that showed statistical significance was the legal factor (Figure 16). The

parents of teenagers were almost four times more likely to consider legal factors than attorneys who were not parents of teenagers.

Figure 16

Attorneys who are parents and non-parents of teens



After calculating the statistics, the hypothesis was accepted. California's District Attorneys', Assistant District Attorneys', Chief Deputy District Attorneys', and Deputy District Attorneys' decisions under the Welfare and Institutions Code Section § 707(d) Direct File proceedings during the Spring 2006 whether to try a juvenile offender an as adult in criminal court or in juvenile court was based on legal factors not adolescent development factors.

Document Analyses

Counties' Web Page and Mission Statement Document Analyses

The most appropriate framework for research would be "real-life" judgments (Rossi & Anderson, 1982). Although "real-life" judgments were simulated in the survey and hypothetical scenario, several aspects of the research were based on actual real and

relevant documents. Most all counties have a district attorney's web page accessible to the general public. Additionally, counties have local and regional published newspapers. How do these web pages and newspaper articles compare to what district attorneys say about juvenile justice, adolescent development, and public policy?

Content analysis of county web pages was completed on 11 of the 12 counties that participated in the study. All but one small county had a county home web page with contact information for the county district attorney. The web pages were scanned for general district attorney offices' contact information. Contact information typically included the district attorney's office address, mailing address, and phone number. One small county only had a home page for the district attorney's office with no additional links or information. Two counties provided E-mail addresses for contacting the district attorney's office. Ten counties have a district attorney's home page and one county has a home page under construction.

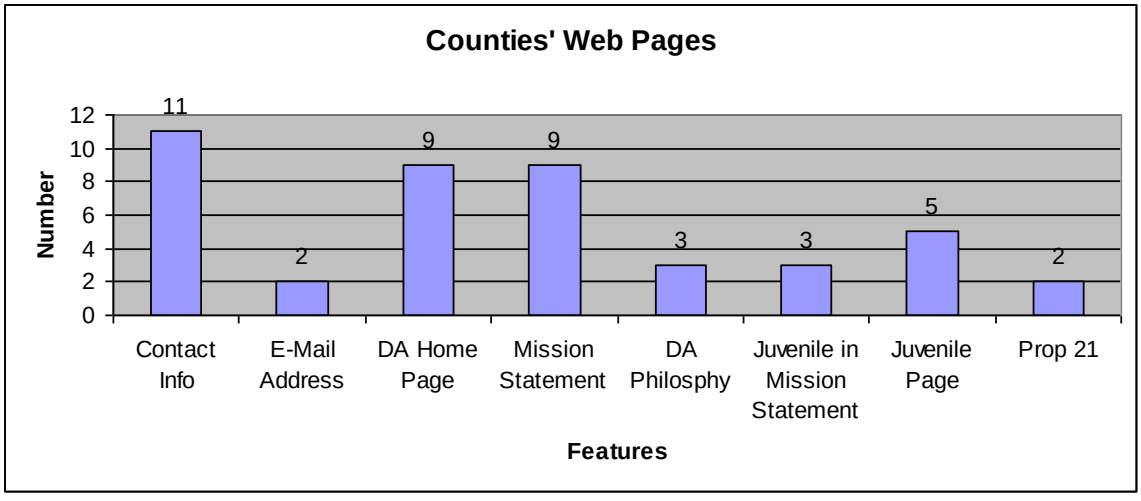
The web pages were printed for each county. Then they were coded by highlighting any headings, sub-titles, key words, phrases, and/or sections that related in any way to Proposition 21, juvenile justice, and/or adolescent development. Patterns were then identified by listing descriptive phrases on a master list. These patterns included phrases such as: Statutory Mandates upon the District Attorney, General Prosecution Division, Juvenile Unit, procedures for prosecuting juvenile offenders, the restorative approach, special vertical prosecution assignments, juvenile criminal matters, and mission statement.

After the general patterns were listed, themes were generated that had a categorical or topical nature. Five themes were selected that related to Proposition 21 and

juvenile justice. These themes included: the district attorneys' mission statements, the district attorneys' philosophies, juveniles included in the mission statement, a juvenile page, and information on Proposition 21. Figure 17 shows the number of counties with various features on their web pages.

Figure 17

Counties' web page features



Mission statements. All nine counties with a district attorney's home page have a mission statement. The mission statement lengths vary from one sentence to three

sentences. Five counties contained their mission statement in one succinct sentence; two counties used two sentences; and two counties used three sentences.

Three counties mentioned juveniles in their mission statement. One small county made reference to 30 separate law enforcement agencies that submit investigative reports for review for possible filing of criminal complaints or juvenile petitions. A medium-sized county cites the government code section that provides for the prosecution and enforcement services in adult and juvenile criminal matters. Another medium-sized county states that the office will conduct general criminal prosecution and target special needs through a focused emphasis on special populations. Juvenile justice and restorative programs like the Juvenile Drug Court are mentioned specifically (see Chapter Five).

Three of the nine counties with a mission statement explained the district attorney's philosophy. Using the government code as a foundation, one medium-sized county addressed the primary duties of the district attorney and the organizational structure of the district attorney's office. Components of another medium-sized county's philosophy included working with the Office of Education to reduce truancy and a contract with the California Human Development Corporation which provides diversion services for less serious offenses. Such crimes include petty theft and alcohol use by minors. This county also states, "it enjoys a high conviction rate, yet the district attorney's responsibilities are much greater."

Juvenile sections. Six counties had a specific page and/or section addressing juveniles. "Juvenile Court" in one small county gives an overview of the juvenile court system. This page explains the two different types of circumstances in which the district attorney's office is involved: delinquents and status offenders. The juvenile section also

mentions the Deputy District Attorney with more than ten years experience in juvenile court cases. On the county's home page there is also a link titled, "The Criminal Justice Process," that explains what happens once a suspect is taken into custody.

A second medium-sized county simply states that their Juvenile Division has specifically trained attorneys who are assigned to prosecute juvenile offenders. The "contact us" link is under construction. A unique feature of this county is the Volunteer/Intern Program. A third medium-sized county has one brief paragraph explaining that their "program seeks to help those who can be helped and to punish those who deserve punishment" and that juvenile proceedings are conducted in juvenile court.

A special feature with in-depth information is the District Attorney's Tip Link for Gang Violence. This medium-sized county acknowledges gang problems. The District Attorney has established the "Tip Link" to gather information that law enforcement needs to solve a crime that has already happened or to prevent a crime from occurring. The kind of information that is critically needed is listed. Community members can report an anonymous tip by phone or they can complete the tip link form on-line. Contact information is requested, but not required.

The large county's Juvenile Division section mentions the types and number of cases it prosecutes and the number of staff, including 21 Deputy District Attorneys who "work with an incredible team spirit to tirelessly handle the volume of cases that move rapidly through the Juvenile Courts." On the other hand, they recognize "the importance of handling sensitive and complex cases vertically." This means that one prosecutor handles the case from start to finish. Therefore, the Juvenile Division has designated

deputies to prosecute cases vertically that involve sexual assault, graffiti, prostitution, street racing, arson, teen relationship violence, truancy, and Drug Court matters.

This large county also has many special features on its web page. The district attorney's office works with a community advisory board to deal with local issues. There is also a link for volunteer opportunities in the district attorney's office. Protecting Children On-Line is a feature targeting crime prevention and the protection of minors.

The Juvenile Unit of a fifth medium-sized county mentions that prosecutors are assigned to the Juvenile Justice Center. They prosecute crimes committed by persons under the age of eighteen. The contact information for the District Attorney's Juvenile Division is on the "contact us" page. This county's web page is also one of two counties that address components of Proposition 21. It explains that prosecutors also conduct fitness hearings to determine whether or not a juvenile case should be handled as an adult criminal case. Additionally, two sections are featured on their web page; "Before You Appear in Court" and "What to Do in Court" help community members better understand the legal process. The final county with a specific page addressing juveniles is another medium-sized county. This page explains the jurisdiction of the juvenile court and diversion programs both at the local police level and at the Juvenile Probation Department level.

In addition to the six counties that addressed juveniles, two other counties feature information on their web pages relevant to juvenile crime, even though they do not directly address juveniles on their web page. One small county's slogan is, "Connecting Community and Government." They describe their county district attorney's office as

"Proactive Public Service." One example that supports this statement is the on-line complaint form both in English and Spanish.

A final small county features a link on gangs. One of the county's five investigators is assigned to the County Gang Task Force. This investigator is responsible for follow-up on gang cases submitted for prosecution, maintaining all gang documentation for all county agencies, and conducting training for law enforcement and the public. For additional information, viewers are directed to a web page featuring the County Gang Task Force.

Mission statement themes. The mission statements on the district attorneys' web pages were then analyzed for themes. Five themes were identified (Table 8). Safety and quality of life was defined as safeguarding the rights of people and providing community

Table 8

Themes in district attorneys' web site mission statements

Safety and Quality of Life	Professionalism and Excellence	Protecting Rights of Citizens and Victims	Convicting and Punishing Guilty	Restoration and Prevention of Crime
Safeguard rights of the people to a safe and just community	Sustain public confidence in the criminal justice system through professional excellence	Protect the rights of citizens and witnesses	Convict and appropriately punish the guilty through the rule of law	Prevention of crime
Keep county safe and enhance its quality of life	With integrity, equality, and excellence, our office will conduct general criminal prosecutions	Seek justice by ensuring that victims' rights and the public's safety are our first priority	Fair, equal, vigorous, and efficient enforcement of the criminal laws	Consumer protection activities
Members of the community have a safe place to live	Provide exemplary legal services	Protect the innocent	To convict and appropriately punish the guilty	Special restorative programs for Drug Court and Mental Health
Create a safer environment in which our population may live and prosper	Seek truth and justice in a professional manner while maintaining the highest ethical standards	To protect the rights of victims and witnesses	Hold guilty accountable	Productive public policy
Enhance the quality of life for our citizens now and in the	Treat all people in a professional, honest,	Preserve the dignity of victims and	Vigorous and professional prosecution of those who	

future	courteous, and respectful manner	their families	violate the law	

	Provide superior public service	Protect the law-abiding	Aggressively seek justice	
	Responsible exercise of authority and sound management of resources	Victims' rights and the public's safety are first priority	See that justice is done and criminal laws are fully and fairly enforced	
			Dedicated to the pursuit of truth and justice	
			Conduct general criminal prosecutions and target special needs through focused emphasis on Family Violence and Juvenile Justice	

`			Prosecution: vigorous, aggressive yet compassionate prosecution in dealing with those who prey upon our citizens	
			Provide prosecution and enforcement services in adult	

			and juvenile criminal matters	

members a safe place to live. 2.) Professionalism and excellence were noted in areas such as public confidence, integrity, and excellence, treating people courteously with respect, and maintaining ethical standards. 3.) Protecting the rights of citizens and victims mentioned ensuring rights for victims and witnesses, and preserving dignity. The specific phrases, "Protecting the innocent," and "Rights," were each listed four times. 4.) Convicting and punishing the guilty featured the largest number of key phrases from the mission statements which addressed: fair, equal, vigorous enforcement of the law; conducting prosecutions; and holding the guilty accountable. The heaviest emphasis was on protecting the rights of citizens and victims and convicting and punishing the guilty. 5.) Restoration and prevention of crime was the least cited theme which included crime prevention, consumer protection activities, and productive public policy.

News Article Document Analyses

Document analyses were completed for eleven of the twelve counties. One small county did not have its newspaper online until Spring 2006 nor did it have any archives; therefore, no articles were obtained from this county. Then Internet searches were completed to locate news articles published between 2000 and May 2006. The year 2000 was chosen as the beginning date since Proposition 21 was voted on that year during the March elections. Key words that were used for the searches included: Proposition 21; district attorney and Proposition 21; direct file; try juveniles as adults; juveniles in adult court; juvenile court; juvenile crime; crime statistics; tough on crime; district attorney's

name; county name and district attorney; deputy district attorney; managing deputy district attorney; prosecutors and juveniles; prosecutors and juvenile crime; county name with district attorney and juvenile crime; and district attorney elections. A total of 265 documents were requested. Eighteen documents were unavailable for various reasons.

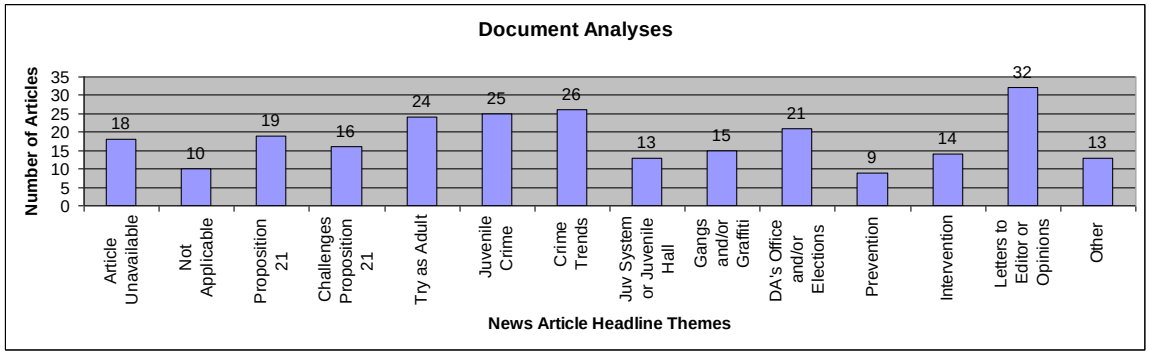
Hard copies of 247 news articles were obtained and organized in file folders by county name. Data reduction was completed by the "process of selecting, focusing, simplifying, abstracting, and transforming the data" (Miles & Huberman, 1994, p. 10). Each article was read and a document summary form was completed (Appendix E). The significance or importance of the article to Proposition 21 and adolescent development was noted as was a brief summary of key points. Other articles, books, related topics, contacts, and/or organizations mentioned in articles were listed for possible follow-up. The researcher's reflections, questions, and/or comments were written in the article's margins and/or on the document summary form. Since data collection is a selection process, the researcher was careful to only code articles that mattered most for the study. Therefore 10 articles obtained were identified as not applicable to the research and were not analyzed further.

The remaining 237 documents were coded for key terms selected by their relevance to the topics of Proposition 21 and adolescent development. Using highlighting and various pattern markings, the articles were coded as follows: district attorney (green); defense attorney (green wavy lines); Proposition 21 or try as adult (pink); juvenile crime (pink wavy lines); challenges to Proposition 21 (blue wavy lines); community (orange); experts (orange wavy lines); and crime circumstances (yellow).

News articles themes. Articles from each county were grouped together topically using headlines, paper clipped, and labeled with a sticky note that stated the topic and number of articles. These groupings created 12 themes for the document analyses. The 12 themes were: Proposition 21, challenges to Proposition 21, try juvenile as an adult, juvenile crime, crime trends, the juvenile system and/or juvenile hall, gangs, and/or graffiti, the district attorney's office and/or elections, prevention, intervention, letters to the editor or opinions, and finally, an "other" theme. Figure 18 features the total number of documents obtained and the number of documents by headline themes.

Figure 18

Document analyses



The theme with the most documents was letters to the editor or opinions with 32 documents, followed by crime trends with 26 documents, juvenile crime with 25 documents, and "try as an adult" with 24 documents. A fifth theme completed the document numbers in the twenties with 21 documents on the district attorney's office and/or elections. Proposition 21 only included 19 documents; challenges to Proposition 21 had 16, though they were the primary focus of the research. Juvenile system or

juvenile hall and the "other" category each had 13 documents while the fewest number of documents was prevention with nine

Next, data display was completed using an organized and compressed gathering of information that allowed conclusions to be drawn (Miles & Huberman, 1994). Graphic organizers were created for each county on 2 ½' x 3 ½' white chart paper. The county name and size titled each chart. Then color coded circles were created that represented each of the 12 themes (Table 9). The theme was written in the center of a circle with the number of articles for that theme indicated. The key phrases from each article's title were written to connect to the corresponding circle. If the article connected to another article, a directional arrow line was drawn to the related article. Two sheets of chart paper were required for two counties due to the amount of information.

Table 9

Color coded web themes for graphic organizers

Theme	Color
Proposition 21	Pink
Challenges to Proposition 21	Green
Try as Adult	Red
Crime Trends	Purple and Blue
Juvenile Crime	Yellow
Juvenile System and/or Juvenile Hall	Purple
Gangs and/or Graffiti	Orange
DA's Office and/or Elections	Blue and Green
Prevention	Grey
Intervention	Brown
Letters to Editor or Opinions	Red-orange
Other	Black

Finally, conclusions were drawn and verified by deciding what things meant, such as regularities, patterns, explanations, configurations, causal flows, and propositions (Miles & Huberman, 1994). The 13 charts were hung on the wall arranged by county sizes (small, medium, and large counties). This enabled the researcher to view all the color coded themes and look for patterns within the documents.

Some general observations were noted first. Not every county had published documents on "Proposition 21." Four of the five small counties did not have any document headlines on "Proposition 21" nor did two medium-sized counties; however in a similar phrase, "try as an adult," only two small counties and one medium-sized county did not use that phrase. While gang enhancements are covered in Proposition 21, three of the small counties published articles on gangs, but none of these counties included articles on Proposition 21. Neither did two of these counties contain the topic, "try as an adult." In one medium-sized county that declared issues with gangs, the documents did not embody "Proposition 21" or "try as an adult."

Predominately small counties had multiple articles on the district attorney's office and elections, with one very small county having 14 of the 21 total articles while one medium-sized county had three articles. When viewing the 32 letters to the editor and opinion articles, a medium-sized county had the most letters with a total of 10, followed

by a large county with nine. One medium-sized county had eight letters while another had four letters. One small sized county had the remaining letter.

Juvenile crime. When examining juvenile crime and crime trends, two small counties did not cover either topic. Two small counties and one medium-sized county encompassed juvenile crime, but not general crime trends. The juvenile system and/or juvenile hall were mentioned a total of 13 times in three small counties; two medium-sized counties; and one large county. One small county accounted for seven of the 13 documents on this topic.

Gangs and/or graffiti. Fifteen documents addressed gangs and/or graffiti. According to Elaine Marshall, author of the article, *Gang influences creep into [name of area,]* noted,

> Gangs have become a fixture in the American consciousness. Rap music, MTV videos and modern gangster movies have glamorized gangs and the ghetto hopelessness that spawned them. Gangs have created their own music, fashion and attitude that can now be found in most department stores (Marshall, 1997, ¶ 1).

Sheriff Deputies in the local area define gangs as, "A group of three of more who have a common identifying sign and engage in criminal activity, usually drug dealing, and who create an atmosphere of fear and intimidation" (Marshall, 1997, ¶ 9). Gangs in their area might display consistent color combinations, pants or shirts with heavy creases, which are in imitation of prison clothing, wear expensive gold jewelry, have tattoos of gang names or initials, and carry baseball bats. Other popular gang logos include the

slogan, “Mi Vida Loca” which means my crazy life, a Raiders 81 jersey, or the comedy/tragedy drama masks.

Nearly one in 10 middle and high school students in this area claim membership in a street gang (Digitale, 2006). The majority of these students in a medium-sized county said that they joined a gang by age 13. A third of those who claim gang memberships said the adults “who are close to them condone gang involvement” (Digitale, 2006, ¶ 2). The new gang data were collected as part of the California Healthy Kids Survey given to students around the state in various forms. The local schools made two changes to the survey and added questions on gangs in 2006, which is the first of their kind in the state.

Prevention and intervention. Of the 237 articles obtained, nine involved prevention and 14 contained intervention. Two medium-sized counties had both topics, while four small counties and one large county addressed neither. One small and two medium-sized counties covered only intervention while one small county and one medium-sized county only addressed prevention.

Since the implementation of Proposition 21 in 2000, there have been challenges to the new law in three of the 12 counties. The first county that filed court challenges had 11 of the 16 articles. A small county had one article and a medium-sized county published four.

A number of special comments were noted for the “Other” theme. Articles listed in the “Other” column for one medium county focused on how the public rallied around a teen rape victim. The second article portrayed parents pushing for public juvenile trials. Another medium county’s “Other” article was written from the parents’ perspective of their 8-year-old innocent son who was shot and killed by gangs.

Current Status of Proposition 21 from Document Analyses

Proposition 21 became law in 2000. What has happened since the implementation of Proposition 21? In 2004, of the 206,000 juvenile arrests reported statewide, the California Department of Justice reported that 283 were sent directly to adult court (Breitler, 2006). An additional 252 were sent to adult court after first being referred to local probation departments. Five hundred and thirty-five juvenile cases were prosecuted in adult court statewide in 2004, or 2.5% of the total juvenile cases.

A medium-sized county's chief deputy district attorney said that his/her county files directly on about a dozen juveniles per year (Breitler, 2006). "It's an incredible power that is used judiciously," he said (Breitler, 2006, ¶ 10). The prosecutors also consider a teen's mental or physical disability or standing in the community when deciding to direct file or not. However, the chief deputy district attorney added, "Once you start shooting people, innocent people, that elevates it pretty hard" (¶ 12).

An assistant chief probation officer explained that the vast majority of young people who are arrested stay within the local probation departments where they can receive services, such as substance abuse education and anger management counseling (Breitler, 2006). The majority of these cases are not even heard in court. "A lot of those kids that make a poor decision learn from it and don't come back," the probation officer noted (¶ 22).

How is Proposition 21 being implemented? Not everyone agrees that Proposition 21 is being implemented judiciously. Critics of Proposition 21 believe that the law potentially could trap juveniles who have committed less serious crimes, like car theft, and send them to the state prison system (Breitler, 2006). A field director for an Oakland-

based youth advocacy group adds, "Whenever a young person commits such acts, it's really a cry for help. The juvenile system is really about teaching young people. It's about education. Nobody expects or thinks that's true with the adult system" (Breitler, 2006, ¶ 21).

Constitutionality challenges. Defense attorneys in a large-sized county planned to challenge the constitutionality of Proposition 21 in a case involving seven teenagers who were arrested for vicious hate crimes (Steinberg, 2000). This was the first local high-profile case, though the law had been in effect for four months (Moran, 2000). The attorneys planned to argue that "Proposition 21 inappropriately gives the partisan district attorney the power to try the [name of city] teen-agers as adults" (Steinberg, 2000, ¶ 5).

> David Steinberg, associate professor at Thomas Jefferson School of Law, argued, Unpopular laws are not necessarily unconstitutional laws. For a law to be unconstitutional, the law must violate some specific constitutional provision. For example, a criminal law that explicitly imposed harsher penalties on racial minorities than whites would violate the equal protection clause of the 14th Amendment to the U.S. Constitution (Steinberg, 2000, ¶ 6).

Steinberg went on to explain the idea that a district attorney shouldn't be able to decide whether or not to try a juvenile as an adult goes against common sense (2000).

> In our system of justice, the most severe possible sanction is the death penalty. A decision to seek the death penalty is made by a prosecutor, not a judge. If the U.S. Constitution allows prosecutors to make life-and-death decisions in capitol cases, then the Constitution also allows prosecutors to try teen-agers who allegedly perpetrated egregious hate crimes as adults (Steinberg, 2000, ¶ 8).

Linda Hill, executive director of the ACLU of San Diego and Imperial Counties, challenged Steinberg's comments (Hill, 2000). Hill touts that the new law has major constitutional problems. It violates the constitutional "single-subject rule" for ballot measures. "Instead of embracing just one issue in its unprecedented 43 pages, it changed the law in areas unrelated to each other—from juvenile justice to adult gang activity to Three Strikes" (¶ 7). Furthermore, individual rights are trampled on.

Steinberg's colleague, Marjorie Cohn, another professor at Thomas Jefferson School of Law, addressed Steinberg's comment that "these are not good kids" (Hill, 2000).

> All Western democracies except the United States have decided, through international treaties, that the main purpose of the criminal justice system is rehabilitation, and that children, therefore, should not be treated the same as adults. Locking up 14-, 15-, or 16-year-olds for many years in adult prisons won't solve the problem (¶ 11). We must join the rest of the civilized world and opt for redemption (¶ 12).

Appeals process. The Court struck down a section of Proposition 21 in a 2-1 ruling by justices in San Diego (Roth, 2001 A). This was the first appellate court ruling that addressed the constitutionality of Proposition 21. "The ruling concluded that the law violated separation-of-powers principles by giving prosecutors rather than judges the power to decide whether teens charged with certain crimes should be tried in adult court" (¶ 4). This ruling is only binding in San Diego and Imperial counties. Two other appellate courts in Sacramento and San Francisco also have challenges before them.

Mary Broderick of California Attorneys for Criminal Justice, an advocacy group for criminal defendants' rights, called the ruling a "relief" (Roth, 2001 A, ¶ 5). "Judges are in a much better position to take an impartial look at all the facts. When you tip the scales too far in favor of government, you always wind up with abuses" (¶ 6).

District Attorney Paul Pfingst will ask the states' top court to reverse the decision (Roth, 2001 B). He called the 4th District's ruling "seriously flawed" (¶ 3). He added, "I am positive that the Court of Appeal decision is wrong" (¶ 5). Pfingst depicted the crime as "racial hunting, beating (and) thrashing of Mexicans simply because they are Mexican" (Roth, 2001 B, ¶ 6).

Ann Wren, a parent of one the 17-year-olds charged in the case, said that Proposition 21 was "an awful law" (Roth, 2001 B, ¶ 9). "It could be anyone's child. And the mistakes kids make in their youth is all part of learning and growing" (¶10).

Since the 4th District's ruling is the first state appellate court decision on Proposition 21, it will be binding on trial courts throughout California until the Supreme Court agrees to hear this case or a different appeals court makes a contrary decision (Roth, 2001 B). Meanwhile, the "ruling could affect hundreds of cases around the state," Pfingst said (¶ 17). "Prosecutors around the state need guidance."

In another case, attorneys will also challenge the constitutionality of Proposition 21 (Moran, 2001 B). Deputy Public Defender Jo Pastore said, "The appeal also will contend the law amounts to cruel and unusual punishment because it requires convicted 16-year-olds to be sent into the general adult prison population" (¶ 9). If convicted of all charges in adult court, the 15-year-old would face up to 500 years in prison. However, in Juvenile Court he would be held until age 25.

Proposition 21 supporters celebrated a new era "of more efficient and speedy prosecutions of violent juveniles" (Moran, 2001 C, ¶ 1). But due to legal battles, it hasn't worked out that way. "Prosecutors in San Diego County and many other areas of the state are largely doing things the way they did in the pre-Proposition 21 days" (¶ 3).

Supreme Court decision. The legal battle reached the Supreme Court (Moran, 2001 C). This "meant that the appeals court decision no longer was binding on prosecutors -- meaning that all of the provisions of the law went back into effect" (¶ 7). Meanwhile, most youth in this large-sized county accused of violent crimes were having fitness hearings in front of juvenile court judges, noted Jim Waters, prosecutor and assistant chief of the division (Moran, 2001 C). To date, prosecutors have sought fitness hearings for 36 juveniles. Last year [2000], there were 25 cases filed directly under Proposition 21. To date [September 26, 2001], only two cases have been filed under Proposition 21.

Decisions regarding whether to file cases in juvenile or adult court are being made one case at a time (Moran, 2001 C). But Waters admitted that "the legal battle is a factor in the decisions" (¶ 12). "We have to be cognizant of getting into court reasonably fast," he noted (¶ 14). If not, they can lose witnesses or the witnesses' memories of the events fade over time. "All these common-sense, practical things enter into the equation when we decide to file," he added (¶ 15).

Counties have responded in different ways. A policy enacted in February [2001] prevented cases from being direct-filed into adult court in Los Angeles, at least until the Supreme Court rules (Moran, 2001 C). In Riverside County, Creg Datig, chief of the juvenile division, said that their county didn't direct-file any cases in the months

following the court of appeals ruling. However, as soon as the Supreme Court agreed to hear the case, the Riverside county prosecutors resumed using the power they were given under Proposition 21. "We made the policy decision to start using the direct filing authority again," Datig said (¶ 20). "We are using our discretion to file cases directly into adult court."

The Supreme Court will answer two legal questions regarding Proposition 21 (Roth, 2001 C). First, was the initiative too complicated? Second, does the law violate the U.S. Constitution? Meanwhile, legal opinions vary (Roth, 2001 C). The California Public Defenders Association called Proposition 21 "the largest crime-related initiative in California history" (¶ 4). San Diego Deputy Public Defender Jo Pastore is not surprised by the flood of opponents to Proposition 21. Opponents question whether tougher laws are the best way to battle juvenile crime.

On the other hand, Proposition 21 supporters included the California District Attorneys Association and the State Attorney General's office (Roth, 2001 C). They argued that Proposition 21 deals with a single issue – crime. Two other state appeals courts agree: one in Los Angeles last October and one in San Diego last week.

The state Supreme Court heard hour-long arguments in the case of eight youths facing trial as adults (Moran, 2001 D). "Where do we draw the line?" Justice Joyce Kennard commented aloud during arguments (¶ 3). Deputy District Attorney Thomas F. McArdle argued that the law gives prosecutors "wide authority over how to charge cases (¶ 8). It does not intrude on any judicial authority" (¶ 9).

Opponent Deputy Public Defender Jo Pastore contended that the ballot measure was misleading and inadequate (Moran, 2001 D). She believes the Gang Violence and

Juvenile Crime Prevention Act covered three areas: gang crimes, juvenile crimes, and revisions to the Three-Strikes law. However, Chief Justice Ronald George mentioned that voter information included three pages of writing by the state legislative analyst and other commentaries.

While people await the court's ruling, Octavio Manduley, the father of one of the juveniles in the case, said that the law was "immoral" (Moran, 2001 D, ¶ 17). He added that it allowed authorities "to railroad kids into adult prisons" (Moran, 2001 D, ¶ 17). A decision is expected from the justices within 90 days.

The California Supreme Court ruled yesterday [February 28, 2002] that Proposition 21 is constitutional in a 6-1 decision (Moran, 2002). For more than a year, the legal fight has stopped most prosecutions; however juveniles were still being tried as adults under pre-Proposition 21 policies when judges determined whether or not a juvenile would be tried in juvenile court or adult court.

Kris Anton, the chief deputy who is prosecuting one of the juveniles, said, "The entire opinion is significant because it completely upholds the will of the people (Moran, 2002, ¶ 13). What it means is that we will continue to apply the law, we will carefully review cases, then make a decision if we go to adult court or not" (¶ 14).

The one dissenting vote came from Justice Joyce Kennard (Moran, 2002). "Proposition 21 eliminates an essential check to arbitrary executive power" and therefore violates the separation of powers doctrine (¶ 21). But Larry Brown, executive director of the California District Attorneys Association, said that these fears are misplaced (Moran, 2002). Their organization did a survey. It showed that there were 550 juvenile cases filed

under Proposition 21 statewide during the first year. “There won’t be a run on the bank by prosecutors seeking to have juveniles tried as adults,” he said (¶ 28).

Daniel Macallair (2002), a criminology instructor at San Francisco State University, summarized his view of the Supreme Court’s decision. “If there is a silver lining in the decision upholding Proposition 21, it is that it will now force individuals and communities to recognize the dangers of current policy and lead to the creation of a constituency for real reform” (¶ 13).

Interview Analyses

Respondents were given the opportunity to participate in a 15 minute follow-up telephone interview as part of the survey. The interview analysis is the fourth method of data collection used in this study. Five attorneys volunteered and completed the interviews. The interview length varied from 15 minutes to 45 minutes. Two of the five interviews completed were 15 minutes; however three other interviewees indicated they were willing to talk longer. One of the three interviews was 35 minutes; one was 40 minutes, and the third was 45 minutes. The interview questions are located in Appendix B. Handwritten notes were taken during the interviews. The researcher paused the interview to catch up on writing responses as needed. Tape recordings were not completed as attorneys are resistant to being recorded.

A contact summary form was completed immediately following each interview (Appendix C). This form included what main issues or themes struck the researcher during the contact, a summary of each of the target questions, other thoughts that seemed salient, interesting, illuminating or important, and finally, any new or remaining target questions for future contacts or additional research were noted. It was realized that a few

questions were not asked of each interviewee when the contact summary form was completed. One interview question was reworded after an interviewee indicated that he did not have constituents since he was not an elected official; only District Attorneys are elected officials. The question was changed to read, how does the community view juvenile offenders? A hand-written thank you note was mailed to interviewees in appreciation for their time and input.

Next, a five column table was created to record each interviewee's response to the nine interview questions. This provided an overview of each answer to the same question. Four of the five attorneys responded to the hypothetical scenario. The attorneys were sent the scenario via E-mail prior to the interview, if possible, or after the interview. Two attorneys responded via E-mail so their responses were printed and then copied into the table. An overview was printed for each of the nine questions for analysis. In some cases, a district attorney gave a partial answer to another question, so those answers were moved to the corresponding sections. Then the table was reprinted. The table enabled the researcher to view all the responses to look for patterns and themes in the interviews.

Responses to each question were highlighted with a marker and/or underlined for key concepts related to Proposition 21, juvenile justice, and adolescent development. The researcher's questions and comments were noted in the margins. Several respondents gave input on changes that need to be made although specific recommendations were not asked about during the interview. Those recommendations were noted and are included in Chapter Five.

General observations of the interview table were completed first. Patterns were noted for three for the nine questions. Factors attorneys use in deciding to prosecute

juveniles as adults (question two) were coded first for patterns and then for themes. The information was then summarized in a table. Trends in the juvenile justice system (question four) and interviewees' responses to the hypothetical scenario (question eight) were analyzed likewise. The remaining six of nine questions without patterns were only summarized.

Interview follow-up included requesting more information from one interviewee on the county's drug endangered children program. Additional research was completed on a large county's CHOICE program. Research was also obtained on a medium-sized county's restorative justice programs.

District attorneys' roles. The first interview question asked how his/her role as a district attorney had changed since the implementation of Proposition 21. Interviewees stated that Proposition 21 affected the way they do their jobs. Prosecutors had a pretty significant change by adding gang enhancements and deferred entry of judgment. One small county had very few cases even eligible for 707(d) direct file. Yet in another small county, the first Proposition 21 case was in March 2000 when three "kids" committed armed robbery, ran away from the police, and shot at a police officer while on school grounds where children were loading the busses. The county chose to direct file all three juveniles.

A medium-sized county reported that their county's district attorney assigned two chief deputy district attorneys to work with juveniles and felonies. A change they've noticed is that they get more inquiry calls as to whether or not they should direct file on a particular case. These calls occur about every two weeks or so.

While the day-to-day routines were not changed much by Proposition 21, attorneys noted that their roles had changed. They were given the additional tool to work with juveniles and charge juveniles who are younger as adults, although they noted that this is very rare. District attorneys' roles changed practically as they can prosecute juveniles right away in adult criminal court.

Factors used in deciding juvenile court or adult court. The second interview question asked attorneys to state factors they consider when deciding to try a juvenile as an adult. Patterns were noted as many factors were repeated. Themes were generated by grouping similar answers together and then naming a general thematic category, such as age. Table 10 summarizes what factors the interviewed district attorneys considered while Table 11 depicts how they decide whether or not to direct file. Factors included: age, severity of offense, juvenile's thought process, prior record, what's already been done, and the strength of the case itself. They also considered if there is something else the juvenile division could do to help the young person.

Table 10

Factors district attorneys consider

Factors District Attorneys Consider
Age ▪ 16 years direct file ▪ How close are they to age 18? ▪ Lower end age-wise, less likely to direct file unless they have a really bad record ▪ Really young – 14
Severity of offense ▪ Nature of crime itself
Juvenile's thought process
Prior record ▪ Prior 707(b)? ▪ Is there an increase in seriousness of crimes? ▪ Has juvenile been charged before? ▪ Does the juvenile have a CYA record?
What's already been done?
Is there something else the juvenile division can do?
Strength of the case itself

Table 11

How district attorneys decide whether to file in juvenile court or adult court

How Attorneys Decide Whether to File in Juvenile Court or Adult Court
▪ Sometimes direct file is mandatory and there is no discretion on part of the

attorney

- Should the 14-year-old be protected or punished based on age or horrendous crime with confinement in CYA and enhance public safety?
- Who knows about this kid?
- Meet with and/or talk with probation department
- Social services network, including schools and Department of Social Services
- Formulate a decision whether or not this person deserves to be rehabilitated as a juvenile or given an adult sentence
- Does Juvenile Court have the time and resources to help the juvenile before he/she becomes an adult?
- Is juvenile amiable to the juvenile system?
- Is the juvenile not yet jaded, so with probation he/she can change his/her life?
- Interview with family
- Is family capable and willing to work with the system?
- Has the juvenile been getting what he/she needs?
- Is it too late or do we need to look at protecting people and society?
- Is there something we can do to help the juvenile develop or is this a last ditch effort to protect others?

- If the juvenile has a record, it strengthens the prosecutor's ability to prosecute the case. It is the District Attorney's burden to explain why the juvenile can be helped
- Some judges do not want to house a 17-year-old with a 40-year-old unless it is mandatory

- Judge or jury?

Communities' views of juvenile offenders. The third interview question asked about the community's view of juvenile offenders. The community members' views towards juvenile offenders lean towards two polarized beliefs. On one end of the spectrum are those who say, "Boys will be boys," "Girls will be girls," or "Kids are kids." If it is not a homicide offense, and the juvenile makes a "dumb" mistake, the community is much more forgiving. Some community members are a bit discomforted with purple hair, "piercing up," tattoos, and tend to stereotype youth.

On the other end of the spectrum are those who believe that if a juvenile commits an adult crime, that crime needs to be punished accordingly. Two counties specifically mentioned "gangs" as community issues. The community in one medium-sized county is supportive of law enforcement's efforts to suppress and enforce gangs, but the community wants to ensure that enforcement and suppression are not racially motivated. However, the interviewee noted that most gangs divide and identify themselves on racial lines.

Trends in juvenile justice. The fourth interview question addressed trends in the juvenile justice system. Interviewees' remarks about juvenile justice trends were coded for key terms. Patterns were observed as similar answers were coded. The patterns were then grouped together and given a thematic title. A table was created that depicted each of the ten themes and specific examples from the interviews that supported each theme's trends (Table 12).

Table 12

Trends in juvenile justice

Trends	Examples
Tendency to criminalize conduct	▪ Conduct that happened 20, 30, or 40 years ago would have been handled by the parents; no one got too excited about it ▪ "Kids being kids," such as low level vandalism, fights, pocket knives at school ▪ Crimes being dragged into the juvenile justice arena for fairly ridiculous behaviors
More crimes committed by juveniles	▪ Reason Proposition 21 passed ▪ Increase in juvenile crime ▪ See more and more crime
More serious crimes committed by juveniles	▪ More serious offenses, even from last year to this year ▪ More and more serious crimes committed
More filing as adults	▪ More cases going to trial because Proposition 21 exposed gang enhancements
Gang culture increasing; graffiti	▪ Taking more time and tougher to deal with ▪ More likely to file as an adult; insist on CYA ▪ Attention devoted to adult gangs helps with juvenile gangs ▪ More filings are contested regarding gangs ▪ Gang crimes require mandatory registration for 5 years
Drugs	▪ Taking methamphetamines ▪ Whole drug crowd; friends and associates ▪ Drug crimes typically handled in drug court system
Fewer resources	▪ Fewer resources than 21 years ago ▪ Very little money ▪ Crimes not being dealt with because of lack of resources ▪ Harder to deal with lesser crimes since resources have to be used for more serious crimes
Less able to "scare"	▪ Call parent ▪ Tours of juvenile hall ▪ Juveniles are harder to deal with
Less ability for probation officers to deal with juveniles	▪ Probation officers are over-worked ▪ Juveniles need accountability and consequences for behavior

Juveniles not being sent to CYA	▪ Five years ago laws changed and the counties now pickup the tab for CYA ▪ Judges have limited budgets ▪ Judges reticent to send to CYA facility ▪ Other judges are not sending juveniles due to CYA's failure to care for the safety of minors
More crime committed by juveniles	▪ Reason Proposition 21 passed ▪ Increase in juvenile crime ▪ See more and more crime
More serious crimes committed by juveniles	▪ More serious offenses, even from last year to this year ▪ More and more serious crimes committed
More filing as adults	▪ More cases going to trial because Proposition 21 exposed gang enhancements
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Juveniles not being sent to CYA	▪ Five years ago laws changed and the counties now pick up the tab for CYA ▪ Judges have limited budgets ▪ Judges reticent to send to CYA facility ▪ Other judges are not sending juveniles due to CYA's failure to care for the safety of minors

Adolescent development knowledge. The fifth interview question asked interviewees to describe their knowledge of adolescent development. Interviewee's actual knowledge about adolescent development was sparse as far as formal education, although one attorney took some college child psychology courses. However, the attorneys were applying information about adolescent development that they gained from other sources. These sources included being a parent (especially the parent of teenagers), having a parent with an education in child development, talking with others who have more

knowledge, such as probation officers, and studying gangs in classes offered by the CDAA.

Adolescent decision making. Interviewees were asked in question six about how adolescents make decisions. They agreed that adolescents make decisions much like adults do except that they lack mature judgment, perspective, and are governed by their impulses. A lot of decisions are made impulsively using their self-motivated desires. When adolescents are younger, they are not affected by deterrents. They tend not to weigh consequences nor do they take everything into consideration. Plus, they think short-term rather than long-term. Peer influences and pressure were cited as huge influences.

The older adolescents get, the more they are able to incorporate experience, knowledge, and judgment into their decisions. In the 16 year age range, adolescents start to understand a sense of consequences. One attorney noted that they can think,

> `That was a bad idea.' They have a memory of their past decisions. It's hard to say if they can grasp this at 14 or 15. At 16, the adolescents consider deterrents as a factor when making decisions. If they don't, then it is worrisome.

Adolescent's moral development. There was consensus that most kids, even young children, know right from wrong, when question seven asked about how attorneys determine an adolescent's level of moral development. A level of moral development is held for a person to be responsible for a crime or to testify. They must know the difference between right and wrong, and truth and lies. To determine this, an attorney may ask a young adolescent, "Why do you think it is wrong?"

Learning disabilities or problems might be evident when the attorney talks to the juvenile. Other times parents tell the attorney, the defense attorney may get their school records, or the attorney talks to teachers and counselors. There was concern that sometimes other adults are telling the truth about the juvenile while sometimes they seem to be "snowing us."

One attorney does not believe he/she really considers moral development directly. The attorney asks, "Was a crime committed? What is the charge? How do I basically assess the kid? Have they been doing terrible things for awhile? I look at what they did and what is best for them."

Another attorney uses psychologists and psychiatrists to evaluate the juvenile if there is a lack of remorse. The professionals report back to the district attorney's office to give them insight. They can find out if there is something biologically wrong. Is the adolescent clinically depressed? Are the parents present, absent, or transient?

Being a parent had a strong influence on two of the attorneys interviewed. These attorneys were less likely to view a juvenile in the abstract and see the juvenile more personally. One attorney shared, "Having seen your own children struggle with life and grow into adulthood and misbehaving gives you a little more perspective…Except by the grace of God, so go I. That could be my kid."

Hypothetical scenario. The attorneys were asked to give their judgment on a hypothetical scenario in the eighth interview question (Appendix C). All four of the five attorneys who responded to this scenario indicated that they would try hypothetical Henry Ramos as a juvenile. Their specific reasons were coded for patterns. The patterns were then grouped together by similar responses to create themes. The themes were then

divided into two major groups: scenario deciding factors and scenario concerns. The scenario concerns included attorneys' thoughts that were not specific deciding factors yet gave them pause for thought. A table was generated that summarized the attorneys' responses (Table 13).

Table 13

Interviewed attorneys' responses to hypothetical scenario

Scenario Deciding Factors	Scenario Concerns
▪ Age; youth	▪ Serious crime
▪ Charge with assault weapon, also force likely	▪ Gang angle
▪ File in adult court only if there is gang enhancement	▪ Navigating issues
▪ Lack of any significant prior record	▪ Lots of fights
▪ His ability to perceive a need for self-defense	▪ Father is in prison; mother not with it
▪ Could be under the juvenile court jurisdiction for over six years	▪ Social factors affecting his upbringing
▪ Ability to project the consequence of carrying a knife and committing a stabbing	▪ Broke into a house at age 12
▪ Haven't done enough for him as a juvenile	▪ Already had counseling and did community service
	▪ Injury
	▪ Prior school suspensions

One attorney was very decisive, it is primarily his age. "There are no other factors; his age would decide it for me. It is a serious crime and navigating issues certainly are there. Gang angle is a concern."

A second attorney responded via E-mail,

> I would prosecute Henry in the juvenile system because he is 14-years-old and his ability to perceive a need for self defense, to project the consequence of carrying a knife and committing a stabbing, and the social factors affecting his upbringing make him less culpable than an adult. Also, because it is felony assault with a weapon, he would not be eligible for Deferred Entry of Judgment and with this one incident, he could be under the juvenile court jurisdiction for over six years.

Another response via E-mail was,

> I read the hypothetical and it is a difficult choice. First of all you could only file this in adult court if there is a gang enhancement charge. If so, then it would be within the D.A.'s discretion to file as an adult. His lack of prior record and young age (14) would be in his favor. He could go to CYA do 11 years and be released at age 25. On the other hand the crime, injury and gang aspects go against him as do his prior school suspensions and lack of cooperation to test. I would probably lean towards leaving him in Juvenile Court if I was assured he would be in CYA. His lack of any significant record and his youth are the key factors in my decision.

The final response stated that Henry committed a 707 offense but is ineligible for deferred judgment. He would be charged with an assault with a weapon. The attorney stated,

> This is a serious offense. Formal probation can be beneficial. He’s only 14 and been in lots of fights. At 12 years of age, he broke into a house; he’s had counseling and done community service. We haven’t done enough as a juvenile

> for him. All these issues – hyperactivity and learning disabilities – we need to get him on the right track, consider medication, do an evaluation, and get him to actually turn around. His father is in prison so he'll need help with that. The statement that the weapon came out from underneath his shirt, it could be true that he found it on the ground. The tryor of facts will determine this. He did stab someone with the knife. It is not as bad if he found it on the ground. Mom doesn't sound with the program.

The attorney would recommend him for their county's CHOICE Program (details in Chapter 5). He'd also have a mentor. He would get help with self-esteem and learn that his self-esteem can come from within, not from a group.

Additional comments. The final interview question allowed interviewees the chance to add any additional comments, although two of the five interviewees were not given this opportunity. One interviewee noted that he had nothing to add. Two of the interviewees gave some additional insights. One attorney indicated, "I am in favor of Proposition 21. Glad we have it to deal with violent crime. Way to deal with it and discourage it and punish it." The other attorney shared that she had been in the district attorney's office for 21 years. It was her first assignment. Then she did defense work for a couple of years. "I'm glad to be back here again."

Chapter Four began with an overview of Proposition 21, followed by a presentation of the quantitative findings. Then qualitative data were presented. First, the counties' web pages and mission statement documents were analyzed. Then the news article documents were analyzed. The current status of Proposition 21 was discussed. The

last section presented the interview analyses. Chapter Five is the final chapter which is a discussion of the findings.

Chapter Five: Discussion

"Declaring open season against gang violence and juvenile crime, Governor Pete Wilson proposed a tough new set of juvenile justice penalties, including legislation to treat some violent offenders as young as 14 as adults in court" (Moore, 1997, ¶ 1). When California voters entered the polling booths in March 2000, not only did they choose presidential candidates, they decided "whether to make radical changes in the law that would be likely to make this the strictest, most conservative state in the nation on juvenile crime and punishment" (Nieves, 2000, ¶ 1).

This initiative, known as the Gang Violence and Juvenile Crime Prevention Act of 1998, or Proposition 21, would shift the power from judges to prosecutors (Nieves, 2000). Juveniles who are 14 or older would no longer have to go before a judge to decide if the juvenile should be tried as an adult. This initiative came at a time when juvenile crime was declining both in California and nationally, however school shootings continued. It was estimated that "Proposition 21 would cost more than $1 billion in prison construction costs and $330 million a year to carry out, according to the state's legislative analyst" (Nieves, 2000, ¶ 11).

Beyond the estimated cost of Proposition 21, the initiative has created controversy (Nieves, 2000). Mr. Barry Krisberg, president of the National Council on Crime and Delinquency, which opposed the measure, said,

> It's almost as if they've taken everything that doesn't work and put it into a package (¶ 12). Studies have shown repeatedly that trying juveniles as adults

> increases recidivism (¶ 13). Relative to public safety, 21 will yield no benefit. No study has even concluded that there is a positive impact from trying juveniles as adults (Nieves, 2000, ¶ 14).

Riverside County's District Attorney Grover Trask, and president of the California District Attorneys Association, explained, "When we created the juvenile justice system it was for truants and kids who got in trouble for stealing bikes" (Nieves, 2000, ¶ 6). He noted that a little more than 2,000 of the 76,000 juvenile arrests during the past year in California fell within the violent category. However, Trask added,

> Over the last decade, with the insurgence of the gangs that we've seen and an increase in guns and violence--I mean, carjacking wasn't even part of our nomenclature until recently--we've spent tremendous resources in the juvenile system trying to figure out what to do with these offenders (¶ 12).

A field poll showed only 24 percent of likely voters supported Wilson's measure and 41 percent were opposed. Even so, the polls also showed that Americans were still spooked by the steady diet of violence and mayhem on the nightly news, especially when it involved youth crime ("California Proposition," 2000). However, the proposition passed with more than 62% of the vote ("California Shifts," 2000). "Critics say the ballot initiative will overload the prison system with youth and shift the emphasis from rehabilitating juvenile offenders to punishment" (¶ 4). Proposition 21 was codified as Welfare and Institutions Code Section § 707(d) (McKee, 2002).

The research question posed for this study in light of Proposition 21 was, "What impact does the understanding of adolescent development have on California's district attorneys' decisions to try juveniles as adults in criminal court?" In the final chapter, 237

documents will be compared to the district attorneys' phone interviews noting similarities and differences in the findings. Especially important are the document findings on reasons given by district attorneys and judges compared to both the legal requirements of Proposition 21 and attorneys' interview responses. Comparison of the communities' view of juvenile crime, crime trends, gangs and graffiti, prevention programs, and intervention strategies will also be examined. Three propositions related to Proposition 21, adolescent development, and juvenile justice will be made. Then the propositions will be compared to the literature review. Finally, recommendations for field practice and future research will be addressed.

Survey Data

One attorney asked what a Likert scale was when he was asked on the phone to participate in the survey. The term should have been explained or not used in the E-mail and/or phone request in order to eliminate confusion for possible respondents.

One attorney from a small county added comments in the optional section of the survey. He wrote on his survey,

> The selection of factors 9 through 26 is somewhat hampered by the use of descriptive terms with little common meaning among prosecutors; when staffing direct filing decisions, we are more likely to use the factors and language found in California Rules of Court 4.414, 4.421, and 4.423 (confidential source, personal communication, March 6, 2006).

It was suggested by an attorney when test piloting the survey to change the wording so that attorneys would be forced to think about their choices as opposed to simply choosing the familiar (confidential source, personal communication, June 17,

2005). Although the Welfare and Institutions Code Section § 707(d) states the specific criteria for direct file, when a new initiative is implemented and there is no case law, attorneys often refer to other codes to set legal precedents (M. Thomas, personal communication, November 2, 2006).

The time it took for counties to decide whether or not they would participate in the study was the opposite of what was expected. It was expected that the yes decisions would take longer because most public agencies use required protocol that typically slows down the process. However, it was the counties who chose not to participate in the study that took the longest time to respond with an average of 5.82 weeks compared to 4.76 for the yes counties. On the other hand, there were more contact attempts made per county for the yes counties. Eighty-two contact attempts were made with an average of 6.83 per county. This was higher than the 79 contact attempts that were made for the no counties with an average of 5.64 contacts per county.

The legal factors scored highest with a 3.48 mean. This was expected for a survey completed by attorneys. Of the adolescent development factors, decision making and judgment scored the highest with 1.96, followed by psychological at 1.93, then behavior with 1.82. Cognitive was the lowest with 1.70. There was only a .26 variance between the lowest and highest scores for the adolescent development factors.

Web Page Data

Contact data on the web pages was looked for first. Only two programs had access to the district attorney's office via E-mail. Most all counties had an E-mail address available on California District Attorney Association's web site, but that is a professional organization and unlikely to be accessed by citizens. District attorneys are public

officials. Living in a technological age it seems that they would offer E-mail for contacting their offices. One county used a general information E-mail address where a person could send a question for a district attorney and their office would direct the person to the correct source via E-mail. Another county couldn't participate in the study because the person answering the phone said that they weren't allowed to give out the E-mail address for the deputy district attorney and therefore couldn't participate in the study.

Several counties featured highlights on their web pages. A restitution specialist works with the victims to uphold their rights and be compensated for their losses in one medium-sized county. Protecting the community and prosecuting criminals provided the foundation for the large county's philosophy. "Vigorous and professional prosecution of those who violate the law," is stated under the sub-title, "Protecting the Community." It also states that their district attorney's office has a 94% conviction rate, one of the highest in the state.

Six counties have a specific page or section that addressed juveniles. "Juvenile Court" in one small county gave an overview of the juvenile court system mentioning that the juvenile system was "established with the belief that children could successfully be rehabilitated through intensive counseling, education, and guidance, rather than punishing them in the adult criminal justice system."

Two counties prosecute using a vertical felony trial team. "Vertical prosecution is one of the key organizational components of this office. Handling one felony caseload in a vertical fashion reduces inconvenience to crime victims and law enforcement personnel."

Two counties also gave information regarding Proposition 21. A juvenile can be removed from the juvenile court system and tried as an adult under certain specified circumstances. The web page assured the reader that direct filing is a process that is used only after careful review of the alternatives available and that adult certifications are not frequent.

News Article Data

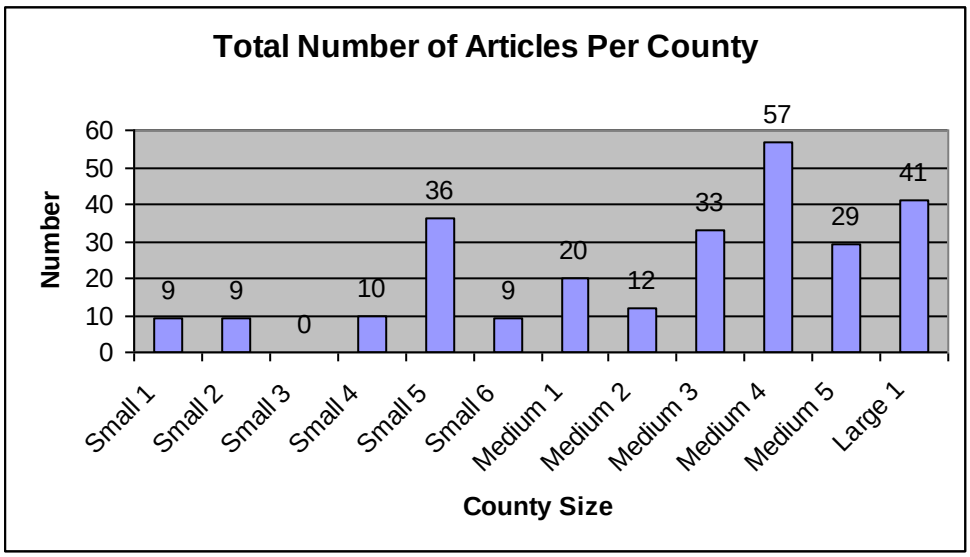
Two hundred forty-seven news articles were obtained and analyzed. The smaller counties required more search phrases to locate documents while medium size and large counties' documents were located through fewer key phrases. Locating the actual documents was much more difficult for the smaller counties, often requiring the St. Mary's College of California librarians to track down the news articles. One small county did not have any documents located because their newspaper was not available on-line or in archives.

Figure 19 shows the total number of documents from each county. The small counties had the smallest number of documents with nine or ten documents for each, with the exception of one county with 36 news articles. Fourteen of these articles addressed the district attorney's office, including the local district attorney election, while seven of the articles gave information about the juvenile system. It was anticipated that the largest county would have the highest number of documents due to county size; however that was not the case. One small county had 36 articles while the largest county had 32 articles. One medium-sized county had almost twice as many documents as the large county with 57 news articles. One medium-sized county only had two more documents

than four small counties with 12 news articles followed by one county with 20 articles. The other medium-sized counties ranged from 29 – 32 articles.

Figure 19

Total number of articles per county



Not every county had documents on "Proposition 21." Four of the five small counties did not have any "Proposition 21" document headlines nor did two medium-sized counties. However, all but two counties used a similar phrase, "Try as an adult." Gang enhancements are covered in Proposition 21. Three of the small counties published articles on gangs, but none of these counties included articles on Proposition 21. Two of these counties did not contain the topic, "Try as an adult." One medium-sized county that declared issues with gangs did not address either "Proposition 21" or "Try as an adult."

Predominately small counties had multiple articles on the district attorney's office and elections. One very small county had 14 of the 21 total articles while one medium-sized county had three articles. When viewing the 32 letters to the editor and opinion articles, a medium-sized county had the most letters with a total of 10, followed by a

large county with nine letters, and another medium-sized county with eight letters. One small county had one letter and one medium-sized county had the remaining four letters.

When examining juvenile crime and crime trends, two small counties did not cover either topic. Two small counties and one medium-sized county encompassed juvenile crime, but not general crime trends. The juvenile system and/or juvenile hall were mentioned a total of 13 times in three small counties; two medium-sized counties; and one large county. One small county accounted for seven of the 13 documents on this topic.

What do communities think about juvenile crime? An article from the document analysis titled, *Is It a War on Crime, or on Kids?* quoted a 17-year-old senior (Coursey, 2000 B). "I had minor scrapes when I was younger, but if you look at Prop 21, those scrapes could have been felonies. And I'm a good kid! The thing is scary" (¶ 2).

Columnist Chris Coursey (2000 B) reflected that many voters will think it is fine for California to get tough on crime by sending more young people to adult court and adult prison. "Quit coddling these little creeps. Get the gangs off the streets. Prevent crime" (¶ 6).

Coursey (2000 B) is not alone in his ideas.

> By definition, juvenile wards are criminals because they violated the California Penal Code. For the overwhelming majority of them, it's not the first time. Most of the wards have committed five or six or more 'mistakes' before they end up incarcerated. How many 'mistakes' does a person have to make before he/she is held responsible (Winslow, 2005, ¶ 6)?

Another person stated a similar sentiment (Paladoz, 2005).

> If one time through juvenile hall doesn't get the attention of these 'children,' put them away. Within a year, the increase in commitments from [name of] county will result in a decrease in the juvenile crime rate (¶ 9). These kids will get the message and either straighten up or move back to the land of books not bars (¶ 10).

However, 17-year-old Vicente Lara also knows that the juvenile justice system now, as compared to a hundred years ago, is set up to recognize that kids change (Coursey, 2000 A). "What they do and who they are –at 14 and 15 and 16 is not necessarily what and who they will be as adults" (¶ 7). Lara adds, "Some kids make mistakes. But that doesn't mean they're bad. It means they have to learn" (¶ 8).

The editors of a medium-sized county's local newspaper agree ("Gang Life," 2002).

> The law holds that people under the age of 18 are children and generally should be treated as such when they commit crimes. Thus, we have juvenile court and a great deal of secrecy surrounding juvenile court procedures (¶ 1). That is fine in some -- probably most – instances. Yes, young people, being young and inexperienced in life, generally should not be held fully responsible for the consequences of their actions. Said another way, society in most instances excuses youthful indiscretions, or at least does not hold children as accountable as adults would be (¶ 2).

Columnist Judy La Salle (2002) noted that in her medium-sized county there's a difference between holding people accountable for their behavior, and sealing their

downfall, especially with juveniles. Historically, communities were charged with "trying to correct errant behavior in juvenile offenders, while enhancing the probability of their success in life" (La Salle, 2002, ¶ 2). However, this has become more difficult because "many delinquents now resemble confirmed criminals, rather than errant children. Because of their monstrous behavior, we have to impose tougher sanctions, which automatically lessen the probability that they will be able to recover easily" (¶ 2).

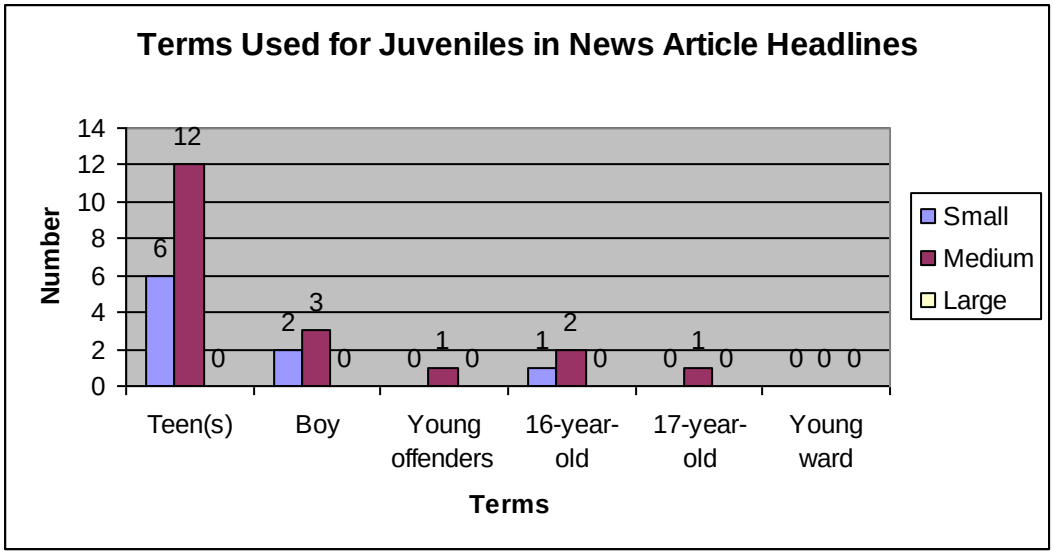
But there are limits. The editorial supported trying two boys, ages 15 and 16, as adults for the shooting death of a man and seriously wounding another ("Gang Life," 2002). Both boys were gang members.

> A large county's supervising deputy district attorney commented,
>
> Prosecutors realize how crucial these decisions are. There's a huge difference between going to prison and serving what is usually a shorter sentence at a youth correctional facility. We try to keep an open mind, but for most of the kids we see under those circumstances, community service is not something that's on their resume (Breitler, 2006, ¶ 15, 16).

The researcher examined the various words used for juveniles in article titles in conjunction with Proposition 21. Figure 20 shows the terms used by county size. The word "teen(s)" was used the most in 31 article titles. "Boy(s)" was used 14 times in headlines. "Kids" were used 5 times, followed by "youth" and "youthful offenders" each used three times.

Figure 20

Terms used for juveniles in news article headlines



Juvenile confidentiality laws. A specific concern addressed confidentiality laws. Since juveniles can be tried as adults, one community is concerned about juvenile confidentiality laws (Nation, 2005 A). The state's Welfare and Institution Code that governs juvenile justice was adopted in 1961. There is a growing movement nationally to "let the sun shine on the juvenile justice system," said Jim Chadwick, an attorney with DLA Piper Rudnick Gray Cary (¶ 23). "There are so many systematic problems, noting that some judges, health professionals, and others believe there should be more access to juvenile proceedings" (¶ 24).

One victim's mother was not allowed to be present during a six hour cross-examination by three defense attorneys while the defendant's parents were permitted to attend (Nation, 2005 A). Stan Savage, the victim's father, believes that the public should know what happened in his daughter's case. He noted that there are many juvenile crimes

committed that the public is never aware of. He ponders why juveniles who have committed serious crimes are protected by confidentiality (Nation, 2005 A).

But not all juveniles who commit crimes are protected by confidentiality. An example of a minor not being protected by confidentiality laws was found in a newspaper document. "*The Record* is publishing the name of the minor because he is being treated as an adult suspect by the criminal justice system" (Ioffee, 2005 B, ¶ 4).

Peter Scheer, executive director of the California First Amendment Coalition in San Rafael, agreed that in some cases an open courtroom is appropriate (Nation, 2005 A) "In general, that leads to a higher quality of due process for all the parties involved and gives the public a greater sense of confidence. Whenever a criminal matter is closed, there is always suspicion" (¶ 21).

Not everyone agrees about open courts for juveniles (Nation, 2005 A). A 25-year juvenile defender, lawyer Douglas Horngrad, believes that expanding the rules for open courts is wrong. "They are juveniles –they're children. They are too young to be entirely responsible because they are children (¶ 31). Kids do kid things," Homgrad said (¶ 32).

Other officials and legal practitioners also believe juvenile confidentiality laws are appropriate (Nation, 2005 A). Ron Ravani, the county's deputy district attorney who heads the juvenile division, said,

> You keep it confidential to protect and make sure they are not stigmatized at a later time. In juvenile law we're dealing with minor crime most of the time. You're usually not dealing with the crime; you're dealing with the kid. We don't just lock them up, we intervene, we rehabilitate (Nation, 2005 A, ¶ 17).

Deputy Public Defender John Sclut thinks current laws are on track. "In the sense that we support what really is the bulk of juvenile court, we support the law that they should have confidentiality," he said (Nation, 2005 A, ¶ 18).

Crime trends. How are the district attorneys' perceptions similar to or different from the communities they serve? Perhaps a quote from a medium-sized county's newspaper described it best. "Every resident needs to stretch his or her thinking on crime. This is a school problem. It is a service-club problem. It is a church problem. It is everybody's problem" ("Declaring War," 2006, ¶ 17). Even juveniles themselves are concerned about the growing problem of violence in America and the safety of youth in particular (Fabiano, 2003). "Are the youth of America safe?" asked Catherine Fabiano, a 17-year-old senior (¶ 3).

Others are asking the same question. One medium-sized county reported that their city suffers from the highest per capita rate of violent crime in the state (Fitzgerald, 2005 A). Police Assistant Chief Wayne Hose said,

> What's scary is it seems to us that we've got a group of offenders that are a little more violent, and they care less about human life. That's what scary. When they'll punch an 80-year-old woman. Or robbing a businessman on the street and sticking a shotgun in his face. Talk about terrorism (¶ 6).

Another medium-sized county's probation department officials reported that the juvenile delinquents they are facing are younger than ever ("Involved Parents," 2004). They also appear much more distressed than children from earlier generations. "And they're more likely to commit more serious and violent crimes than in previous years, without realizing that what they're doing is morally wrong" (¶ 2).

This same county's police department keeps statistics on a variety of crimes (Anderson & Pesznecker, 2004). In 2004, their numbers showed that the city had two percent fewer major crimes than the previous year. Police Chief Tony Dossetti commented, "I think we're seeing a great deal of tolerance for each other, and a great deal of intolerance for crime. People are fed up with crime" (¶ 3). However, there were more murders and rapes, including date rapes, that often involved alcohol or drugs (Anderson & Pesznecker, 2004). The city also saw an increase in aggravated assaults, but assaults involving other dangerous weapons like pipes or baseball bats, fell by 14, from 144 to 130 this year. He added,

> Murder and assault are the two crimes where we can't do much prevention education. If a guy's got it in for you, there's not much you can do. If we had a cop at every door, there would still be assaults and murders (¶ 9).

A medium-sized county cited three causes of crime (Fitzgerald, 2005 A). Assistant Chief Hose believes the one word to diagnose the problem would probably be drugs. The second cause is bad parenting.

> …there's a tension between the conservatism of the Valley establishment and the more progressive and prosperous world that kids and the disenfranchised see on TV, in other mass media and in coastal cities. See, and want (¶ 16). But I'll keep it simple and opine instead another big cause is bad parenting (¶ 17).

The third problem contributing to this county's crime rate is economic, societal, and cultural. "If a solution could be expressed in one word it would be: jobs. Jobs, education and steroids to beef up the jail" (Fitzgerald, 2005 A, ¶ 20). He added that the city is a

great place to live with many great people, unfortunately, a small percentage of people are making life miserable for everyone (Fitzgerald, 2005).

Although some news articles noted that juvenile crime rates are increasing and more serious crimes are being committed by juveniles, not everyone agrees. "According to the state, 3,004 wards are held statewide in youth prison. That's way down from the high of 10,122 in 1996. Prison officials expect the population to decline for at least five more years, dipping to 2,415 in 2010" (Smith, 2006, ¶ 10).

Sarah Ludeman, a spokeswoman for the Juvenile Justice Division, said, "The drop is largely the result of legislation enacted in 1997 that charges counties more to send less-serious offenders to the state and less to commit more-serious offenders" (Smith, 2006, ¶ 11). "Under the sliding-scale system, counties have an incentive to treat less-serious offenders locally, leaving beds open in state youth prison for the most difficult juvenile offenders," she said (¶ 12).

"That explains only part of the decline," said Dan Macallair, executive director for the Center for Juvenile and Criminal Justice (Smith, 2006). "Juvenile arrests in California have hit a 30-year low, so fewer young people are going to court and on to prison," he said (¶ 13). "We're incarcerating fewer kids, and the crime rate's declining. It's a phenomenon we haven't seen before" (¶ 14).

Juvenile crime numbers directly affect reform. Reform efforts are easier when there are lower numbers, noted Barry Krisberg, president of the National Council on Crime and Delinquency (Smith, 2006). "Smaller ward populations are more manageable, but that doesn't change the dire need to replace the state's old prisons," he said (¶ 15).

But Jakada Imani, a spokesman for the Oakland-based civil rights organization, Books Not Bars, believes that the youth prison population remains artificially high (Smith, 2006). “It’s too easy for wards to have time added to their commitments for minor infractions,” he said (¶ 16). Imani added that the state should only treat about 1,500 juveniles who need treatment for mental health problems, drug addictions, and sexual deviance. He believes that all others should be sent to local treatment centers in the juveniles’ home counties.

Not all counties saw a decrease in juvenile crime. In one medium-sized county, serious crimes decreased significantly, but not for juveniles (Sanchez, 2006 A). The number of juvenile arrests increased from 466 in 2004 to 500 in 2005, an increase of 7.3%. During the same period, the number of assaults increased from 619 to 649, a 4.8% increase. Captain David Sears, with the police department, believes the increase in juvenile crime and assaults is up in part because of an increase in gang activity. Other factors included arrests of juveniles for alcohol possession, truancy, and more fights between adults.

Mayor David Glass indicated that he was “pleasantly surprised” by the overall reduction in this same county’s crime, but is concerned about the increase in juvenile crime (Sanchez, 2006 A). “I am very concerned about what is happening with our kids,” he said. “The solution lays not only in more resources for police but also in more youth programs” (¶ 14).

The mayor also has views on campus safety at the four area high schools (Sanchez, 2006 B). “The challenge of crime on the campuses is a very real one,” he said. “It’s an area in which the city should make every effort to partner with the schools to

lessen the frequency and severity of these occurrences" (Sanchez, 2006 B, ¶ 8). Assaults, batteries and fights reported to police in the four schools increased from 17 in 2004 to 31 in 2005, an 82% increase. Weapon possessions increased from eight to 13 during the same period, a 63% hike. A new trend appears to be assaults with a deadly weapon, other than a firearm, and the use of explosive devices. There were no such incidences in 2004 compared to four in 2005.

While reports of violent crimes increased, other types of crime decreased in the city's two high schools and two junior highs (Sanchez, 2006 B). Drug and alcohol offenses dropped from 31 to 25, a 24% decrease. Burglary and theft reports also declined from 32 to 24, a 25% drop.

Fewer resources were a specific challenge mentioned as a crime trend for one medium-sized county. The county's district attorney asked the County Board of Supervisors for an extra $2.25 million to hire 26 new employees and pay for new computers, vehicles and other equipment (Kane, 2006). "I'm asking for bodies to handle the caseload as is," Willet said. "I'm rowing against the tide here" (¶ 4). The district attorney stated that their county has more challenges because of their county's violent crime rates, including murders, rapes, assaults, and molestations which are more time-intensive than other types of criminal cases. In his plea, he referred to the long-running television show "Law and Order" to depict the importance of the district attorney's office. "We're not just a bunch of lawyers running around with big legal pads. We're a law enforcement agency," Willet stated (¶ 13).

Gangs and graffiti. An article from the document analyses connected graffiti to gangs (Marshall, 1997). Sheriffs get information about gang activity from the graffiti,

said Sergeant Ron Perea of the sheriff's department. "It tells us who was here. It looks like trash, but there's meaning there" (Marshall, 1997, ¶ 16). Like packs of wolves, gangs leave their marks wherever they go: in fast food restaurant bathrooms, outside convenience stores, on water tanks and on large boulders. They spray-paint "tags" in Old English or block letters that identify the gang member and his or her gang. Deputies take photos of the tags which they keep on file. Then the town or property owners are directed to promptly remove the graffiti.

"The nature of our gang cases has changed," said Christine Cook, a deputy district attorney with the gang prosecution unit (Hay, 2005, ¶ 9). "We have a lot more multiple-defendant attempted murders, serious assaults and violent assaults than we did just a few years ago. A troubling large number of gang members in the county are teenagers," police said (¶ 35). Sheriff Sergeant Lorenzo Duenas grew up in the area and now helps monitor his old neighborhood. He said, "The issue is the youth. The violators are becoming younger and they're more willing to be more violent, and they're more apt to use weapons" (¶ 47).

A medium-sized county's columnist challenged the community to quit thinking about gangs as "simply poor, unsophisticated children who are just looking for family and fights" (La Salle, 2005, ¶ 1). She noted that criminal street gangs are lethal. They are about power, belonging, having money, and committing crimes. The brains behind all this are adults, not "misunderstood juvenile delinquents" (¶ 1). Gang activities these days are serious and sophisticated. If they give an inch, they have too much to lose. La Salle adds,

> So they stay on the offensive. Murdering another human being means nothing more, to them, than a simple way to solve an existing problem or to show bravado, and it's not the mind-set most of us are used to….The gangs sprouted and matured while most of us were sleeping. Now it's a new day and we have an invasive malignant weed we're trying to treat like a dandelion (La Salle, 2005, ¶ 1).

Teenagers themselves are noticing gang trends. Seventeen-year-old Catherine Fabiano (2003) wrote, "Young people join gangs for a range of reasons. Some are drawn to the aspect of security of having a 'family' to look after them. Peer pressure is also a large motivation for youths to join gangs" (¶ 10). Regardless of what the appeal may be, teens and pre-adolescents are becoming involved in gang-related crimes.

Those who work with troubled juveniles in one medium-sized county differed as to whether so many students actually belong to gangs (Digitale, 2006). At least two thought the numbers were too high and perhaps indicated the allure of gangs to many teens. "These kids who are playing with…something they truly don't understand," said Rafael Velasquez, who works with Routes for Youth (¶ 8).

This medium-sized county's local school board President Bill Carle noted that 95% of those who said they joined a gang reported they did so to "have fun" (Digitale, 2006). He pointed out that "87% of those claiming gang involvement said they would like new sports and recreation programs implemented for them (¶ 39). They're looking for socialization," he said. "They're looking for something to do" (¶ 40).

In one small county, the gang presence is underground (Marshall, 1997). Officials notice that there's a lot of dressing like gang members and a lot of wanna-bes who don't

understand what they are doing. “But once gangs are established in an area, it’s near to impossible to get rid of them,” said Georgene Goodstein, a small county deputy probation officer in the local area (Marshall, 1997, ¶ 8).

> We need to remain vigilant. Once gangs are in place, full gang suppression efforts are needed just to hold the line. To be effective, this requires additional law enforcement officers, probation department staff and district attorney personnel at, of course, additional expense to the community (Marshall, 1997, ¶ 8).

District Attorney Gordon Spencer reported that a case in his medium-sized county was directly related to youth gangs (De La Cruz, 2003). This case “explodes the myth that gang violence is only perpetrated against other gang members (¶ 23). They were innocent young men who did nothing to bring this violence on themselves” (¶ 24).

Deputy District Attorney Dave Elgin prosecuted this case involving the fatal shooting of one person and the attempted murder of another (De La Cruz, 2003). Elgin couldn’t imagine a more senseless crime. “You have three young men essentially minding their own business with no gang involvement whatsoever and vicious morons shoot them in cold blood in the mistaken belief they were rival gang members,” he said (¶ 20).

There were no documents on adolescent development, nor were there any documents that addressed how adolescents make decisions. Two articles addressed the moral development of adolescents. Additionally, there were several related articles on the role of parents which will be addressed later in this chapter.

Moral development of adolescents. A medium-sized county’s letter to the editor challenged the community to get involved with creating answers for drive-by shootings

and other violent acts ("We Must," 2003). The author suggested that current youth programs be strengthened and more outlets found for children at an earlier age, thereby preventing crime. The author stated,

> Beyond special programs, equipment and buildings, more efforts need to be made early to instill proper morals and values in young people, while staying away from things—like certain television programs and movies—that can be bad influences. The need to press ahead toward this goal can't be overemphasized ("We Must," 2003, ¶ 15).

A similar sentiment was expressed in another editorial in this same county's newspaper ("Involved Parents," 2004). The author had some ideas on addressing the county's juvenile delinquency and shared,

> We have to think young people also are being exposed to influences that aren't in their best interest. Through movies, television and the Internet, young people could get the impression that violence is commonplace and acceptable. Despite movie ratings and computer filters, children have easy access to langue and sexual content that's not appropriate for them (¶ 8).

The author is not entirely convinced that there aren't enough recreational opportunities for young people in their area. The challenge is pairing up youth in the community with available community programs.

Prevention as a Solution

Crime Prevention Act as prevention. One medium-sized county's officials indicate a downward trend in the number of juvenile arrests since the early 1990s throughout the state (Nation, 2004). "In 1994, there were 91,999 juvenile felony arrests in

the state. By 2003, the number had been reduced to 60,878" (Nation, 2004, ¶ 7). Officials credit the Crime Prevention Act of 2000 which gave counties money to provide better intervention when kids get into trouble. The law provides $130 million annually for counties to develop programs that reduce juvenile crime and recidivism.

However, it should be noted that money is more effectively spent on prevention than intervention. Dr. Mike Carlie, a Southwest Missouri State University criminologist, who wrote a book on American gangs in 2003, *Into the Abyss*, cited Gang Resistance Is Paramount (GRIP) as an effective anti-gang program (Hay, 2003). "For every seven dollars of intervention program spending, if only one dollar had been spent on prevention you would have saved most of that seven dollars from being spent" (¶ 60).

The medium-sized county mentioned previously used the money to create an after-school program at County Community School, increased mental health services at juvenile hall, expanded the juvenile drug court to accommodate 30 active participants, and finally, enlarged a victim/offender restoration program to allow youthful offenders to see the human consequences of their actions (Nation, 2004). Chief probation officer Michael Robak noted, "This program [Crime Prevention Act of 2000] has been responsible for 200 fewer offenses in the county. The arrest rate has dropped" (¶ 9).

The different agencies involved, including law enforcement, the probation department, public defender, and the district attorney all work to determine ways to help the child (Nation, 2004). Ron Ravani, a deputy district attorney who is assigned to work with juvenile cases, commented, "The mantra is early intervention. There are theft awareness classes, substance abuse programs and, if it doesn't work, it goes to the DA. The bottom line is, what can we do to fix it" (¶ 20)?

Community involvement. One way to prevent crime is community involvement (Hart, 2004). Judge Arnold Rosenfield, a former county prosecutor who became this medium-sized county's first full-time juvenile judge in 1999, believes that community groups and social service agencies could play a larger role in preventing juvenile delinquency. Children are less likely to end up in court if their troubled families get drug treatment and other services.

A medium-sized county's letter to the editor agrees that increasing adult volunteers with parent and youth accountability boards will pay off in the future ("Involved Parents," 2004). "Youngsters and their parents sometimes must be told what's expected of them and how things can be made better, then must be kept on task" (¶ 14). Involving the whole family in the process will help yield impressive dividends for youth as they become more productive citizens.

This same newspaper featured yet another letter to the editor about community involvement and drug-related crimes ("Criminal Justice Ills," 2004). In addition to treatment programs for drug addicts, the community member commented,

> We know that programs aimed at helping adolescents gain life skills before they become juvenile delinquents are worthwhile and should be expanded. Programs diverting people from entering the criminal street gang lifestyle are also very worthwhile efforts (¶ 11). No one person or organization has all the answers to these perplexing societal issues. If the community and representatives of the criminal justice system come together, we're confident improvements are not only possible but probable (¶ 12).

One medium-sized county offers prevention programs that center around community involvement (Pagan, 2006). The Children's Action Coalition serves children and families. This county wide group includes schools, local government, law enforcement, and non profit organizations that work together. The program's vision is that their county's children are "safe, healthy, and succeeding in school, that all families have access to quality early education, that teens are supported in becoming young adults, and that the community provides support systems to help families" (¶ 1). The Children's Action Coalition created this county's first Children's Report Card at the Children's Summit which began with baseline data that will help track child and youth outcomes in the future.

Furthermore, the countywide Youth Assets Campaign was launched at the Children's Summit (Pagan, 2006). The coalition wants an "Asset Building Community" where parents, teachers, the faith community, businesses, the media, and anyone who works with children and youth focus on building youths' strengths and fostering resilience. Youth assets are factors that help children and youth grow and thrive, overcome adversity, and mature into successful adults. Assets include internal characteristics such as having goals for the future or a love of learning, as well as external characteristics like having a caring adult and being involved in community or church.

Other community involvement in this same medium-sized county included several accomplishments directly affecting teenagers (Pagan, 2006). A forum at the local community college was offered for teens to discuss issues and learn about community resources. The County Office of Education opened The Opportunity Zone. This is a resource center where young people can get help with job seeking skills, such as creating

resumes, access to the Internet to search for jobs, and one-on-one mentors to work with them. Human Services opened another youth resource center downtown that serves foster youth and other teens in a youth-friendly environment (Pagan, 2006).

In another medium-sized county, the Social Advocates for Youth Mentor Program was listed in the local newspaper under "Opportunities to Make a Difference" ("Opportunities," 2002). The organization was searching for positive role models for young people ages 14 to 21. The Social Advocates for Youth's (SAY) web site explains their program ("Social Advocates," 2006). They offer education, counseling, psychotherapy, family support, job training, mentoring and substance abuse prevention services for youth, parents, and other family members who live in the county.

SAY collaborates closely with local communities and schools to address and help meet the needs of young people and their families ("SAY Prevention," n.d.).

> Whenever possible, SAY helps youth and young adults make choices that will lead them away from precarious paths to choices that will enrich their lives and the lives of their families (¶ 1). Prevention is a wide umbrella for a variety of services (¶ 2).

Their services include: individual, family, and group counseling; family advocacy; mentoring; a crisis line for adolescents and parents; school-based drug and alcohol prevention and education; a shelter for runaway and homeless youth that focuses on family reunification; supportive housing programs for young adults who age out of foster care; and youth employment services.

SAY Development Director Cary Haris believes that their most effective programs for preventing juvenile crime are the Opportunity Now program and Youth Employment Center (C. Haris, personal communication, October 24, 2006).

> The Opportunities Now program provides assistance with job development, GED support, tutoring, support services, career exploration, leadership opportunities, adult mentioning, guidance and counseling, referral services, occupational skills training and follow-up services for 12 months. The Youth Employment Center provides basic job readiness, such as: resume writing, interview skills, job application workshops, links to other youth services and help with employment related issues. It has been our experience that clients who are actively engaged in school and care about their education are usually less likely to commit crimes. Furthermore, I can imagine you have found in your research the benefit of employment. There is so much tied to a youth having a job, being successful and setting an example to his or her peers. These two programs do an excellent job at empowering our youth to complete school and get jobs, in turn creating a healthy outlook on their futures (¶ 1).

The SAY program has seen intervention results with juvenile offenders. Cary Haris reported,

> We receive many referrals from probation for our Opportunities Now and Youth Employment Center programs. For the reasons listed above, they are extremely successful in intervening with juvenile offenders. Additionally, our Functional Family Therapy program has a 4.5% recidivism rate (C. Haris, personal communication, October 24, 2006, ¶ 2).

Prison visits. Another prevention program run by a medium-sized county takes about a half-dozen teen-age boys to San Quentin State Prison twice a month as part of a program called Squires (Coursey, 2000 B). Since 1964, Squires have been bringing at-risk youth into California's most notorious prison. The young people are brought to the program by Routes for Youth, a local non-profit organization that operates a variety of programs, including Teen Court, which diverts teenagers away from the criminal justice system. The process is described as follows.

> They're processed through the ancient steel gates, paraded past the hungry eyes of thousands of convicts, herded into a communal shower where voices from the cells tell them what's in store for young newcomers (¶ 2). They smell the stench of the cell block, they feel the grime of the decrepit institution, [and] they hear the stories of the violence and brutality of life inside the walls (¶ 3). And at the end of the day, they breathe the air of freedom with just a little more appreciation (¶ 4).

A small county also has a similar prevention strategy for at-risk kids. They take kids to [name of] Prison for the Straight Talk on Prison (STOP) program which teaches these kids about prison life (Marshall, 1997).

Anti-gang programs. Another prevention program focused on gang prevention. Georgene Goodstein, a county deputy probation officer in this small county, thinks that their gang problems are not worse because of the high school's excellent bilingual program (Marshall, 1997). "Bilingual teachers formed a more positive social club for the girls and others," she said (¶ 25). "The girls' gang eventually fizzled out and they went elsewhere. Although not all of the girls were Hispanic, the high school's bilingual

program helped divert the girls and other potential troublemakers from gang life, by reducing their feeling of alienation" (Marshal, 1997, ¶ 24).

City and school officials in a medium-sized county wanted to import a successful Los Angeles area anti-gang program into their community (Hay, 2003). In 1982, this Los Angeles area city started Gang Resistance Is Paramount, or GRIP, as part of an urban renewal plan that included intensive classroom involvement, economic stimulus and neighborhood rehabilitation, extra tax money for law enforcement, and improving relations between residents and police. GRIP counselors teach an anti-gang curriculum to every second-, fifth-, and ninth-grader in Paramount's 16 schools, covering topics ranging from peer pressure to tattoo removal, and funeral costs to future job prospects. The ninth grade curriculum also addresses sex education and drug abuse.

Paramount's GRIP program's focus has always been on prevention even though the counselors work with students who have joined or are flirting with gangs and are referred by schools, parents, or police (Hay, 2003). They keep young people from ever becoming involved, as opposed to intervention after the fact. The city has seen active gang membership drop from about 1,500 to 1,000 since 1982, according to the Los Angeles County Sheriff's Department. Last year [2002] there was one gang-related homicide, down from 10 in 1995.

This county analyzed the GRIP program because of its concern over the increase in gang members from 265 in 1990 to about 3,200 today, with the majority in one large city (Hay, 2003). This county's Office of Education adopted the program, also called GRIP, for Gang Risk Intervention Program. The district spent $232,000 during the 2003 school year and reached about 300 mostly middle and high school students. Though

they've seen some results, officials say, "It is too small and its effectiveness is unproven" (Hay, 2003, ¶ 25).

Intervention as a Solution

Although crime prevention is ideal, intervention is needed for young people who become involved in juvenile crime. A statewide poll was released September 21, 2005 based on interviews with more than 200 police and probation chiefs and district attorneys from across California (Ioffee, 2005 A). "Police chiefs and sheriffs like to say they are tough on crime (¶ 1). But rather than arrest and jail young criminals many favor intervention to keep them off the streets in the first place" (¶ 2).

Another article from the document analysis addressed a similar intervention sentiment. The county's chief probation officer Bob Gillen finds it unfortunate that the prevailing attitude about young lawbreakers is to hit them hard (Smith, 2000 B). Proposition 21 allowed authorities to "…punish more juveniles as adults and sharpened the state's focus on punishment over preventive intervention (¶ 29). We're being pound-foolish. I think it's time for the pendulum to be pushed back the other way" (¶ 30). Earlier in the article he stated,

> We're using a blunt instrument when a surgical instrument would be more appropriate. We're missing the opportunity to turn these kids around (¶ 4)…a cookie-cutter, book-'em-all approach wastes many young lives that might be put back on track through intervention that can include drug treatment, mental-health counseling and programs capable of broadening a troubled kid's view of himself and the world (Smith, 2000 B, ¶ 6).

Early referrals. A medium-sized county uses on-campus police officers to work with kids and prevent them from getting into trouble (Nation, 2004). Police officer Harry Barbier is one such on-campus police officer. Last year was the busiest for the city's police department in the past five years. They noted that about 400 kids were referred for early intervention to the Youth Service Bureau before they could commit acts that would need to be reported to probation. "That's 400 that didn't go to probation," Barbier said (¶ 38). "If you take care of the little stuff, you don't get the big stuff" (¶ 40).

However, the article noted that some youth do get second citations or commit more serious crimes and are referred to juvenile probation (Nation, 2004). The probation officers assess the juvenile, collect background material, and talk with parents. They identify any problems the young person might have with family, drugs, alcohol, mental health, disabilities and emotional needs and work with the juvenile accordingly. Psychological testing is done to see how likely a youth is to offend again. A 2001 survey showed that 82% of the county's youthful offenders did not return to the system; however those who did return came back repeatedly. Probation officer Robak said, "We have a system to identify those kids. Most adolescents don't want to follow any direction other than their peers, but the vast majority with the right skills are compliant" (¶ 48). Before the state-funded programs were added, the County's Juvenile Hall population averaged about 35 inmates. Now the daily population averages about 25 juveniles.

Youth Court. Another alternative that brings juveniles to justice while teaching them about the legal process is this medium-sized county's newly established Youth Court program (Nation, 2005 B). Youth Court is aimed at nipping juvenile crime early and is growing nationwide. In 1994 there were 78 programs; today [2005] there are

1,035. The program's goal is to intervene in early delinquent, antisocial, and criminal behavior, reduce incidents, and prevent the increase of such behaviors (Nation, 2005 B).

This county's Youth Court was several years in planning by law enforcement, community organizations, and the government (Nation, 2005 B). The youth and family services department of the YMCA is responsible for coordinating services with the Youth Court Community Advisory board and the county's probation department. Communities implementing Youth Court ensure immediate consequences for first-time youthful offenders through a peer-operated sentencing mechanism. Youth volunteers work as prosecutors, defense attorneys, clerks, bailiffs, and jury members. Offenders take responsibility, are held accountable, and make restitution for violating the law.

Sharon Turner, a member of the City Network, views Youth Court as an opportunity for youth, both offenders and non offenders (Nation, 2005 B). Young people get to see how a jury of their peers works and gives them insights into careers. Kids see that offenders suffer consequences for their actions which in turn serve as a deterrent to crime. "It's an opportunity for young first-time offenders to avoid the legal system" (¶ 34).

Youth Accountability Board. Another medium-sized county believes that kids will always toilet paper other people's property, take things, and skateboard where they are not supposed to (Fox, 2005). "But in [name of] County, that doesn't mean they'll start a criminal record for their immature judgment" (¶ 1). This county's Probation Department and volunteers are dedicated to ensuring that young people get on the right track and stay out of trouble. Juveniles can avoid the juvenile justice system for non violent crimes through the Youth Accountability Board program.

Panels of five community volunteers discuss the misdeeds with the juvenile and determine a fitting reprimand, such as parent supervised community service, an essay, or a letter of apology (Fox, 2005). Deputy Probation Officer Mary McWaters, who coordinates the 100 volunteers, stated, "A lot of them are just kids making stupid mistakes. You've gotta give them that chance" (¶ 1). However, they only get one chance. If they break the law again, their cases go straight to the probation department or the police.

Ten years ago [1995] the program hoped they could help one kid (Fox, 2005). Volunteer Al Mueller shared, "It is so rewarding. I get the satisfaction of knowing we're getting the kids' attention" (¶ 1). McWaters trains volunteers from a variety of backgrounds. Then panels are created that represent a mix of genders, ethnicities, and languages. An estimated 1,300 cases have been presented before the Youth Accountability Board. Eighty percent of the offenders successfully complete the program.

Gang intervention. A medium-sized county reports that they use their public safety tax money to steer youth away from gangs, and to lock up gangsters when they become law breakers (Coursey, 2005). Mayor Jane Bender says, "But prevention and enforcement are only part of the solution. We need intervention with the ones who are already in gangs. And intervention is hard, because these guys are not lovable" (¶ 2).

The mayor brought in a Fresno minister who offers an alternative to jail or death for getting gangsters off the streets (Coursey, 2005). "The Rev. Roger Minassian doesn't just preach about it, he does it, finding jobs for 1,260 young men over the past 13 years" (¶ 4). "We're a Christian emergency rescue team," Minassian said of his nonprofit Hope Now For Youth (¶ 5). Their agency's counselors recruit young men between the ages of

16 and 24 who have a criminal record, are gang members or have dropped out of school. "Most meet all three criteria," he added (Coursey, 2005, ¶ 11).

The program requires the young men to complete a five-week training program which includes classes on budgeting, anger management, conflict resolution, "socialization," and Bible study (Coursey, 2005). Minassian says,

> The religious part is key to the program (¶ 12). The average middle-class person can get by without religion because he is living on the remnants of the Judeo-Christian values passed down though society—honesty, thrift, hard work. The problem with many of the poor is that residue has been destroyed. They don't have the values. They don't have a belief in the future that comes with faith (¶ 13). That's why this has to be a faith-based program (¶ 14).

Mental health intervention. Another medium-sized county takes yet another view of juvenile crime prevention (Sheil, 2006). They believe their county's homicide rate is directly related to mental health. Homicide rates are commonly used as a measure of a community's health. In California's 2005 County Health Status Profiles, this county ranked 57th of 58 counties in the state for homicides averaged over three years. The city's mayor stated, "No child is born with the thought of committing a homicide or a crime, being a gang member or doing drugs. So how do they get there? It's those processes in their life" (¶ 2).

The director of Children and Youth Mental Health Services at the County Office of Behavioral Health indicated that mental illness and drugs are common among young criminals (Ioffee, 2005 A). "Often, the two go hand in hand…Many kids who are in the juvenile justice system are self-medicating a mental health need through illegal

substances or inappropriate behavior" (Ioffee, 2005 A, ¶ 12). Others may have a learning disability that if identified and treated early on, could improve their self-esteem and keep them from acting out through various criminal behaviors.

Thirty-five percent of the respondents in the statewide poll mentioned earlier [September 2005] indicated that most young adults their agencies dealt with needed mental health services (Ioffee, 2005 A). However, 64% said very few of their youths were actually receiving any kind of mental health services. The majority also "favored mental health programs as the most effective method in reducing crimes, more so than prosecuting minors as adults and hiring more officers" (¶ 5).

In November 2004, California voters approved the Mental-Health Services Act (Sheil, 2006). This law created a one percent tax on Californians earning more than $1 million per year. It is estimated that $700 million will be generated annually.
The money is earmarked for mental-health services in every county. This particular county receives $5.6 million per year. After more than 100 community input sessions, the county's Behavioral Health Services drafted 12 potential programs to address mental-health issues. Target groups included people with language barriers, cultural taboos about mental illness, and those at-risk for criminal behaviors. Part of their focus was to close the gap between mental-health services and the juvenile justice system.

The county's director of Behavioral Services clarified the difference between mental health issues and mental illness (Sheil, 2006). He cited schizophrenia as an example of a diagnosed disease. "In a broad sense, every human being deals with mental health issues" (¶ 2). Many mental-health experts believe that with more community

outreach and education, these issues can be dealt with before they escalate into criminal behaviors; however, they are often ignored because of the stigmas attached (Sheil, 2006).

The chief probation officer for this same county's Probation Department hoped to build a residential facility for teens who abuse drugs or suffer from mental illness (Ioffee, 2005 A). They've wanted to fund a facility like this for several years. "Minors with mental health issues who have committed a crime are held at juvenile hall because no other social service is available to them. If they have a drug problem, they are simply released back into the community," he noted (¶ 11).

Court Challenges to Proposition 21

Court challenges quickly followed the implementation of Proposition 21. According to youth advocacy groups and lawyers, it appears that prosecutors across the state moved cautiously with the new law (Moran, 2000). "Based on what I've heard, most places have been slow to implement Prop 21 because it's so complicated and badly written no one can figure it out," said Dan Macallair, Vice-President for the Center for Juvenile and Criminal Justice in San Francisco (p. B1). Prosecutors in this large county have filed 15 juvenile cases directly in adult court since the law became effective March 7, 2000 (Moran, 2000). Throughout the state, other counties have filed cases directly into adult court. Three cases were filed in Santa Clara County, while 15 cases were filed in Riverside County. Los Angeles County only started tracking Proposition 21, but it estimated there have been between 50 and 80 cases.

Proposition 21 supporters. Supporters of the law said, "The low number of cases shows prosecutors are not shoveling juvenile cases into adult court as opponents feared" (Moran, 2000, ¶ 10). Patrick Brown, of the California District Attorneys Association,

noted, “Prosecutors’ offices are still using the same sets of considerations of whether or not to try a juvenile as an adult as they did before. This was never about ramping up filings against juveniles into adult court” (Moran, 2000, ¶ 11).

Proposition 21 opponents. Retired lawyer Victor Chechanover was co-chairman of an anti-Proposition committee before the March 2000 election and a board member of the local ACLU (Rossmann, 2000). “I thought we had come to a point in society where we decided children were not adults when it came to most things, including criminal acts,” Chechanover said (¶ 16). “That’s why we have a juvenile court system. But now it seems to be going back to the 19th Century.”

Dan Macallair (2002), a criminal justice instructor at San Francisco State University, also commented on the Supreme Court’s ruling to uphold Proposition 21

> The ruling to uphold Proposition 21 will further promote the growing racial, ethnic and geographic disparity within the state’s justice system. While some district attorney offices will adopt a cautious and responsible approach to the proposition, others will vigorously pursue the law’s most draconian features (¶ 3).

Defense attorneys and prosecutors. While prosecutors appear to be moving cautiously across the state, defense attorneys plan one of the first local changes to the Proposition 21 measure (Moran & Hughes, 2000). Eight youths were arrested in the July 5 [2000] beating of five Latino nursery workers at a Carmel Valley migrant encampment. According to prosecutor Hector Jimenez, five teens walking along a road passed a migrant worker and fired at him with a pellet gun, then picked up the three other teens and headed back to the migrant camp. Then armed with the pellet gun, a pitchfork, and pipes, they entered the camp and demanded the migrants prove they were legal residents.

They beat those who did not have any documentation. When they feared they had killed one victim who was pummeled with a rock, he was dragged into the bushes (Moran & Hughes, 2000). All the men survived the attacked.

The district attorney's office in this large county implemented the new legal tool Proposition 21 provided and formally charged seven juveniles, ages 14 to 17, as adults (Moran, 2000). An eighth subject had yet to appear in court. Although the law had been in effect since March [2000], this was the first local high-profile prosecution case involving Proposition 21.

Constitutionality challenged. Defense attorney Frank Bardsley questioned the legality of Proposition 21 (Moran, 2000). "The law places complete discretion in the hands of the DA," said the attorney for one 16-year-old defendant in the case. "That is inherently a judicial function and putting it in the hands of (prosecutors) is a violation of the separation of power" (¶ 4).

The defense attorneys are challenging the law before youths have been formally brought into Superior Court to enter pleas (Moran, 2000). The law's provision will be tested as individual cases make their way through the legal system. In September [2000] a Superior Court judge rejected the lawyers' challenge to the law (Moran, 2001). The attorneys immediately appealed to the 4th District Court of Appeal. The juveniles' lawyers argued to the state appeals court [January 9, 2001] that the law is unconstitutional because they deem it gives prosecutors too much power. Their key argument against the proposition is that it violates the separation of powers between prosecutors and the judiciary. They believe it is unconstitutional because the law gives a prosecutor the sole authority to determine the fate of certain juveniles.

Fifteen-year-old Morgan Manduley's defense attorney, William La Fond, argued that the law is flawed (Moran, 2001). The decision made by prosecutors to file a case in adult court can't be reviewed by a judge. "There is no safety valve here for the exercise of discretion by the prosecution," he said (¶ 9). Deputy District Attorney Anthony Lovett responded that prosecutors already exercise similar power each day. For example, prosecutors are given discretion when they bring charges that make a defendant ineligible for probation if convicted.

But defense attorneys aren't the only ones challenging the constitutionality of Proposition 21. The first ruling on a Proposition 21 case was dismissed in one medium-sized county (Coit, 2000). Judge Beverly Savitt said, "The law improperly invalidates the courts' discretion to decide which juveniles should be tried in adult court" (¶ 2). She dismissed an armed robbery case ruling that the state initiative to prosecute juveniles in adult court is unconstitutional.

The 17-year-old's defense attorney, who challenged the law on behalf of his client, said, "I think the judge is on very solid ground in making the ruling" (Coit, 2000, p. A1). The defense attorney contended in his motion that the new law violates constitutional protections. District attorneys are now given powers that were previously held by impartial arbiters, judges. Additionally, he contended that the new law violates equal protection rights because district attorneys can file similar cases in either Juvenile Court or Adult Court.

Prosecutors disagree. They will pursue the case against the juvenile (Coit, 2000). "We take exception with the ruling," said Chief Deputy District Attorney Larry Scoufos (¶ 8). "The question is whether we want to appeal that or just go ahead and handle the

case in some other fashion and get the same result" (Coit, 2000, ¶ 8). Prosecutors filed directly in Superior Court because of the defendant's criminal history and gang-related background. "Clearly we've only filed a couple and unless we feel that it's really a case that warrants a direct file, then we won't do it," Scoufos said (¶ 24).

Proposition 21 appeals. If the judge's decision is upheld by an appeals court, the ruling could affect similar cases statewide (Coit, 2000). Without an appeal, the ruling affects only this client. Then prosecutors could ask another judge to decide whether the 17-year-old should be tried as an adult. Prosecutor Deputy District Attorney David Dunn doubts that ruling will have a broad impact. "It's not authority, it's not precedent, it can't be cited anywhere. It's just this judge's interpretation of this particular case" (¶ 18).

Opponents of Proposition 21 contend that the law usurps the court's power by allowing prosecutors, rather than judges, to determine whether or not juveniles should be tried in Superior Court for serious crimes (Coit, 2000). The new law also limits judge's authority to refer convicted juveniles to probation or treatment. It requires adult prison sentences in most cases for 16- and 17-year-olds who are convicted in adult court. Finally, it allows greater public access to these juvenile hearings and records.

A California appellate court struck down provisions of Proposition 21 in February 2001 granting prosecutor's discretion in situations where prosecutors are choosing between adult court and Juvenile Court for serious crimes (Callahan, 2001). The Court noted that Proposition 21 "violated state and federal separation of powers doctrine by giving judicial sentencing discretion to prosecutors because adult convictions almost by definition carry stiffer penalties than juvenile corrections" (p. B3). "The California Supreme Court decided Wednesday [April 25, 2001] it will review the appellate court

decision, which stems from the prosecution of eight San Diego County teens accused of assaulting five Mexican farm workers" (Callahan, 2001, p. B3).

Constitutional attacks to Proposition 21 were set aside Thursday [February 28, 2002] as the California Supreme Court upheld the validity of the juvenile crime initiative (Kravets, 2002). Too many topics in a proposition are forbidden in the Constitution to prevent voters from confusion. "The high court ruling 7-0, said that the initiative dealt with the single subject of crime -- even though it amends dozens of crime statutes dealing with gangs, the juvenile system, and even adult sentencing" (p. A4).

The California Supreme Court also dismissed a challenge that Proposition 21 was unconstitutional by a 6-1 ruling (Kravets, 2002). Members of the judicial branch (judges) were relieved of their authority to decide whether juveniles should be tried as adults. Proposition 21 created a constitutional power struggle as it gave prosecutors, who are part of the executive branch of government, the power to decide in which court juveniles should be tried.

Other court challenges. Proposition 21 is not only affecting individual juvenile court cases, it is also having an immediate impact on one medium-sized county's juvenile hall (Mason, 2001). An appeals court decision struck down a key provision of California's tough new juvenile crime law. Under Proposition 21, prosecutors charged four 17-year-olds who tried to escape from Juvenile Hall as adults. Now a Juvenile Court judge must decide whether the defendants should be treated as adults.

The previously mentioned large county's case is connected to this county's case. "The defense attorneys who persuaded the [name of] court to overturn portions of Proposition 21 credited Stogner's [juvenile's defense attorney] efforts with helping them

advance their argument that the new law was wrong" (Mason, 2001, ¶ 13). Attorney Jo Varela with the [name of] County Public Defender's Office, said, "The separation of powers argument Joe Stogner started continued to fruition in our case. His was the first case that actually got a ruling on the issue" (¶ 14).

Another case also aroused controversy. A 17-year-old was charged with killing a rival gang member in a medium-sized county (Coit, 2001 B). The juvenile's defense attorney, Walter Risse, believed the teen should not be tried directly in Superior Count unless he first got a Juvenile Court hearing. He argued that a state appellate court ruling on Proposition 21 found the initiative unconstitutional and asked the judge for a fitness hearing (Callahan, 2001). "Risse contended Proposition 21 violates constitutional protections because district attorneys are given powers held by judges" (Coit, 2001 B, p. B1).

The case was filed by the [name of] County District Attorney's Office because Proposition 21 requires that murder cases involving teens in street gangs are filed in Superior Court, according to Deputy District Attorney Gary Medvigy (Coit, 2001 B). Prosecutors did not appeal and followed the procedures for a fitness hearing in Juvenile Court. Since the juvenile was determined "unfit" for Juvenile Court, the case was sent back to Superior Court where the juvenile is being tried as an adult despite the uncertainty of the year old Proposition 21 law that increased adult prosecution of juveniles (Coit, 2001 B; Callahan, 2001).

Judge Elliott Daum ruled in this same county's court room that he would not require a juvenile fitness hearing for a 17-year-old youth (Callahan, 2001). He was

accused in a shot gun slaying of a rival gang member. He is the eighth teen to be charged as an adult in this county under Proposition 21 (Callahan, 2001).

Attorney Interview Data

Communities' views of juvenile offenders. Interviewees were asked to share what their communities thought about juvenile offenders. One attorney in a small county explained that his county has lots of dysfunctional families with kids. The community is a bit discomforted with purple hair and tends to stereotype. However he asked, "Does the system go too far? We forget that lots of kids are still developing" (confidential source, personal communication, April 26, 2006). An attorney in a medium-sized county shared that when his community views gang offenders, most of them are very supportive of juveniles being tried as adults, especially if the offense involved both guns and gangs (confidential source, personal communication, April 14, 2006). In another medium-sized county, most of the community supports trying juveniles as adults for gang members who use guns.

Crime trends. One interviewee observed a trend towards criminalizing conduct that 20 – 40 years ago would have been handled by parents. When he and his deputy sheriff friend were recently talking about the things they engaged in as teens, they both wondered if they would have their jobs now. If they were teens today, they probably would have been convicted felons. He recognized that there are bad kids out there but gave several examples of fairly ridiculous behaviors all being dragged into the juvenile justice arena. For instance, some kids carry a pocket knife to school. He wants to know why the student has the knife; what's his reason; not just convict him. Another example was when a kid was bored one summer afternoon and made firecrackers out of gun shells

and shot them off at school on the weekend because no one was around. The probation department wanted to charge the youth with a felony for possession of destructive bomb on school grounds (confidential source, personal communication, April 26, 2006).

This attorney's beliefs were supported by Daniel Macallair (2002), vice president of the Center on Juvenile and Criminal Justice, who also teaches in the Criminal Justice Department at San Francisco State University. He noted,

> …Proposition 21 was a wish list of sundry policies designed to facilitate adult court prosecutions of youths by transferring decision-making powers from judges to prosecutors. Even more insidious, the complex and multifaceted initiative criminalized the kind of adolescent misbehavior that in the past was typically handled by school administrators. The provision that elevates strong-armed robbery, a common school yard occurrence, to the equivalent of armed robbery is but one example (¶ 2).

While one attorney sees a trend toward criminalizing crime, two attorneys identified that not only are there more juvenile crimes, but the crimes committed by juveniles are more serious. Gang cultures are also increasing. One interviewee found that the district attorney's office is less able to "scare" future offenders. With the increase in crime, there are fewer resources for dealing with them. Probation officers are overworked and less able to deal with their caseloads. However one attorney questioned whether or not there is actually an increase in juvenile crime. "It's hard to say. We deal with crime, not success stories" (confidential source, personal communication, May 10, 2006).

An attorney in a medium-sized county said that more cases were going to trial because Proposition 21 exposed gang enhancements. On the other hand, more cases were

being contested regarding gangs. Another trend noted were juveniles not being sent to the California Youth Authority (CYA). About five years ago a change was made where counties had to pick up the tab. Judges have limited budgets. Other judges are reticent to send a juvenile to a CYA facility because of CYA's failure to meet the safety of minors. Many are giving up on the CYA as a viable option. The public has a right to ask for incarceration when they can't count on public safety. However, the attorney believes the CYA facilities should be broken down by age. Different facilities should hold juveniles within a shortened age span, not 16-year-olds with 20-year-olds. There is very little money but the CYA is in disrepair right now and needs some revision (confidential source, personal communication, July 17, 2006).

Macallair (2002) also made comments that supported this attorney's view.

> A recent lawsuit against the California Youth Authority by the Prison Law Office noted that physical and sexual assaults are common and youths can expect little protection from the state. In some instances, state officials require troublesome youths to sit in cages while attending school (¶ 5).

He added,

> Rather than deter future criminality, brutal and callous state treatment promotes increased recidivism. A recent study by the CYA and the U.S. Justice Department found that 91 percent of all wards released from CYA institutions are rearrested within three years. Of the 9 percent who did not recidivate, approximately 2 percent were deceased (¶ 6).

An attorney in a large county was asked about their county's 94% conviction rate mentioned on the county's web page. The attorney responded,

> If we don't think they did it or can't prove it, we don't prosecute. We really do think about how we can help. The juveniles need intervention. The family needs help. There are so many kids and not enough individual attention. Sometimes it feels like an assembly line. Kids don't always get what they need (confidential source, personal communication, May 15, 2006)

Attorneys' knowledge of adolescent development. One attorney mentioned that she doesn't have any formal training on adolescent development, but described her knowledge as anecdotal. She's learned by seeing different responses of victims and defendants in Juvenile Court. She also indicated that she's learned from talking to other people. She's found that probation officers are often very knowledgeable about juveniles (confidential source, personal communication, July 17, 2006). Another attorney indicated that his knowledge of adolescent development is sparse, but he mentioned a few physiological aspects, such as hormones, cerebellum, and cerebral cortex in connection with adolescent development (confidential source, personal communication, April 26, 2006).

Adolescents' decision making. This was one of the strongest and most comprehensive answers demonstrating what the attorneys knew about this particular aspect of adolescent development.

The interview with a medium-sized county attorney also addressed parenting issues. The attorney noted,

> The juveniles usually lack roles models. The adults are mostly Spanish speaking while their teens are assimilated into the American culture and speak English. The juvenile often does the interpreting for the parents, so the parents don't get a full

> picture of what's going on as their children pull the wool over their eyes (confidential source, personal communication, April 14, 2006).

When the interviewees were asked if they had any other comments, one attorney talked about breaking the chains of dysfunctional families (confidential source, personal communication, May 15, 2006). Many of these families have their own criminal backgrounds and are addicted to drugs, like methamphetamines.

> How can they grow up differently than their parents or siblings? We can't always assume that the biological parents have their children's best interest in mind. Some of the juveniles should have been removed from their parents when they were younger. There would be fewer kids in the system (confidential source, personal communication, May 15, 2006).

This same community is also reluctant to punish gang graffiti but the attorney indicated that the community needs to be educated. The community needs to understand that graffiti demonstrates disrespect by one gang to another and often leads to violence. Their county has seen a huge spike in gang activity. "Gangs are not just for adults. There are younger gangsters 17-19 years of age. Gang affiliates are found from age 12 on up. It is not just an adult gang world – juveniles are willing to draw blood on each other" (confidential source, personal communication, April 14, 2006).

Adolescents' moral development. Another attorney considers how many people in the adolescent's life have a probation officer. If everyone the adolescent knows has a probation officer, that adolescent has a different moral compass than one who doesn't have any friends or family with probation officers (confidential source, personal communication, May 15, 2006).

This same attorney expressed further thoughts on moral development. “Most children do not get arrested their whole life. Something’s going on” (confidential source, personal communication, May 15, 2006). The attorney suggested that things should be handled formally through counseling with the parent and juvenile. “You know you shouldn’t have done this.” The parent(s) need to be willing to monitor the juvenile, especially for low-level offenses.

Another attorney expressed additional concerns regarding adolescent’s moral development.

> A lack of fidelity to moral principles among some kids…not at all concerned. There’s too much, ‘It isn’t wrong unless you get caught’ or ‘If I can get away with it.’ Young people are not often concerned with intrinsic values nor do they show remorse. There is a moral relativism that has crept in through adults. There are no objective standards of right and wrong (confidential source, personal communication, April 26, 2006).

An issue connected to moral development is the view by one attorney that there is a flaw in the system.

> The juvenile justice system doesn’t work as well as it could or should. Antiquated ideas say that these are just kids and we shouldn’t do much to them. They don’t learn consequences for their behavior. When a juvenile commits a crime, they are assigned a grown-up to help them weasel out of it. The juvenile thinks, `My attorney is going to help get me off,’ versus, `I did something wrong and need to deal with it.’ Getting them off isn’t sending the right message. Juveniles are not learning to do the right thing. They need more than just being talked to once.

> Juveniles need consequences, not horrible punishment, even with low-level offenses or we're not sending the right message (confidential source, personal communication, May 15, 2006).

Hypothetical scenario. Interviewees were asked to give their judgment on a hypothetical scenario in the final interview question. The hypothetical scenario involved 14-year-old Henry Ramos who was arrested for stabbing a rival gang member (Appendix C). Four of the five attorneys who responded to the scenario all agreed that they would not try Henry as an adult. Although four attorneys is a small population, the fact that there was consensus lends some credibility to the scenario. One attorney indicated that it read like a law exam question and that it required thought. It was intentionally written to challenge attorneys to think through their decision and support why they made that decision. Dealing with a real juvenile as opposed to a hypothetical one should require even more contemplation as prosecutors determine a young person's fate.

Truancy laws. An interviewee from a large county recommended changing truancy laws. The opposition to Proposition 21 in this county included those who were for schools, not jails. Unfortunately, after-school funding wasn't built into Proposition 21. It would have been a good thing to have the resources to address truancy; however, this doesn't mean we can't go on.

> When a youth is truant, he/she can't be retained or incarcerated nor can they be made a ward of the court because they are not considered a delinquent. A bench warrant cannot be served. There really aren't penalties or consequences, only a fine. A truant youth can't be housed in juvenile hall strictly by a judge saying, `You go to school in the hall.' Most youths are appropriately afraid or the system,

but some are savvy enough to catch on (confidential source, personal communication, May 15, 2006).

School Attendance Review Programs (SARB) are aimed at prosecuting parents, but typically the parents are indifferent. “Oh well, I guess my 8-year-od decided not to go to school today.” It is difficult to show willfulness on the part of the parent. When young people are out on the streets, hanging around with a gang, or a run-away they are out and about versus in school and up to speed with their classmates. “There’s not enough force behind it,” stated this district attorney. She recommended enforcement of current truancy laws, rehabilitation of the truancy system including education which will result in reform.

Propositions

Proposition 1. Proposition 21 has impacted the way district attorneys deal with juveniles. Roles and responsibilities addressed in the document analyses covered various viewpoints. Some counties didn’t see any real changes to what they already did (Smith, 2000 A). District Attorney Mike Mullins supported Proposition 21 because it was needed in counties that have more problems than they do in his medium-sized county. “It’s going to help us, yes,” Mullins said, “But is it going to radically change what we’re doing? No” (¶ 17). He anticipated little change in the way he prosecutes young violent-crime suspects. His county infrequently sees gang attacks and other youth violence that plagues some California urban areas. However, when the law changed power of decision from judges to prosecutors, it forced counties to change.

Implementation of Proposition 21. Some counties waited to implement components of Proposition 21. “Although the law had been on the books for three years, many prosecutors waited to use it until it withstood several courts challenges,” said Chief

Deputy District Attorney Larry Scoufos (Carter, 2003, ¶ 6). A medium-sized county began enforcing this little-used state law in efforts to reduce gang activity. The law requires certain gang members to register with the police. The law hadn't been used in this county until now because civil rights advocates criticized that this was an excuse for racial profiling. The gang-registry isn't commonly enforced anywhere in Northern California according to police. Many law enforcement officers aren't even aware of the law.

How attorneys decide. How are district attorneys making decisions whether or not to try a youth in Juvenile Court or adult court? Even with the implementation of Proposition 21, some prosecutors are still choosing to have a judge make the decision (Hennessey, 2003 A). For example, the deputy district attorney in one medium-sized county announced that she would ask for a fitness hearing rather than direct filing adult charges in a particular case. This would involve getting a report from the probation department that details the crime, the juvenile's history, and recommendations for his "fitness" for juvenile court.

One medium-sized county's managing deputy district attorney indicated that his office still opts to seek judicial review on some cases (Hennessey, 2003 A). "When 21 passed, everyone said we were going to file everything direct, but we made the decision then to evaluate each case individually," he said (p. B1). While their office has direct filed charges against a number of juveniles, they have also sought fitness hearings for other cases.

This isn't the only county choosing not to direct file on all cases (Sanchez, G., 2006). Prosecutors chose to present their case at a fitness hearing with the intention of

convincing the judge to charge the 14-year-old in connection with a shooting as an adult in another medium-sized county. Prosecutor Chuck Olvis said that the defendant is being charged with four counts of attempted murder and gang enhancements. It is likely this case is the first fitness hearing for the year [2006] (Sanchez, G., 2006).

Last year [2005] there were two fitness hearings and three direct filings against juveniles in this medium-sized county (Sanchez, G., 2006).

> In 2003 and 2004 there were no Proposition 21 cases, although five boys were charged as adults under Proposition 21 and one as the result of a fitness hearing. In 2002, five boys were charged as adults under Proposition 21 and one was the result of a fitness hearing (¶ 17).

This means that the district attorney chose not to direct file six juvenile cases in adult court. The cases went before a judge and the judged determined that the juveniles were "unfit" for juvenile court and the judge charged them as adults, not the prosecutor.

On the other hand, sometimes a judge has the power to sentence the teens as juveniles, but chooses not to (Hennessey, 2003 B). Juveniles are generally sentenced to the California Youth Authority. Judge Stephen Sillman reviewed written arguments by both the prosecution and the defense. While he had the power to sentence the youth as juveniles, he chose not to. Sillman cited his reasons for not trying the youth as juveniles. "The teens' prior juvenile records, their history of street terrorism and the fact that their actions that day could well have resulted in multiple murders" (Hennessey, 2993 B, ¶ 13). Quoting from a pre-sentencing report, Sillman added, "Participation in this gang-related shootout enhances reputations in the gang culture and instills fear of retaliation to the citizens of this community" (¶ 14).

The two teenagers were sentenced to 40 years to life-in-prison for a gang shootout (Hennessey, 2003 B). Defense attorney Bud Landreth noted that his client was in "disbelief" regarding the severe sentence. Landreth is already working on appealing the case focusing on Proposition 21 issues. "I think Prop 21 is the bane of our society today and I think it's terribly abused in every county in this state," Landreth said. "Hopefully people will realize the terrible harm they've done and repeal the law" (¶ 17).

Letting a judge decide was also the case in this same medium-sized county (Hennessey, 2003 C). Prosecutor Michael Breeden opted to let a judge make the call in the case regarding a 16-year-old boy accused of a shooting during a car jacking, as was done prior to Proposition 21. However, for him, the call wasn't even close. Breeden quoted from the probation report,

> The seriousness of Cervantes' criminal acts had escalated continually since he E-mailed a bomb threat to [name of] Middle School when he was a seventh grader there. Cervantes was twice suspended from [name of] High School for fighting and had been charged 10 times in juvenile court with various crimes, including assault on a rival gang member in February (Hennessey, 2003 C, p. B4).

Cervantes' parents sent the juvenile to live in another state with his grandfather and get away from the gangs in [name of city] after three incidents (Hennessey, 2003 C). He returned to this community on June 28th after he vandalized his grandfather's house. Prosecutor Mike Breiden explained, "Within 30 days he had acquired a .9 mm gun, which he then used to shoot Welsh" (p. B4).

Defense attorney Grinsten conceded that the crime was "one of the most serious offences that we have," but noted there was no evidence that it was gang related

(Hennessey, 2003 C, p. B1). Since the juvenile could be held in the juvenile justice system for eight more years, she argued that he was amenable to treatment. However, the Probation Department was told that if convicted, he'd likely be sentenced to only four years in the California Youth Authority. The judge indicated that a longer sentence was more appropriate for Cervantes' alleged crimes, which showed a "high degree of cruelty, viciousness and callousness" (p. B1). Judge Stephen Sillman ruled that Cervantes was unfit for juvenile court.

Fitness hearings. When an appeals court decision struck down a key provision of California's new juvenile crime law, it had an immediate impact on one medium-sized county (Mason, 2001). Prosecutors charged four teen-agers who tried to escape from the local Juvenile Hall as adults. Now they must ask a Juvenile Court judge to determine if they should be tried as adults. District Attorney Mullins noted that fitness hearings take an inordinate amount of judicial time.

Defense attorneys don't disagree (Mason, 2001). Their perspective is that protecting constitutional rights is time-consuming. Defense attorney Joe Stogner added,

> A judge who is a neutral decider of the law is much better equipped to make a fair and impartial decision about that, than is a single deputy district attorney who may have a very strong, punitive bent. It boils down to every kid has a right to have a judge decide if he should be treated like an adult in criminal court, or not (Mason, 2001, ¶ 22).

Defense attorneys' beliefs are supported by a University of San Francisco law school instructor. Richard Ingram stated, "Due process and justice should always be paramount

to expediency, because it is quite a drastic step to take a juvenile and place him into adult court. It should not be done lightly and without judicial review" (Mason, 2001, ¶ 20).

Deferred entry of judgment. Deferred entry of judgment allows first-time offenders to admit their crimes, complete one year of probation, and then they can get their record expunged (Lafferty, 2001). One concern was that the deferred entry of judgment program brings some inequity. Although there was good intention on the part of voters, some attorneys got caught up in the system and inappropriately applied the law. It took a while for counties to read Proposition 21 and apply it consistently. The California gang crime laws already existed by statutes and so did the removal of a juvenile's arrest records upon becoming an adult.

Was Proposition 21 necessary? Others are asking if Proposition 21 was even necessary. Probation Chief Gillen called Proposition 21 "`an unneeded overreaction' to a declining juvenile crime that would better be addressed through increased intervention and prevention measures" (Smith, 2000 A, ¶ 23). Not everyone agreed that intervention and prevention measures are the answers. [Name of] County Sheriff Hal Barker signed one of the pro-Proposition 21 statements for the voter's pamphlet. He said, "The law is necessary because too many lives are ruined by extreme violence committed by offenders in their teens (¶ 23). I really hate the fact that we need to be tougher on kids," he continued, "but being easy on them hasn't worked" (¶ 24).

Factors used to try a juvenile as an adult. Proposition 21 continues to raise controversy. Proposition 21 specifically details parameters for prosecutors to use in deciding whether to charge a juvenile as an adult in the Welfare and Institutions Code Section § 707(d). A list of reasons stated in news articles was generated. Then similar

concepts were grouped together. Finally, a summary table was created that depicted the reasons stated in the documents (Table 14).

The document analyses showed quite a difference from what the interviewed attorneys considered. Prior record, severity of offense, juvenile's thought process, and what's already been done in the Juvenile Court system to help the juvenile were indicated in both the interviews and the documents; however several of the news articles' criteria were different. The documents also included circumstances of the case; the juvenile's standing in the community; if the juvenile personally committed the murder; and no concern for public welfare. Not mentioned in the documents were the juvenile's age and strength of the case itself. The age of the juvenile is specifically addressed in the Welfare and Institutions Code Section § 707(d). The strength of the case may deal more with prosecution rates than with the actual law. One county boasted a 94% conviction rate, one of the highest in the state.

Table 14

Reasons given by attorneys and judges in documents to try juveniles as adults

▪ Prior record: criminal record (Hennessey, 2003 A); criminal history (Coit, 2000); serious criminal history (Rossmann, 2000); criminal background (Rossmann, 2000); juvenile's record (Hennessey, 2003 B & C); suspect's background (Laidman, 2004); gang-related background (Coit, 2000; Rossmann, 2000); history of street terrorism (Hennessey, 2003 B) ▪ Severity of offense: seriousness and sophistication of crime (Hennessey, 2003 A); violence (Coit, 2001 A); seriousness of the crime (De La Cruz, 2002 B) ▪ Circumstances of the case (Laidman, 2004); special circumstances allegation that the shooting was related to criminal street gang (mandatory) (Carter, 2001); done under special circumstances (Reynolds, 2006) ▪ Juvenile's thought process: teen's mental or physical disability (Breitler, 2006); planning involved (Coit, 2001 A) ▪ Standing in the community (Breitler, 2006) ▪ Personally committed the murder (Reynolds, 2006) ▪ No concern for public welfare (De La Cruz, 2002 B); actions could have resulted in multiple murders (Hennessey, 2003 B) ▪ What's already been done: how the juvenile performed on probation in the past; distain for previous attempts to rehabilitate (Hennessey, 2003 A)

Proposition 2. Juvenile crime is much more related to parenting than the law.

Parenting Practices. Today's youth are frequently being forced to grow up too quickly ("Involved Parents," 2004). Kids are often left unsupervised because both parents work to make ends meet. The children "don't have the daily guidance that once was part of their growing-up process" (¶ 5). Unfortunately, trouble at home often equates with trouble with the law. Single parents even have a tougher time trying to direct their children in positive ways. It would seem that the signs of juvenile delinquency would be fairly obvious to parents and something that isn't ignored or condoned ("We Must," 2003). However, "Something is terribly wrong when underage people are out late at night and their parents don't know where they are or what they are doing" (¶ 12).

Gangs and parenting. Councilman Jim Sanders shared his insights on one medium-sized community's gang challenges (Sanders, 2003). He believes that in order to comprehend youth violence, one must understand how young people are socialized. A number of factors over the past 40 years have added to violent behavior of some juveniles. His reasons include the fragmentation of families, convict's use of youth to commit increasingly more violent crimes, both parents working outside the home with no one to supervise the children, and what he calls the "Lord of the Flies" factor. When young men raise themselves without much adult interaction, "They fail to learn the limits of aggression and they begin to manifest the lack of psychological balance that growing up in a stable family provides" (¶ 7).

Role of men in youth violence. Sanders cited the role of men in children's lives as one of the biggest factors in youth violence (2003). Over the past 20 to 30 years, the role of men has changed. "Connecting men in healthy ways with their children is where we need to look first as a resolution to youth violence in the streets" (Sanders, 2003, ¶ 8). He noted that the community has challenges that the police should solve and problems that the police and community members can resolve together. However, there are problems the community must take responsibility for. "Socialization of our young is, first, the role of families, and then it falls to the institutions that support our families" (¶ 9).

Family needs. Barrie Becker, state director for the Oakland-based Fight Crime: Invest in Kids, believes that law enforcement personnel see what families need because they are on the front lines every day (Ioffee, 2005 A). "They see the different generations cycling through, and they want to be a resource" (¶ 6). In some cases, veteran probation officials are dealing with grandchildren of offenders ("Involved Parents," 2004). These

are people they dealt with in their early careers, indicating that the criminal cycle has not been broken.

Retired Bob Montgomery, an assistant deputy chief probation officer for 35 years, dealt with the many minority and immigrant families who live in poverty (Fitzgerald, 2005 B). “Most of these folks are interested in the promise of a better life for themselves and their children and do a great job acculturating their families in the basic American values” (¶ 14). However, while working with families he found that many parents could not control their kids. “Over the years, a pattern became clear. These kids hold their parents in outright contempt” (¶ 16). He’s observed that kids become ashamed of their parents who can’t speak English, don’t have a job or are underemployed. They compare this to the mass-media images of “successful” Americans. These parents don’t know who they can turn to for help. Many parents are afraid to discipline their kids because they fear they will be deported or arrested for child abuse.

Rafael Vasquez is a gang prevention counselor who grew up one medium-sized county (Hay, 2005). He’s seen children of economically-pressed immigrant parents growing up in a foreign culture as a major factor pushing many teenagers into gang life. “I think it’s one of the greatest problems I find when working with my community, the Latino community,” he said. “And when a child turns 13 or so, there is a sense of being lost” (¶ 28).

Judge Arnold Rosenfield, a former county prosecutor, said that gangs appeal to kids who don’t have solid family connections or positive role models (Hart, 2004). Video games and movies encourage youth violence as a way to even the score. “The whole idea

of trying to get kids to see that there are different ways of solving problems is lost in the din" (¶ 21).

Poor parental involvement. One medium-sized county's unified school district shamefully reports poor parental involvement (Fitzgerald, 2005 A). They report that some parents discourage education because they believe it is brainwashing that bleaches out their cultural heritage. Many children are being raised by a single parent, a grandparent, a TV set, or a gang. "And some people have an addiction to violence and self-gratification they wouldn't dream of kicking for their kids' sake. If anybody deserves an express ticket to Hell, it's a mother who bears a crack baby," stated Assistant Chief Hose (¶ 19).

Where are the parents? The editors of one medium-sized county's newspaper raised the questions, "Where were the parents? And where *are* the parents?" in an editorial regarding local gangs ("Gang Life," 2002). They suggested that the juveniles' lives started going bad when they were young and were "allowed to grow like unchecked weeds. No one told them `no,' and no one kept track of their movements" ("Gang Life," 2002, ¶ 14). They stated that it was almost inevitable that the youth would eventually join a gang. And now there are big problems.

> They have participated in the killing of another human being, and they face the prospect of many, many years in a cage. They're a threat to society at ages 15 and 16, and there's not much hope that anything will ever turn their lives around. They are likely to remain threats to society until their dying days ("Gang Life," 2002, ¶ 15).

Furthermore, the editors challenged parents of gang members or a child who may become a gang member to think about this case ("Gang Life," 2002). Ask yourself, "Do I want my child to turn out like this?" They urged parents to get help by calling any police or sheriff's department explaining their situation and the officers will connect them with counselors who can help. They added that if a child is in a criminal street gang in their county, they are headed for trouble. "Big trouble. Chances are good that he'll wind up either dead or in prison. That is a tragedy for people of any age…but it is especially tragic when they're only children" (¶ 18).

Parental involvement. Probation officials are increasingly convinced that parental involvement in children's lives is critical in reversing juvenile delinquency ("Involved Parents," 2004).

> In many cases, this involved holding parents accountable for the misdeeds of their children. Parents who are irresponsible when it come to keeping an eye on what their kids are up to may find themselves in trouble with the law along with their children (¶ 12).

Parent accountability. Should parents be held accountable when their children commit crimes? A growing number of people believe that juvenile's behavior would improve dramatically if their parents knew that they were liable for their child's behavior, including financially and criminally ("Making Parents," 2004). Probation officials indicate that juvenile delinquency can be frequently traced back to abuse by parents or parental neglect. "There should be little dispute that adults can be either good or bad examples for impressionable youth" (¶ 6). Parents may become more involved in dealing with their children's unacceptable behaviors if they knew that they could face going to

jail for failing to control their children. The Probation Department reports that they are observing more parents following the juvenile court orders and juveniles need less supervision with this innovative program. A quote best describes the results.

> Everybody wins when this happens. Teenagers turn their lives around; develop better rapport with their parents and the need for foster home placement is reduced. Ultimately, the community becomes a safer place. Who can argue with that ("Making Parents," 2004, ¶ 8)?

When law enforcement officials noticed an increase in abuse or neglectful parents, three community boards were created (Pesznecker, 2004). Each board works with parents of convicted juvenile offenders in order to improve their parenting skills. Judy La Salle, division director for the county probation department's juvenile services, said, "With the largest percent of problems of delinquency, you can trace it back to the parents. We believe the answer to the delinquency problem is by getting the parents involved and holding them accountable" (¶ 5).

With help, parents can lean how to do a better job parenting their children ("Making Parents," 2004). This medium-sized county's probation department was named the nation's top criminal justice and public safety program by the National Association of Counties (Pesznecker, 2004). Their proactive stand in reducing juvenile delinquency included community volunteers who serve on accountably boards that work closely with juvenile offenders and their parents ("Making Parents," 2004). "These volunteers act as mentors to parents who are struggling with finding ways to guide their children, giving them valuable tips on how things can be done better" (¶ 5).

Chief probation officer Michael Robak sees parents getting involved when their kids get into trouble in this medium-sized county (Nation, 2004). He sees "…a county whose population believes people can be helped (¶ 25). [Our county] has a social conscience," he said (¶ 26). He arrived in 2001 when the county was beginning its efforts to enhance programs for juveniles. He believes that people can be rehabilitated and recover from drug abuse. He is a proponent of placing an emphasis on respect. Robak shared,

> Every kid is unique and every family is unique and everybody commands our respect and deserves to be treated with dignity (Nation, 2004, ¶ 29). When the system doesn't work for a troubled juvenile, the agencies look at what they could be doing differently (¶ 30). We have a philosophy here that we are the adults and we look at what we are doing. We never write a kid off (¶ 31).

Proposition 3. A greater impact on juvenile crime would be seen if alternatives to punishment were implemented.

Alternative sentencing. Dr. Mike Carlie, author of *Into the Abyss* (2003 A), believes strongly in alternative programs. One alternative is what some states are doing with sentencing.

> The fact is, alternative sentencing makes more sense than incarceration for the public in general and for certain offenders in particular. Alternative sentences to community-based treatment are less expensive than incarceration, less likely to produce recidivism (reoffending), keep offenders employed (if they had a job up to the time they were sentenced), allow offenders to maintain contact with family members (hoping they are a good influence, as they sometimes are), and avoid all

> the negative consequences of incarceration (i.e., abuse, lack of treatment, loss of employment and family and discrimination upon release) (Carlie, 2003 A, ¶ 6).

A second alternative involves prosecutorial solutions. Dr. Michael Carlie, Professor of Sociology and Criminology at Missouri State University, believes that prosecutors could play a significant role in both reducing and preventing juvenile crime (2003 B).

> …Prosecutors' efforts that go beyond the traditional functions of investigation and prosecution, especially when they are coordinated with other agencies' activities and involve the community at large, are much more effective in increasing public safety and keeping young people out of trouble (¶ 5). Many of the responsibilities involved in implementing such programs require little more than creativity, the willingness to work with others, and some extra time (¶ 6).

A third alternative is prosecutors' use of restorative justice. Not only can communities use restorative justice, but Dr. Mike Carlie suggests that prosecutors and judges could implement restorative justice (Carlie, 2003 B). They could introduce and support a wider use of balanced and restorative justice philosophy. This means that the punishment fits the harm done while compensating the victims for their losses.

> When confronted by their victims in a process of mediation, youthful offenders often -- and for the first time -- realize the impact of their behavior on innocent victims and, as a result, modify their behavior positively. Sentences which provide for meaningful community service may benefit both the offender and the community and should be imposed wherever appropriate (¶ 10).

A fourth alternative solution is a blended sentence (Carlie, 2003 A). When a juvenile delinquent is given an alternative sentence, it is usually some form of treatment or punishment in the community rather than incarceration. One relatively new exception to this is a "blended sentence." "In a blended sentence, a juvenile offender who has committed a serious crime will receive a sentence which combines both a juvenile sentence and an adult sentence" (¶ 1).

Minnesota leads the nation in blended sentencing and some other states are now adopting it (Carlie, 2003 A). Blended sentences are usually for juvenile offenders who have committed violent crimes, but not extreme or murderous crimes. Typically, if juveniles are convicted and tried as adults and spend time in adult prisons, they emerge with an adult criminal record. "But in Minnesota, if they comply with the terms of the juvenile sentence -- which includes longer and more intensive supervision than a typical juvenile sanction -- they will eventually be released without the stain of an adult criminal record" (¶ 4).

Alternative intervention programs. A medium-sized county's Board of Supervisors funded a drug and alcohol counselor at the new Iris Garrett Juvenile Justice Correctional Complex (Pagan, 2006). Additionally, the Bear Creek Academy was launched. This program reduces recidivism by providing intensive supervision and rehabilitation to youths incarcerated at the new center.

Another alterative program in a medium-sized county is Beyond Incarceration, a five-week class for inmates at the Honor Farm where judges and other community leaders often give advice (Fitzgerald, 2005 B). Of the 287 inmates this class graduated

since October, only four have returned to custody in this county. But alternative programs are few, said Sheriff Bob Heidelbach.

> The politicians don't get a lot of bang for their buck out of those. When you hire cops, that's a good thing. You add jail beds, that's a good thing. People who offer various alternatives to incarceration, they've got to fight for every dollar (¶ 10).

The newspaper's columnist, Michael Fitzgerald (2005 B), challenged the community. "Consider how important alternatives are to juvenile crime, a staggering problem in this county, which suffers the highest misdemeanor juvenile arrest rate in the Valley" (¶ 12).

Chief probation officer Bob Gillen is proud of his medium-sized county's efforts to keep young offenders out of detention centers operated by the California Youth Authority (CYA) (Smith, 2000 B). He views the CYA as a prep school for prison. He believes in the programs run by their county's juvenile hall and probation camp. "Better than 75% of the kids who come to us (after being convicted of a crime) don't come back," he said (¶ 11). County prosecutor Mullins praised Gillen for "increasing mental-health services to inmates of the county jail, balancing public safety with alternatives to incarceration, and refusing to house two young inmates in cells designed for one at the 50-year-old Juvenile Hall" (Smith, 2000 B, ¶ 19).

Restorative Justice as an alternative. One intervention program deals with restoration rather than punishment for juvenile crimes. "Whether you're a lock-'em-up conservative or a rehabilitate-'em liberal, you probably agree the revolving-door cycle of crime-incarceration-release-new crime needs to be broken," cites Cassie Macduff of the *Press-Enterprise* (2002, ¶ 1). The author noted many intervention approaches, "from three-strikes justice to touchy-feely counseling" (¶ 2). As the victim of a crime, the

concept of restorative justice grabbed Macduff's attention as a solution that was both innovative and practical. "Restorative justice means making the criminal responsible for his acts, and making the victim and society whole" (¶ 4). Restorative justice is a community-based approach to dealing with crime, the effects of crime, and the prevention of further crime ("Restorative Justice," n.d.).

Restorative justice also gained the attention of Dee Matreyek (Sholley, 2005). She founded The Restorative Justice Center of the Inland Empire in 2001 because she believed the current system was broken. She noted,

> I hate to see injustice. The way our system functions is unjust. We're becoming a society that believes people are irredeemable. It seems there are people out there living seemingly perfect productive lives and who can't face the negative things that happen in society life (Sholley, 2005, ¶ 17). We've become a disposable society and the easiest way for us to deal with offenders is to lock them up and forget about them. The system is over-burdened, we can't build enough prisons. With practicing restorative justice, maybe in the future we won't have to (¶ 18).

The International Institute for Restorative Practices (IIRP) in Bethlehem, Pennsylvania provides education, consulting and research that support the development of restorative justice practices around the world ("International Institute," n.d.). There are over 300 restorative justice programs throughout the United States and over 900 programs in Europe ("Restorative Justice," n.d.). Restorative Justice Programs can also be found in New Zealand, Australia, Jordan, Israel, Canada, Africa, Japan, Korea, Belgium, England, Ireland, India, East Timor, and Scotland. The IIRP is devoted to discussing ideas, theories, best practices, and standards for restorative practices

("International Institute," n.d.). Additionally, they produce and publicize research about restorative practices while encouraging and developing education, training, and resources.

The Pennsylvania Secretary of Education recently [June 26, 2006] signed the Certificate of Authority for the International Institute for Restorative Practices to function as a graduate degree-training institution ("Real Justice," n.d.). This means that "restorative practices" has been officially recognized by the Pennsylvania Department of Education as a new discipline. "The IIRP is the world's first graduate school wholly dedicated to restorative practice" (¶ 1).

One medium-sized county uses this restorative justice philosophy that's modeled on a legal system utilized extensively in New Zealand for both juvenile and adult offenders (Wolfe, 2005). In 1998, Jessalyn Nash and Janet Hughes co-founded Restorative Justice because they came to understand that criminal acts were primarily acts against individuals and the community, not just violations of the law (Thompson, 2003). Nash commented,

> It was clear to both of us that most people who move through the criminal justice system don't find it a satisfying or healing experience. Victims often feel re-victimized when the harm they have experienced isn't recognized, while at the same time people who offend and their families often leave more broken and damaged (Thompson, 2003, ¶ 13).

The principles behind restorative justice say that when a person commits a crime, this is, first and foremost, an act against people and relationships; an act against the community; and an act against the law ("Restorative Justice," n.d.). The offender created

an obligation to the victim, the community, and the state by committing the crime. Lastly, when the offender meets these obligations, he/she is now taking responsibility for his/her actions. The offender also begins to comprehend and value his/her relationships with other people, the community, and the law.

Restorative justice programs are characterized by four key values ("Restorative Justice Online," n.d.). The first key value is encounter, meaning that it creates opportunities for victims, offenders, and community members to meet and discuss the crime and its aftermath. The second value is amends, which expects offenders to take steps to repair the harm they have caused. The third value is reintegration, which restores victims and offenders to contributing members of society. The final key value is inclusion. This provides opportunities for those with a stake in a certain crime to participate in its resolution.

The beliefs of the restorative justice philosophy are that justice should do the following five things ("Restorative Justice," n.d.). First, all parties affected by a crime should be invited to participate and each voice allowed to be heard. Next, the focus is on harms done, not on what laws were broken. Third, they seek full and direct accountability from those who caused the harm while helping victims recover and repair what was damaged ("Restorative Justice," n.d.). Fourth, the parties are reintegrated back into the community after reparation and restitution are made. Finally, the community is strengthened by owning its part that lead to the crime, thereby preventing future harm.

The concept of restorative justice is both innovative and practical (Macduff, 2002). The victim and the offender sit down face-to-face. The idea is that the offender will develop empathy for the victim and gain a sense of responsibility for his/her

behavior while the victim will regain a feeling of safety and ability to trust. For both the victim and the offender, the process "humanizes the other person" (¶ 8). Janet Hughes, who with Jessalyn Nash founded Restorative Resources said, "This works because it makes so much sense. The teens take responsibility for their actions and for making things right. They feel low, but they can redeem themselves" (Wolfe, 2005, ¶ 6).

Many benefits and results stem from Restorative Resources, a county based non-profit organization ("Restorative Justice," n.d.). First, there is reduced offending and re-offending in youth justice and reduced growth of gangs. High victim satisfaction is found. More money is available for other community needs due to reduced criminal costs. Restorative justice addresses factors that lead to crime and criminal behavior through a focus on prevention. The final benefit is building community.

There are three recognized restorative justice practices ("Restorative Justice," n.d.). First, the victim-offender mediation requires the victim and person offending to meet face-to-face. A trained mediator assists the parties involved to decide together what will best repair the harms done, begins the process of putting the incident to rest, and helps the parties move on ("Restorative Justice," n.d.).

A second practice is Family Group Conferencing (FGC), also called Restorative Conferences, where the youth who offended, his/her family, and the victim with his/her supporters meet to decide how the young person can be held accountable for his/her behavior and begin to take full responsibility to repair any harm done ("Family Group,' n.d.). The focus is on making things right, not on punishment. Together they are empowered to come up with a plan that addresses both the harm done and setting things rights.

Organizing a Family Group Conference can take between two to four weeks while most FGCs range from two to four hours for one session facilitated by a FGC Coordinator ("Family Group," n.d.)**.** The goal is fair and just compensation for the victim's losses. Victims are encouraged not to agree to any plan that does not feel fair and just to them. When an agreement is reached on the plan, it is signed by all participants. The FGC plan is then put into action and closely monitored. When the plan is completed, key participants are notified. The agreed upon plan is legally binding and cannot be changed unless the FGC is reconvened. In this case, the plan would be reviewed by the Coordinator and changed based on input for the second FGC and group agreement.

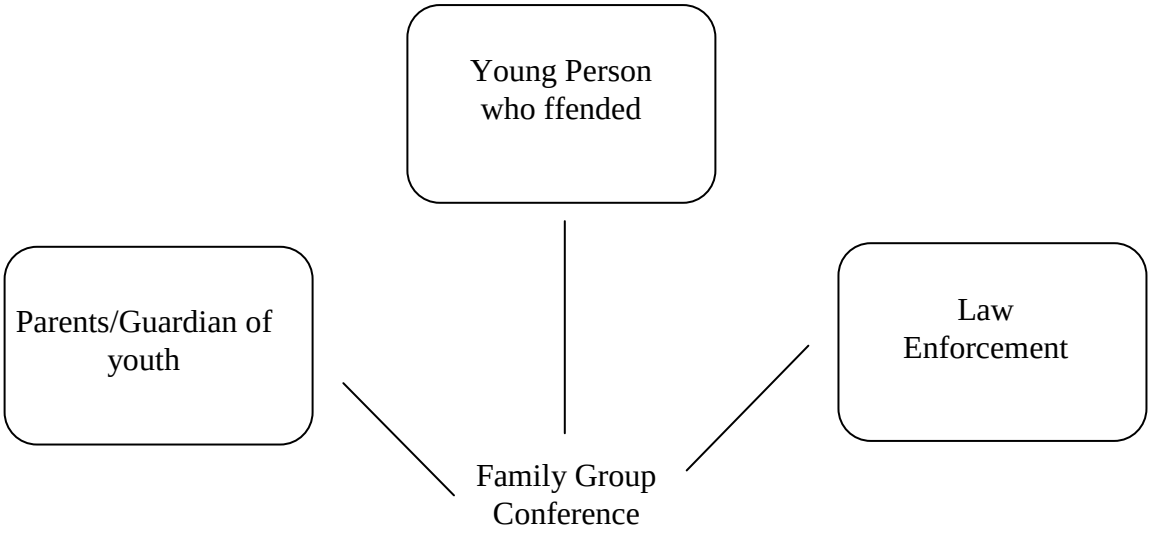
A final practice is Community Peacemaking Circles ("Restorative Justice," n.d.). Participants sit in a circle and share equal responsibility for the process and the outcomes. These circles assume responsibility for dealing with crimes within the larger community, not just the person and families directly affected by it. These circles do more than solve specific criminal problems; they provide a vehicle for building community ("Restorative Justice," n.d.).

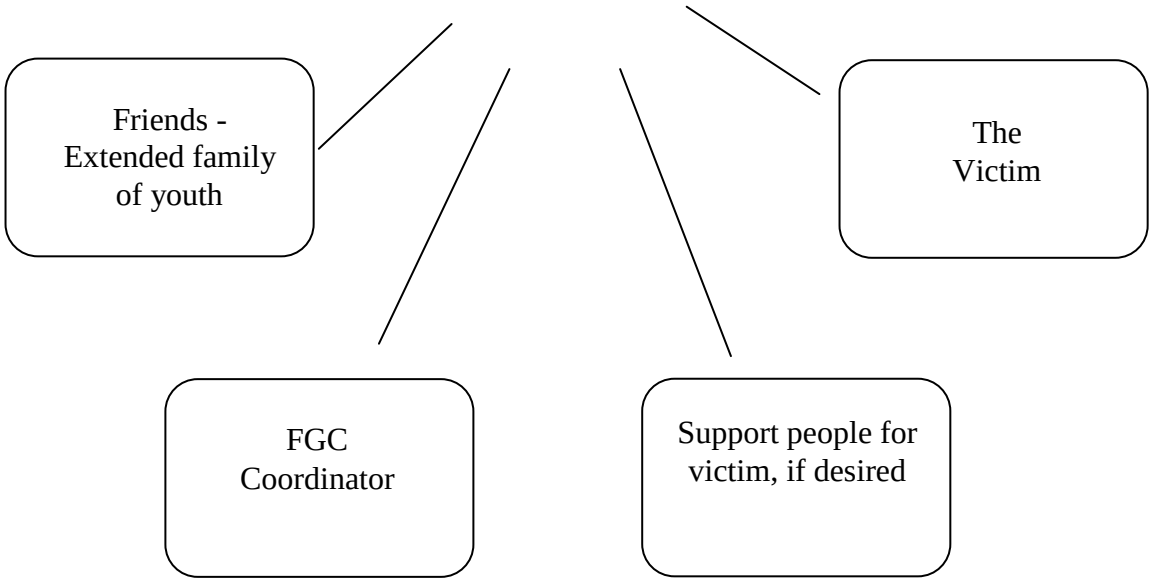
Schools are also using Restorative Conferences (RC) ("Restorative Conferences," n.d.). A Restorative Conference is a meeting of the victim(s), and any support person the victim chooses, the offender, members of the juvenile's family, and a school resource officer all facilitated by a coordinator. A Restorative Conference Coordinator arranges a meeting with the youth and all the people impacted by the offense. Figure 21 provides a chart of who attends the Family Group Conference. During the conference, information is shared about the actual offense, how the offense harmed both the victim and the

community, why the juvenile committed the crime, and lastly, what is needed to repair the harm, while preventing future offending. It takes from two to four weeks for a RC to be organized while the actual conference takes about two to three hours.

Figure 21

Participants in a family group conference





("Family Group," n.d.)

The benefits of Restorative Conferencing are many ("Restorative Conferencing," n.d.). A safe environment is provided for all those involved to discuss the harms done and to set things right. Victims are given the opportunity to participate in the justice process. The process encourages creative, positive and workable solutions while improving family interactions. The family, extended family, professionals, and the community are all included. Restorative Conferences result in lowering the incidence of repeat offending ("Restorative Conferencing," n.d.). Finally, balance is achieved through restitution and reparation (compensation).

When you talk to people who are pioneering restorative justice, their data shows results (Macduff, 2002). One such program in Los Angeles County cut recidivism in half, according to Alvin Villanueva, program coordinator for Victim-Offender Restitution Services at the Centinela Valley Juvenile Division Project. So far, the experiment deals only with youthful offenders, but Villanueva thinks it would work with adults too.

Judge Arnold Rosenfield was named California Juvenile Court Judge of the Year in 1999 for his innovative approach to youth crime (Hart, 2004). He pioneered his medium-sized county's annual day of non-violence and promoted restorative justice. He encouraged community groups to help in restorative justice programs, where young offenders learn how their crimes affected others. For example, a teenager who vandalized grave markers was ordered to work with the graveyard's volunteer caretakers. The youth also contributed money from his part-time job to restoration efforts. "Kids should be held accountable to their victims and the community," Rosenfield said. "It demands participation from the community" (¶ 23).

Superior Court Judge Arnold Rosenfield is also a powerful ally for the Restorative Resources staff (Thompson, 2003). He is an outspoken advocate of improving solutions to the criminal justice system "so that victims, offenders, and communities are all involved, empowered, restored, and satisfied, to the extent possible" (¶ 16). "It's important to bear in mind that there's no one-size-fits-all restorative justice alternative," he added. "Certainly a core principle involves working to restore those who have been injured. This can and does take a lot of forms" (Thompson, 2003, ¶ 17).

Exact agreements made in restoration cases remain confidential, but "examples" of restitution commitments are varied (Thompson, 2003). A young person may complete a specific number of hours of community service with a church or community organization. Improving their grades or not ditching classes may be other forms. Not associating with other offenders for one year unless they are in a class together is sometimes included. Other times offenders are required to attend counseling and/or weekend workshops. Sometimes the offender writes an apology letter to the victim(s). At

times financial restitution is made by the young person getting a job and paying back for the damages.

A Ventura County appellate court judge, who previously presided over the county's juvenile court, spoke at California Lutheran University on therapeutic courts and restorative justice (Glick, 2001). Steven Perren described the current juvenile system as, "A reactive one that awaits offenses, then swiftly tries, convicts and punishes, then recycles perpetrators back out into society as re-offenders" (¶ 3). Instead, he believes, "The system should anticipate and investigate the reasons behind youths' actions such as petty theft and vandalism. If the system acts when the offense ends, we've already lost the battle, if not the war" (¶ 3).

Steven Perren said that during his five years as a juvenile court judge he learned that while punishment is part of the system, it shouldn't end there (Glick, 2001). He believes that parents, communities, schools, law enforcement, perpetrators, and victims must work together on the front lines to treat troubled kids. Perren envisions a system that's healthier and cheaper for society (Glick, 2001).

Such a prototype already exists in Santa Clara County (Glick, 2001). Former juvenile court Judge Perren states that they operate the most progressive juvenile court system in the state. He believes that judges need the freedom to give kids a chance to change. "You're saving human beings. We're not dealing in trash" (¶ 9). When addressing the topic of trying 14-year-olds as adults, he believes that they should be treated separately and given meaningful consequences, such as restitution, apology letters, and facing victims in person.

"Santa Clara County's restorative justice program is betting on the kids, and it seems to be working, with the help of neighbors, parents, schools, and the nonprofit organization, Community Health Awareness Council (CHAC)" (Bloss, 2001, ¶ 3). Loren Rucker, community coordinator for the restorative justice program, reports, "We're a new concept derived out of an old concept. We take the idea that it takes a whole village to raise a family. We want our juveniles to be held accountable for the actions that they've done to their community" (¶ 4).

Santa Clara County began the first restorative justice program in 1998 in Mountain View and added Los Altos in 2000 (Bloss, 2001). Community coordinator Rucker estimates that approximately 200 to 275 youth have completed their program since it began. He added that fewer than seven percent have re-entered the juvenile justice system since completion of the program. The program deals mostly with both first and second misdemeanor offenders, however some felons are included, depending on the age and severity of the felony. The Santa Clara County Juvenile Probation Department collaborates with CHAC (Bloss, 2001).

The program includes three components: accountability, competency development, and community protection (Bloss, 2001). "Students participating must have 100 percent school attendance during the course of the eight-week program. In addition, the juvenile must write an apology letter to the person against whom they committed the crime" (¶ 7).

During the eight week time period, the juveniles and their parents all agree to enter into a contract in which the juvenile agrees to perform certain requirements (Bloss, 2001). The contracts are modified to fit each youth's specific needs. Additionally, the

parents contribute their ideas. CHAC employs three youth intervention workers who monitor the contracts. “While these workers advocate for the juveniles, they also act as enforcers, visiting schools and homes to make sure that the juveniles are in compliance with the contract they’ve signed,” Rucker said (¶ 9).

The community participates in the program as part of the neighborhood accountability board (Bloss, 2001). Typically three community members, a county probation department coach, and a youth intervention worker sit in a circle with the juvenile and his/her parents and discuss what happened. They begin their time talking about the juvenile’s strengths. “Part of the restorative justice program is to make the teen realize there is no such thing as a `victimless crime’” (¶ 11). They address who was harmed and how the group can help the juvenile.

Rucker explained,

> One of the hardest aspects of the restorative justice program is when adults think the crimes committed are not a big deal. They may say, `When I as a kid, I did that, and I’m not a bad person because of it.’ Well, we’re not saying these juveniles are bad. But they are at a fork in the road. It’s up to us as a community to take those juveniles and say, `We’re not going to throw you away, we’re going to embrace you in the community, because we’re going to make you own what you did’ (Bloss, 2001, ¶ 18).

The program was expanded to serve Los Gatos, Sarotoga, and Cupertino in 2002 (Wang, 2002). Heidi Pham, the program coordinator for the three West Valley cities, was

looking for community members to get involved with their new Neighborhood Accountability Board. Based on positive feedback, the Santa Clara County Juvenile Probation Department made a commitment to put the program into every ZIP code in the county.

Local restorative justice coordinator, Rafael De La Cruz says,

> The program looks at crime through a different lens. Instead of seeing the offense as a crime against the justice system or the state, the crime is taken as having injured a community, victim or even the offender themselves. Crime is therefore personalized and more serious because damage is inflicted on relationships (Wang, 2002, ¶ 14).

Once the contract is completed, the offender is awarded a certificate of completion from the board (Wang, 2002). If there are no further offenses and the juvenile remains clean for two years or until his/her 18th birthday, the juvenile can petition the county to seal his/her record. A two-year study of 902 restorative justice youth reported that fewer than 12% of the juveniles who had gone through the program were repeat offenders, reported De La Cruz. "It provides immediate intervention measures for youth" (Wang, 2002, ¶ 22).

Ruth-Heffeibower, an instructor at Fresno Pacific University, teaches conflict studies (Lochrie, 2002). "Unlike traditional views of justice, restorative justice—a concept that involves both the injured party and offender working together—offers elements crucial to healing (¶ 3). It's the kind of justice that restores relationships and community," he said (¶ 4). Ruth-Heffeibower taught a one-day course offered by the Catholic Diocese of San Bernardino in 2002 that covered topics including the nature of

conflict, options for handling conflict, cooperative resolution, negotiation, and reconciling injustices. These concepts can be used beyond the criminal justice system to settle arguments.

The Restorative Justice Center of the Inland Empire sponsored a week of workshops aimed at encouraging law enforcement, residents, and religious leaders to consider alternatives to the current justice system (Alger, 2002). The center is a nonprofit corporation based in Upland that is set up to provide training, coordinate volunteers, and offer mediation. While many religious groups promote restorative justice, its use is not limited to religious groups. The Journey of Hope conference examined the concept of responding to crime by focusing on restoring victims' losses and holding offenders accountable for the harm they caused. Dee Matreyek, organizer of the conference and director of the center, said,

> Rather than simply punishing criminals, restorative justice backers believe in having the victim, the offender and the community search for solutions that can repair the damage, reconcile the victim and offender and reassure society that the crime won't happen again (Alger, 2002, ¶ 3).

CHOICE Program as an alternative. A final alternative program is a large county's CHOICE Program which began in the 1990's to address the increase in juvenile crime ("CHOICE Program," n.d.). The Comprehensive Strategy for Youth, Family and Community (CHOICE) was based on the U.S. Justice Department's Office of Juvenile Justice and Delinquency Prevention model. The CHOICE Program's methodology originated in the late 1970's based on the deinstitutionalization of Massachusetts' mental health facilities. There was a need for intense supervision in the home as youth were

returned to their communities. The Key Program was developed to meet this need. Maryland simulated a similar project in the mid 1980's to address rising juvenile delinquency and created the Baltimore Choice Program of the Shriver Center at the University of Maryland.

The mission statement of the CHOICE Program is,

> To provide a comprehensive array of services to at-risk youth which are designed to stabilize behavior, increase independence, self sufficiency and prevent out-of-home placements. These services are accomplished though intensive, community based, family-centered interventions, which foster positive growth and empower the youth and their family ("CHOICE Program," n.d., ¶ 1).

The CHOICE Program has field offices throughout the county and maintains a ratio of 10 clients to one worker ("CHOICE Program," n.d.). "The focus of the contact is to reiterate and reinforce the expectations of parents, schools, and courts, as well as, provide mentoring support" ("CHOICE Program," n.d., Service, ¶ 3). The program accomplishes their goals by providing a variety of services including: "home visits, school visits, recreational activities, family support activities, community service, life skills development, crisis intervention, referral assistance and follow-up, service coordination, school attendance checks, curfew compliance checks, mentoring, client advocacy, and tutoring assistance" ("CHOICE Program," n.d., Service, ¶ 4).

The CHOICE Program is run in connection with the local four-year state college that provides mentoring and tutoring ("CHOICE Program," n.d., Service). The college students serve as tutors to about 50 to 60 youth annually since it began in 1997. The student tutors attend an academic course in the Teacher Education Department in the

College of Education and are eligible for work-study financial aide. The CHOICE youth come onto the college campus once a week for 1 ½ hours of tutoring, and ½ hour of life skills enhancement or campus involved activities. The program reports that in 2000, 100% of the tested young people demonstrated an increase of at least one grade level in their reading scores.

Propositions Compared to Lit Review

The Chapter Two literature review was compared to the results from the document analyses, the surveys, and attorney interviews. A number of topics in the literature review were supported by the research, while some topics discovered in the research were not covered in the literature review.

Age of adolescence. The age of adolescence is changing from a traditional 13 – 19 years of age to a broader definition that expands into early adulthood (Arnett, 2007). The author of the college textbook, *Adolescence and emerging adulthood: A cultural approach*, noted this change over the past decade. Adolescence is beginning earlier in industrialized countries because puberty is beginning at a much earlier age (Arnett, 2007). The end of adolescence is typically determined when a young person takes on adult roles, such as marriage or full-time work. Adolescence is ending much later as many of these typical transitions are not occurring for many people into at least their mid-twenties. "In my view, the transition to adulthood has become so prolonged that it constitutes a separate period of the life course in industrialized societies, lasting about as long as adolescence" (p. xiv). Emerging adulthood extends approximately from 18 to 25 years of age. This corresponds with ancient civil law that distinguished the age of minors

as those under 25 years old (Blackstone, 1884). If there is a trend toward becoming an "adult" at a later age, then laws trying 14-17-year-olds as adults should be reconsidered.

Adolescents' decision-making. Interviewed district attorneys stated that how adolescents 16 years of age and older make decisions is different than those younger than 16. Piaget's emphasis on adolescent's transitional period in cognitive development supports these developmental changes (Keating, 1990). Reliable age differences can also be observed in an adolescent's cognitive performance, such as practical planning.

> …we can say that from early adolescence on, thinking tends to involve abstract rather than merely concrete representations; to become multidimensional rather than limited to a single issue; to become relative rather than absolute in the conception of knowledge; and to become self-reflective and self-aware (Keating, 1990, p. 64).

Changes in brain development also support the differences in an adolescent's ability to make decisions (Thatcher, Walker, & Giudice, 1987). They examined differential growth of the cerebral hemispheres as opposed to focusing on whole-brain growth. They argued for five dominant growth periods from birth to adulthood. The last two periods, ages 11 to 14, and from age 15 to adulthood, primarily involved frontal lobe connections. They interpreted their data "as providing neurophysiological validation for cognitive stage theories" with caution (p. 63).

There are discrepancies "between the competence adolescents sometimes display and their actual performance in many everyday situations" which is a concern for both theory and practice (Keating, 1990, p. 87). Real-world decision making typically happens

under stressful circumstances. A decision to become involved in juvenile crime could fit this circumstance.

On the other hand, one must not assume that adolescents' decisions that are objectionable to parents and society are due to incompetent decision making (Keating, 1990). For example, the decision to get involved in drug trafficking may not necessarily be the result of not considering personal risk or relevant information. "It may be the outcome of quite sophisticated thinking about risk-benefit ratios in oppressive circumstances offering limited or nonexistent options" (p. 88).

Adolescents' moral development. Another area addressed in the Chapter Two literature review that was also mentioned by interviewees was adolescents' moral development. Research on moral reasoning development is related to the development of maturity of judgment (Cauffman & Steinberg, 1995; Kohlberg, 1976). Kohlberg identified six stages of moral development (Kohlberg, 1976). The higher the stage an individual is in, the more "mature" Kohlberg considers him/her. "Moral development depends upon stimulation defined in cognitive-structural terms, but this stimulation must also be social, the kind that comes from social interaction and from moral decision-making, moral dialogue, and moral interaction" (Kohlberg, 1976, p. 49). Individuals who reason at higher levels of moral development are better able to place a moral problem within the broader context of his/her ego level. This can include other people and their evaluations or moral principles that operate at the societal level.

Future-time perspective is related to moral reasoning (Cauffman & Steinberg, 1995). Future time-perspective is defined as,

> the ability to project events to more distant points in the future. In theory, individuals who are better able to do this will make judgments that take into account long-term as well as short-term consequences, a component of more mature decision-making (p. 15).

Greene examined future-time perspective in adolescence (1986). Individuals become more future-oriented between childhood and young adulthood. Older students showed "greater future extension and the more cognitively advanced students proved better able to project a set of events into the distant future" (p. 99). Gains were noted between childhood and adolescence (ages of 11 and 18), and between adolescence and young adulthood (ages 16 and 22). The later group showed greater gains in how far into the future the individuals are likely to project various events. This older age group supports Arnett's (2007) research that shows adolescent development continues into young adulthood.

Recommendations for Field Practice

When the California District Attorney's Association (CDAA) was contacted about doing a survey of prosecutors, the researcher was told that each prosecutor had to be contacted individually through his/her county. The CDAA did offer to publish an announcement in their quarterly newsletter that the research was being conducted. After experiencing how difficult it was to get district attorneys to participate in research, and understanding apparently how frequently attorneys are asked to do, it is recommended that the CDAA develop an application procedure for research requests. Since the CDAA is a powerful organization with over 2,500 prosecutors, this would streamline the

requests, limit the number of requests attorneys get, and encourage more active participation, which would result in more effective and meaningful research for all concerned. It is very important that timely research be completed on new policies to determine how they are being implemented and their effectiveness.

All of the attorneys surveyed made decisions as to whether a juvenile should be tried as a juvenile or as an adult, but 12 indicated that they had no formal education about adolescent development. How can a life-changing decision be made like this apart from correct adolescent development knowledge? The most common way attorneys learned about adolescent development was on the job. Eleven indicated they had high school courses on child development and six had college courses. Thirteen had taken some type of workshop or seminar on adolescent development.

Attorneys are required to complete continuing education classes in order to maintain their license to practice law. It is recommended that attorneys who work on juvenile cases should be required to take training on adolescent development. These courses could be offered through the CDAA's training department during their annual Juvenile Justice Seminar (California District Attorneys Association, n.d.). Last year's seminar was held in San Francisco from December 11-13, 2006. This two and one-half-day intensive seminar was for prosecutors, correctional officers, probation officers, and other law enforcement personal involved with juvenile offenders (California District Attorneys Association, n.d.).

Minnesota's blended sentencing is spreading throughout the country (Carlie, 2003 A). This innovative program should also be an alternative to juveniles in California. Courses on this type of alternative sentencing should be available through the CDAA's

training program so that district attorneys are made aware of other alternatives to direct filing. This would decrease the number of juveniles who are directly filed into adult court. These juveniles would have the opportunity to complete a juvenile sentence. If the adolescent fails to complete the juvenile court requirements, then he/she would ultimately receive the adult court sentence.

Parents were a key component throughout this research. Children are often being forced to grow-up too quickly and without parental supervision. Fragmented families, poor parental involvement, and the role of men and violence were related to juvenile crime, including juvenile gang involvement. It is recommended that all California high school students be required to take a child development and guidance course or family and human development course for high school graduation. The Home Economics Careers and Technology Education program functions under the California Department of Education and provides these courses in many public junior and senior high schools throughout California (Home Economics Careers and Technology, 2006).

> The purpose of this organization is described in its mission statement.
>
> The mission of the Home Economics Careers and Technology Unit is to provide high quality leadership and assistance to California high schools in order to improve student performance and to prepare students to be positive, productive members of families, the workforce, and the global community (Home Economics Careers and Technology, 2006, ¶ 1).

Home economics careers and technology education has changed dramatically over the past 30 years (Home Economics Careers and Technology, 2006). In the 1950s, home economics courses were more narrowly focused on the "traditional" structure of

society, while modern home economics careers and technology reflect the changing social and economic patterns for the new millennium. A quote on the organization's home page by Dr. Margaret Mead best explains the importance of this education.

> I propose that every school, public or private, in rich neighborhoods and poor ones, teach a course in family life that every student, boy or girl, must pass in order to graduate. What we need today is preparation for marriage and parenthood. The skills of managing a home and taking care of children should be learned, like any skill, by practice and observation (Home Economics Careers and Technology, 2006, home page).

The Child Development and Guidance course addresses the changing role of the family because of the increasing number of dual income families and single parents (Home Economics Careers and Technology, 2006). The course provides information about raising healthy, happy children from prenatal care, child growth and development, learning and self-esteem development, and health care. In the Family and Human Development course students learn that the family is the cornerstone of society. The "students study family dynamics and responsibilities, how to deal with conflict and crisis, communication skills, interpersonal relationships in social and work settings, and how to balance personal, family and work roles for more satisfying family and work lives" (Home Economics Careers and Technology, 2006, ¶ 10).

The Home Economics Teachers Association of California (HETAC) began in 1981 as a professional organization that focused on issues concerning secondary and adult Consumer Family Science and Home Economics Related Occupations programs in California (Home Economics Teachers Association of California, 2003). "HETAC is an

influential and effective organization that advocates for home economics careers and technology teachers on issues impacting their programs and curriculum" (¶ 1). This organization has tried unsuccessfully numerous times to bring about legislation to require a course like these; attempts should continue to be made.

Child development and parenting education courses are best if people are educated before they choose to become parents, not after they have troubled adolescents. Just because an adolescent gets in trouble, does not mean that the parent was not a good parent; however, better parent education and child development education would help decrease juvenile crime as parents learn valuable skills, such as: effective parenting styles, guidance and discipline techniques, and what can be developmentally expected from children an adolescents at various ages and stages. Any parent with a troubled child or adolescent would benefit from the education and support of positive parent education. The goal would be for parents to learn how to raise responsible young men and women who can live independently and contribute to society.

A wide variety or prevention and intervention programs were presented throughout the research, from Youth Court, parent accountability boards, CHOICE program, to restorative justice. It is recommended that every county offer both prevention and intervention programs alongside the traditional juvenile justice system. What is saved from less juvenile crime would easily pay for any prevention programs (Carlie, 2003). Counties are going to spend the money, why not spend it on prevention rather than on prosecuting crime?

Non-traditional intervention programs should also be provided in every county. What would happen to the crime rate if young offenders of minor crimes were held

accountable? For example, if a juvenile is caught shoplifting, he/she would need to return the item to the store and pay for it since it could not be sold. Then the youth could work with the store's security personnel for a required number of hours and learn first hand the cost to the stores, and ultimately to the consumer. Maybe the juvenile would quit shoplifting. Another example is graffiti. If a young person is caught painting graffiti, he/she should not only be required to re-paint the graffiti areas, but pay for the paint to do so. When young people learn that there are direct consequences for their actions, perhaps minor juvenile crime would decrease, which ultimately would lead to a decrease in more serious juvenile crimes.

Recommendations for Future Research

More research needs to be conducted on a variety of topics related to Proposition 21, juvenile justice, and adolescent development. With the recent implementation of the Mental-Health Services Act of 2004, an evaluation and analyses should be done to determine the effectiveness of this act. Programs that were created should be studied and effective programs could be implemented in other counties.

A longitudinal study needs to be completed to determine what happens to juveniles who were tried as adults and incarcerated as compared to those who were eligible for direct file, but were not tried as adults. Another area that needs in-depth study is current truancy laws. Could truancy laws be changed and enforced so that more youths are completing high school and getting in less trouble on the streets?

Another topic that needs to be studied was just released today (Boyd, 2006). Jay Giedd, a child development expert from the National Institute of Mental Health in

Bethesda, Maryland, reported that synaptic weeding during adolescence allows the brain to prepare for adulthood. How does this affect adolescent decision-making?

Concluding Comments

I was amazed at professional people's willingness to help. Although it was difficult getting attorneys to participate in the survey, the ones who did were especially helpful. Contacts I made via E-mail were also willing to respond and give assistance, advice, and input. I am thankful for the people I interviewed for my background research. All of these people gave of their time, talents, and expertise while getting absolutely nothing in return but heartfelt thanks and the personal satisfaction that comes from helping someone else and furthering education.

District attorneys' roles are to prosecute offenders. Anytime I spoke with a district attorney, he/she typically appeared very harsh, hard-hearted, and inflexible. However, as I spoke with them and they began to share stories about specific juveniles, I could clearly see the more objective and reasonable side of them. Every thing was not as black and white as it originally appeared. They demonstrated reasonable judgment and compassion while fulfilling their roles to prosecute and protect. I personally felt much more comfortable with their implementation of Proposition 21 as I saw a more complete view of the juvenile justice system through the eyes of prosecutors.

I implemented restorative justice principles with three students caught for cheating during the last week of the fall semester, but didn't realize it at the time. The students were each given consequences for their choices, a plan was developed to help them change their behavior, and they will be held accountable by their spring semester instructors and me so that they can become ethical early childhood educators. It wasn't

until I was sharing the story with my daughter and told her I'd never dealt with cheating this way before, that I realized I had implemented a form of what I'd been learning about for so many months. Time will tell how effective this strategy was, but I trust the accountability will strongly encourage the young women to change their behaviors.

Later that same week, my husband came home an asked if I was ready to use more of my doctorate knowledge. Three teenage boys broke into a home we were selling and did some damage. We have already spoken with one father about using restorative justice with the teens so that they can pay for the damages and learn about the consequences of damaging property by serving community service hours cleaning up after others. Even in my every day life, I've found these principles useful. How much more far reaching could restorative justice be if it was implemented across California's juvenile justice system?

References

Alger, S. (2002, April 23). Conference to focus on restorative justice. *Press-Enterprise* (Riverside, CA), p. B5. Retrieved August 7, 2006, from http://web.lexis-nexis.com.hokhmah.stmarys-ca.edu:2048/umiverse/document

Allen, J. H., Leadbeater, B. J., & Aber, J. L. (1994). The development of problem behavior syndrome in at-risk adolescents. *Development and Psychopathology, 6, 323-342*.

Anderson, L, & Pesznecker, S. (2004, November 6). Man gunned down: Killings

double, but other crime falls, police say. *The Merced-Sun Star* (CA). Retrieved October 30, 2006, from http://infoweb.newsbank.com/iw-search/we/InfoWeb?p_action=doc&p_docid=10585A95

Appelbaum, P. S., & Grisso, T. (1988). Assessing patients' capacities to consent to treatment. *New England Journal of Medicine, 319, 1635-1638.*

Applebaum, P. S., Lidz, C. W., & Meisel, A. (1987). *Informed consent: Legal theory and clinical practice*. NY: Oxford University Press.

Arnett, J. J. (2007). *Adolescence and emerging adulthood: A cultural approach.* Upper Saddle River, NJ: Pearson Education, Inc.

Barnum, R. (1987). The development of responsibility: Implications for juvenile justice. In F. X. Hartman (Ed.), *Children to citizens: The role of the juvenile court* (pp. 67-79). NY: Springer-Verlag.

Baumrind, D. (1987). A developmental perspective on adolescent risk-taking in contemporary America. In C. E. Irwin (Ed.), *Adolescent Social Behavior and Health* (pp. 93-125). San Francisco: Jossey-Bass Limited.

Becker, E. (2001, February 9). An ex-theorist on young "superpredators:" Bush aide has regrets. *New York Times*, p. A19-2.

Beiser, V., & Solheim, K. (2000, February 9). Proposition 21 aims to send thousands of California teenagers to adult prisons. Retrieved April 27, 2005, from http://www.laweekly.com/news/news/juvenile-injustice/6009/

Bellotti v. Baird. 443 U.S. 622, 1979.

Bennett, W., DiIulio, Jr., J., & Walters, J. (1996). *Body count: Moral poverty…and how to win America's war against crime and drugs.* NY: Simon & Schuster.

Benthin, A., Slovic, P., & Severson, H. (1993). A psychometric study of adolescent risk perception. *Journal of Adolescence, 16, 153-168*.

Berk, R. A., & Rossi, P. H. (1982). Prison reform and state elites: A retrospective. In P. H. Rossi & S. L. Nock (Eds.), *Measuring social judgment: The factorial survey approach* (pp. 119-144). Beverly Hills, CA: Sage Publications.

Bernard, T. J. (1992). *The cycle of juvenile justice*. NY: Oxford University Press.

Beyer, M. (1997). Experts for juveniles at risk of adult sentences. In P. Puritz (Ed.), *More than meets the eye: Rethinking assessment, competency and sentencing for a harsher era of juvenile justice* (pp. 1-22). Washington, DC: American Bar Association Juvenile Justice Center.

Beyer, M. (1999). Recognizing the child in the delinquent. *Kentucky Children's Rights Journal, 7(1), 16-26*.

Bilchik, S. (1999). *Juvenile justice: A century of change* (pp. 1-19). Washington, DC: U.S. Department of Justice.

Bishop, D. M., Frazier, C. E., & Henretta, J. C. (1989). Prosecutorial wavier: A case study of a questionable reform. *Crime and Delinquency, 35(2), 179-201*.

Blackstone, W. (1884). *Commentaries on the laws of England*. Chicago: Callahan & Company.

Bloss, J. (2001, January 26). *Restorative justice: It takes a village: Problem teens avoid jail and turn their lives around*. Retrieved October 20, 2006, from http://www.mv-voice.com/morgue/2001/2001_01_26.rest2600.html

Bonnie, R. J. (1989). Juvenile homicide: A study in legal ambivalence. In E. P.

Benedek & D. G. Cornell (Eds.), *Juvenile homicide* (pp. 183-217). Washington, DC: American Psychiatric Press.

Bonnie, R. J. (1992). The competence of criminal defendants: A theoretical reformulation. *Behavioral Sciences and the Law, 10, 291-316.*

Bonnie, R. J., & Grisso, T. (2000). Adjudicative competence and youthful offenders. In T. Grisso & R. G. Schwartz (Eds.), *Youth on trial: A developmental perspective on juvenile justice* (pp. 73-103). University of Chicago Press.

Bortner, M. A. (1986). Traditional rhetoric, organizational realities: Remand of juveniles to adult court. *Crime and Delinquency, 32(6), 53-73.*

Boyd, R. S. (2006, December 19). Teenage brain taking the blame for all that angst: Process of pruning neural links leaves motions in an uproar. *The Modesto Bee*, (CA), pp. A1, A20.

Brakel, S. J., Parry, J., & Weiner, B. A. (1985). *The mentally disabled and the law.* Chicago: American Bar Foundation.

Breitler, A. (2006, March 26). Stakes high for juvenile offenders. *The Record* (Stockton, CA). Retrieved June 24, 2006, from http://web.lexis-http://web.lexis-nexis.com.hokhmah.stmarys-ca.edu:2048/universe/document nexis.com.hokhmah.stmarys-c.edu

Bridge, C. (1999, December 28). Looking for a strike out. *The Recorder* (San Francisco), News, p. 1.

Bronfenbrenner, U. (1979). *The ecology of human development: Experiments by nature and design*. Cambridge, MA: Harvard University Press.

Buchanan, C. M., Eccles, J. S. & Becker, J. B. (1992). Are adolescents the victims of

raging hormones: Evidence for activational effects of hormones on moods and behavior at adolescence. *Psychological Bulletin, 111(1), 63-107.*

California criminal justice profiles (2005). Office of the Attorney General. Retrieved April 12, 2007, from http://ag.ca.gov/cjsc/publications/profiles/pub.php

California District Attorneys Association (n.d.). Retrieved August 18, 2005, and December 2, 2006, from http://www.cdaa.org

California proposition could shift more youth into adult prisons (2000, March 24). *Corrections Professional, 5(13).* Retrieved August 27, 2005, from http://web.lexis-nexis.com.hokhmah.stmarys-c.edu

California shifts more kids to adult justice system. (2000, April 7). *Corrections Professional, 5(14).* Retrieved August 27, 2005, from http://web.lexis-nexis.com.hokhmah.stmarys-c.edu

California upholds proposition allowing prosecutors to charge juveniles directly in criminal court. (2002, March). *State Constitutional Law Bulletin, 15(6), 3*. Retrieved June 23, 2005, from http://web.lexis-nexis.com.hokhmah.stmarys-c.edu

California weighs youth crime crackdown. (2000, February 25). *The Daily Record* (Baltimore, MD), p. C1.

Callahan, M. (2001, April 27). Gang shooting suspect faces adult trial: Proposition 21 requires adult prosecution for teens 14 and older in certain cases, but measure is being challenged. *The Press Democrat* (Santa Rosa, CA), p. B3. Retrieved April 14, 2006, from http://nl.newsbank.com/nl-search/we/Archives?p_action=print

Carlie, M. (2003). Alternate sentencing as a solution. *Into the Abyss*. Retrieved

October 20, 2006, from http://www.faculty.missouristate.edu/M/MichaelCarlie/SOLUTIONS/INSTITUTIONS/alternative_sentencing.htm

Carlie, M. (2003). Court solutions: Prosecutorial solutions. *Into the Abyss*. Retrieved October 20, 2006, from http://www.faculty.missouristate.edu/M/MichaelCarlie/SOLUTIONS/INSTITUTIONS/courts.htm

Carter, L. A. (2001, February 24). Teen suspect in SR slaying faces trial as adult: 17-year-old could be sentenced to life in prison without parole under tough guidelines. *The Press Democrat* (Santa Rosa, CA), p. B1. Retrieved April 14, 2006, from http://nl.newsbank.com/nl-search/we/Archives?p_action=print

Carter, L. A. (2003, May 1). Crackdown on county gangs. *The Press Democrat* (Santa Rosa, CA), p. A1. Retrieved April 14, 2006, from http://nl.newsbank.com/nl-search/we/Archives?p_action=print

Cauffman, E., & Steinberg, L. (1995). The cognitive and affective influences on adolescent decision-making. *Temple Law Review, 68, 1763*. Retrieved March 18, 2005, from http://web.lexis-nexis.com.hokhmah.stmarys-c.edu

Cauffman, E., & Steinberg, L. (2000). (Im)maturity of judgment in adolescence: Why adolescents may be less culpable than adults. *Behavioral Sciences and the Law, 18, 741-760*.

CHOICE Program (n.d.). Retrieved November 28, 2006, from http://www.foundation.sdsu.edu/choice/

Clear, T. (1988). Statistical predictions in corrections. *Research in Corrections, 1(1),*

1-40.

Coit, M. (2000, August 10). Prop. 21 ruled unconstitutional in SR case: Judge dismisses robbery charges against 17 year-old. *The Press Democrat* (Santa Rosa, CA), p. A1. Retrieved April 14, 2006, from http://nl.newsbank.com/nl-search/we/Archives?p_action=print

Coit, M. (2001, January 18). Juvenile hall teens charged as adults. *The Press Democrat* (Santa Rosa, CA), p. B1. Retrieved April 14, 2006, from http://nl.newsbank.com/nl-search/we/Archives?p_action=print

Coit, M. (2001, April 24). Teen murder suspect seeks juvenile court hearing defense: Attorney challenges Proposition 21 over SR trial involving gang killing. *The Press Democrat* (Santa Rosa, CA), p. B2. Retrieved April 14, 2006, from http://nl.newsbank.com/nl-search/we/Archives?p_action=print

Colby, A., Kohlberg, L., Gibbs, J., & Lieberman, M. (1983). A longitudinal study of moral judgment. *Monographs of the Society for Research in Child Development, 48(1), 1-124.*

Collie, T. (2005, January 16). It doesn't add up: Today's youth are putting to rest worries that their millennial generation would turn out socially and emotionally inept. *Sun-Sentinel* (Fort Lauderdale, FL). Retrieved November 2, 2005, from http://www.lifecourse.com/media/clips/050116_fla.html

Cooper, D. K. (1997). Juveniles' understanding of trial-related information: Are they competent defendants? *Behavioral Sciences and the Law, 14, 167-180.*

Coursey, C. (2000, February 24). Is it a war on crime, or on kids? *The Press Democrat*

(Santa Rosa, CA), p. B1. Retrieved April 14, 2006, from http://nl.newsbank.com/nl-search/we/Archives?p_action=print

Coursey, C. (2000, October 23). A glimpse of the future may change it. *The Press Democrat* (Santa Rosa, CA), p. B1. Retrieved April 14, 2006, from http://nl.newsbank.com/nl-search/we/Archives?p_action=print

Coursey, C. (2005, December 16). Minister offers faith and jobs to gangsters. *The Press Democrat* (Santa Rosa, CA), p. B1. Retrieved July 12, 2006, from http://nl.newsbank.com/nl-search/we/Archives?p_action=print

Cowden, V. L. & McKee, G. R. (1995). Competency to stand trial in juvenile delinquency proceedings: Cognitive maturity and the attorney-client relationship. *Journal of Family Law, 33, 629-660.*

Criminal justice ills require study. (2004, February 25). [Opinion]. *The Merced Sun-Star* (CA). Retrieved October 30, 2006, from http://infoweb.newsbank.com/iw-search/we/InfoWeb?p_action=doc&p_docid=10585A95

Declaring war on crime (2006, January 3). [Editorial]. *The Record* (Stockton, CA). Retrieved December 23, 2006, from http://www.recordnet.com/apps/pbcs.dll/article?AID=/20060103/OPED01/601030319/-1/ARCHIVE

Deferred entry: Explanation of deferred entry of judgment penal code sections 1000-1000.4 (diversion) (n.d.). Retrieved September 2, 2005, from http://www.drcrime.com/diversion.html

De La Cruz, M. (2003, July 17). No contest plea entered in man's death. *The Merced*

Sun-Star (CA), pp. A1, A6.

De La Cruz, M. (2002, August 14). Boys to be tried as adults in shooting. *The Merced Sun-Star* (CA), pp. A1, A10.

De La Cruz, M. (2002, June 5). Teen in standoff may be tried as adult. *The Merced Sun-Star* (CA), pp. B1-B2.

Digitale, T. (2006, April 26). Many SR students claim gang ties: Survey of 7th-, 9th-, 11th-graders finds 1 in 10 report membership. *The Press Democrat* (Santa Rosa, CA), p. A1. Retrieved July 12, 2006, from http://nl.newsbank.com/nlsearch/we/Archives?p_action=print

DiIulio, J. J. (1995, December 15). Moral poverty: The coming of the super-predators should scare us into wanting to get to the root causes a lot faster [Commentary]. *Chicago Tribune*, p. 31.

Dowie, M. (1993). When kids commit adult crimes, some say they should do adult time. *California Lawyer, 13, 55-58, 119.*

Drape v. United States. 474 U.S. 821; 106 S. Ct. 71; 88 L. Ed. 2d 58; 1985.

Dryfoos, J. G. (1990). *Adolescents at risk: Prevalence and prevention*. NY: Oxford University Press.

Dusky v. United States. 362 U.S. 402 (1960).

Elliott, D. S., Huizinga, D., & Menard, S. (1989). *Multiple problem youth: Delinquency, substance use, and mental health problems.* NY: Springer-Verlag**.**

Ellis, J. W., & Luckasson, R. A. (1985). Symposium on the ABA criminal justice mental health standards: Mentally retarded criminal defendants. *George Washington Law*

Review, *53*, *414*. Retrieved October 21, 2005, from http://web.lexis-nexis.com.hokhmah.stmarys-ca.edu:2048/umiverse/document

Fabiano, C. (2003, August 19). Positive steps toward curbing youth violence [Point of View]. *The Press Democrat* (Santa Rosa, CA), p. D8. Retrieved July 12, 2006, from http://nl.newsbank.com/nlsearch/we/Archives?p_action=print

Family group conferencing for youth justice: General information. (n.d.). [Brochure]. Sebastopol, CA. Retrieved August 7, 2006, from www.restoraiveresources.org

Feld, B. C. (1978). Reference of juvenile offenders for adult prosecution: The Legislative alternative to asking unanswerable questions. *Minnesota Law Review, 515, 543-46.*

Feld, B. C. (1984). Criminalizing juvenile justice: Rules of procedure for juvenile court. *Minnesota Law Review, 69, 141-276.* Retrieved January 12, 2006, from http://web.lexis-nexis.com.hokhmah.stmarys-ca.eud:2048/universe/document

Feld, B. C. (1987). The juvenile court meets the principle of the offense: Legislative changes in juvenile waiver statutes. *Criminal Law and Criminology, 78, 471.*

Feld, B. C. (1988). *In re Gault* revisited: A cross-state comparison of the right to counsel in juvenile court. *Crime and Delinquency, 34, 393-424.*

Feld, B. C. (2000). Juveniles' waiver of legal rights: Confessions, Miranda, and the right to counsel. In T. Grisso & R. G. Schwartz (Eds.), *Youth on trial: A developmental perspective on juvenile justice* (pp. 105-138). University of Chicago Press.

Ferdico, J. N. (1992). *Ferdico's criminal law and justice dictionary*. St. Paul, MN: West Publishing Company.

Finkelstein, J. W. (1993). Familia influences on adolescent health. In R. M. Lerner (Ed.), *Early adolescence: Perspectives on research, policy, and intervention* (pp. 111-126). Hillsdale, NJ: Lawrence Erlbaum Associates.

Firestone, W. A. (1987). Meaning in method: The rhetoric of quantitative and qualitative research. *Educational Researcher, 16(7), 16-21.*

Fischoff, B. (1992). Risk taking: A developmental perspective. In J. F. Yates (Ed.), *Risk-taking behavior* (pp. 133-162). West Sussex, England: John Wiley & Sons Ltd.

Fitzgerald, M. (2005, July 24). Stockton's recurring nightmare. *The Record* (Stockton, CA). Retrieved December 23, 2006, from http://www.recordnet.com/apps/pbcs.dll/article?AID=/20050724/OPED0301/507240344/-1/ARCHIVE

Fitzgerald, M. (2005, July 29). Solution to crime lies beyond jail. *The Record* (Stockton, CA). Retrieved December 23, 2006, from http://www.recordnet.com/apps/pbcs.dll/article?AID=/20050729/OPED0301/507290328/-1/ARCHIVE

Flavell, J. H. (1979). Metacognition and cognitive monitoring: A new area of cognitive-developmental inquiry. *American Psychologist, 34, 906-911.*

Flavell, J. H. (1987). Speculations about the nature and development of metacognition. In F. E. Weinert & H. Kluwe (Eds.), *Megacognition, motivation and understanding* (pp. 21-29). Hillsdale, NJ: Erlbaum.

Flicker, B. D. (1977). *Standards for juvenile justice: A summary and analysis*. Cambridge, MA: Ballinger Publishing.

Fox, L. (2005, October 7). Youthful offenders face panel of citizen judges. *The Merced Sun-Star* (CA). Retrieved October 30, 2006, from http://infoweb.newsbank.com/iw-search/we/InfoWeb?p_action=doc&p_docid=10585A95

Frazier, C. E., Bishop, D. M., & Lanza-Kaduce, L. (1999). Will the juvenile court system survive? Get-tough juvenile justice reforms: The Florida experience. *The Annals of the American Academy of Political and Social Science, 564.* Retrieved March 3, 2006, from http://web.lexis.coml.hokhmah.stmarys-ca.edu:2048/universe/document

Furby, L., & Beyth-Marom, R. (1992). Risk taking in adolescence: A decision-making perspective. *Developmental Review, 12, 1-44.*

Gall, M. D., Gall, J. P., & Borg, W. R. (2003). *Educational research: An introduction*. Boston, MA: Allyn & Bacon.

Gang life can lead to death, prison. (2002, August 20). ["Our View" Editorial]. *The Merced Sun-Star* (CA). Retrieved December 23, 2006, from http://my.mccd.edu/iw-search/we/InfoWeb?p_action=doc&p_docid=10243E860ADAFE29&p_docnum=23&p_queryname=4&p_product=NewsBank&p_theme=aggregated4&p_nbid=C6EC63NWMTE2NjkwODcyMi42OTczNzI6MToxMjo2Ni45NC43OS4xNjk

Gardner, W., & Herman, J. (1990, Winter). Adolescents' AIDS risk-taking: A rational choice perspective. *New Directions for Child Development, 50, 17-34.*

Gardner, W., Scherer, D., & Tester, M. (1989). Asserting scientific authority: Cognitive development and adolescent legal rights. *American Psychologist, 44(6), 895-902.*

Glick, D. (2001, February 6). Judge sees need for kinder system of juvenile justice. *Ventura County Star* (CA), p. B1. Retrieved August 7, 2006, from http://web.lexis-nexis.com.hokhmah.stmarys-ca.edu

Glossary of terms. (n.d.). Retrieved April 27, 2005, from http://www.ncjj.org/stateprofiles/asp/glossary.asp

Gordon, A. M., & Browne, K.W. (2004). *Beginnings and beyond: Foundations in early childhood education*. NY: Thomson Delmar Learning.

Graber, J. A., & Petersen, A. C. (1991). Cognitive changes at adolescence: Biological perspectives. In K. R. Gibson & A. C. Petersen (Eds.), *Brain maturation and cognitive development: Comparative and cross-cultural perspectives* (pp. 253-279). NY: Aldine De Gruyter.

Great transitions: Preparing adolescents for a new century (1995). Carnegie Corporation of New York.

Greene, A. L. (1986). Future-time perspective in adolescence: The present of things future revisited. *Journal of Youth and Adolescence, 15(3), 99-113.*

Griffin, P., Torbet, P., & Szymanski, L. (1998). *Trying juveniles as adults in criminal court: An analysis of state transfer provisions*. Washington, DC: U.S. Department of Justice.

Grisso, T. (1980). Juveniles' capacities to waive Miranda rights: An empirical analysis. *California Law Review, 68, 1134-1166.*

Grisso, T. (1981). *Juveniles' waiver of rights: Legal and psychological competence*. NY: Plenum Press.

Grisso, T. (1996). Society's retributive response to juvenile violence: A developmental

perspective. *Law and Human Behavior, 20(3), 229-247.*

Grisso, T. (1997). The competence of adolescents as trial defendants. *Psychology, Public Policy, and Law, 3(1), 3-32.* Retrieved March 29, 2005, from http://web.lexis-nexis.com.hokhmah.stmarys-ca.edu

Grisso, T. (1998). *Forensic evaluation of juveniles*. Sarasota, FL: Professional Resource Books.

Grisso, T. (2000). What we know about youths' capacities as trial defendants. In T. Grisso & R. G. Schwartz (Eds.), *Youth on trial: A developmental perspective on juvenile justice* (pp. 139-171). University of Chicago Press.

Grisso, T., Miller, M., & Sales, B. (1987). Competency to stand trial in juvenile court. *International Journal of Law and Psychology, 10, 1-20.*

Grisso, T. & Vierling, L. (1978). Minor's consent to treatment: A developmental perspective. *Professional Psychology, 13, 412-427.*

Hamparian, D. M., Estep, L. K., Muntean, Susan M., Priestino, R. R., Swisher, R. G., Wallace, P. L., & White, J. L. (1982). *Major issues in juvenile justice information and training: Youth in adult courts: Between two worlds.* Columbus, OH: U.S. Department of Justice.

Hart, S. (2004, January 5). Outgoing judge helped kids be accountable for acts. *The Press Democrat* (Santa Rosa, CA), p. B1. Retrieved April 4, 2006, from http://nl.newsbank.com/nlsearch/we/Archives?p_action=print

Hartman, R. G. (2000, August). Adolescent autonomy: Clarifying an ageless conundrum. *Hastings Law Journal, 51, 1265.*

Hay, J. (2003, April 27). L.A.-area anti-gang program looks good to SR. *The Press*

Democrat (Santa Rosa, CA), p. A1. Retrieved July 12, 2006, from http://nl.newsbank.com/nl-search/we/Archives?p_action=print

Hay, J. (2005, May 22). A harder edge to gang violence. *The Press Democrat* (Santa Rosa, CA), p. A1. Retrieved July 12, 2006, from http://nl.newsbank.com/nlsearch/we/Archives?p_action=print

Hebdige, D. (1979). *Subculture: The meaning of style*. NY: Methuen.

Heilbrun, K. A., Leheny, C., Thomas, L., & Huneycutt, D. (1997). A national survey of U.S. statutes on juvenile transfer: Implications for policy and practice. *Behavioral Sciences and the Law, 15(2), 125-149.*

Hellum, F. (1979). Juvenile justice: The second revolution. *Crime and Delinquency, 25, 299-317.*

Henggeler, S. W. (1989). *Delinquency in adolescence*. Newbury Park, CA: Sage Publications.

Hennessey, V. (2003, July 24). Teen may be tried as adult. *The Monterey County Herald* (CA), p. B1.

Hennessey, V. (2003, August 28). Teens get 40-to-life sentence. *The Monterey County Herald* (CA), p. B1.

Hennessey, V. (2003, December 9*).* Boy faces adult charges in shooting. *The Monterey County Herald* (CA), pp. B1, B4.

Hertzig, M. E. (1983). Temperament and neurological status. In M. Rutter (Ed.), *Developmental neuropsychiatry* (pp. 164-180). NY: The Guilford Press.

Hill, L. (2000, August 5). A vicious hate crime, but don't write off teen-age

lives [Letter to the editor]. *The San Diego Union-Tribune*, p. B15. Accessed May 5, 2006, from http://web.lexis-nexis.com.hokhmah.stmarys-ca.edu:2048/umiverse/document

Holt, J. (1974). *Escape from childhood*. NY: E. P. Dutton.

Home Economics Careers and Technology (2006, October 12). California Department of Education. Accessed December 2, 2006, from http://www.hect.org/

Home Economics Teachers Association of California (HETAC) (2003). Accessed December 2, 2006, from http://www.hetac.org/index.html

Howell, J. C., Krisberg, B., & Jones, M. (1995). Trends in juvenile crime and youth violence. In J. C. Howell, B. Krisberg, J. D. Hawkins, & J. J. Wilson, J. J. (Eds.), *A sourcebook: Serious, violent, & chronic juvenile offenders* (pp. 1-35). Thousand Oaks, CA: Sage Publications.

In re Causey. 363 So. 2d 472 (La. 1978).

In re Gault. 387 U.S. 1 (1967).

International Institute for Restorative Practices, The (n.d.). Retrieved August 9, 2006, from http://www.iirp.org/Pages/aboutus.html

Involved parents help kids behave: A scarcity of adult mentors is adding fuel to the problem of juvenile criminals (2004, August 28). ["Our View" Editorial]. *The Merced-Sun Star* (CA). Retrieved October 30, 2006, from http://infoweb.newsbank.com/iw-search/we/InfoWeb?p_action=doc&p_docid=10585A95

Ioffee, K. (2005, September 24). Treatment a priority, police say. *The Record* (Stockton,

CA). Retrieved December 23, 2006, from http://www.recordnet.com/apps/pbcs.dll/article?AID=/20050924/NEWS01/509240316/1001/ARCHIVE

Ioffee, K. (2005, December 29). Boy will be tried as adult: 14-year-old facing possible life sentence. *The Record* (Stockton, CA). Retrieved June 24, 2006, from http://web.lexis-nexis.com.hokhmah.stmarys-ca.edu:2048/universe/document

Jaffe, M. J. (1998). *Adolescence.* NY: John Wiley & Sons, Inc.

Jenson, J. M., & Howard, M. O. (1998). Youth crime, public policy, and practice in the juvenile justice system: Recent trends and needed reform. *Social Work, 43(4), 324-334.* Retrieved March 2, 2005, from http://infotrak.galegroup.com.hokhmah.stmarys-ca.edu

Jessor, R. (1992). Risk behavior in adolescence: A psychological framework for understanding and action. *Developmental Review, 12, 374-390.*

Juvenile Justice and Delinquency Prevention Act of 1974. (Pub. L. No. 93-415).

Kahneman, E., Slovic, P., & Tversky, A. (Eds.). (1982). *Judgment under uncertainty: Heuristics and biases*. Cambridge, NY: Cambridge University Press.

Kane, G. (2006, June 22). So many crimes, so little money: S.J.'s cash-strapped DA's office asks for $2.25 million. *The Record* (Stockton, CA). Retrieved July 12, 2006, from http://web.lexis-nexis.com.hokhmah.stmarys-ca.edu:2048/universe/document

Kaye, J. (n.d.). *Online focus: Juvenile justice.* Retrieved April 27, 2005, from http://www.pbs.org/newshour/bb/youth/jan-june00/justice_2-29.html

Keating, D. P. (1990). Adolescent thinking. In S. S. Feldman & G. R. Elliott (Eds.), *At*

the threshold: The developing adolescent (pp. 54-89). Cambridge, MA: Harvard University Press.

Kennard, J. (2005, April 22). Criminal law and procedure: Juveniles. *California Supreme Court Service*. Retrieved June 23, 2005, from http://web.lexis-nexis.com.hokhmah.stmarys-ca.edu:2048/universe/document

Kent v. United States. 383 U.S. 541 (1966).

Kohlberg, L. (1976). Moral stages and moralization: The cognitive-developmental approach. In T. Lickona (Ed.), *Moral Development and Behavior: Theory, Research, and Social Issues* (pp. 31-53). NY: Holt, Rinehart & Winston.

Kohlberg, L. (1984). *The psychology of moral development: The nature and validity of moral stages*. San Francisco: Harper & Row.

Kohlberg, L., & Candee, D. (1984). The relationship of moral judgment to moral action. In W. M. Kurtines & J. L. Gewirtz (Eds.), *Morality, moral behavior, and moral development* (pp. 52-73). NY: John Wiley & Sons.

Kravets, D. (2002, March 1). Court upholds validity of Proposition 21. *The Merced Sun-Star* (CA), p. A4.

Lacayo, R. (1994, September 19). When kids go bad. *Time, 144(12), 60-63.* Retrieved October 27, 2005, from http://proquest.umi.com.hokhmah.stmarys-ca.edu

Lafferty, S. (2001, April 27). The jury's still out on: Juvie crime measure. *The Recorder* (San Francisco). Retrieved June 23, 2005, from http://web.lexis-nexis.com.hokhmah.stmarys-ca.edu:2048/universe/document

Laidman, D. (2004, July 8). Teen may be tried as adult. *The Monterey County Herald* (CA), p. B1.

La Salle, J. (2002, July 6). Trying to correct errant behavior. *The Merced Sun-Star* (*CA*). Retrieved October 30, 2006, from http://infoweb.newsbank.com/iw-search/we/InfoWeb?p_action=doc&p_docid=10585A95

La Salle, J. (2005, June 18). What's next?: Gangs are quickly getting older. *The Merced Sun-Star* (*CA*), p. B1. Retrieved October 30, 2006, from http://infoweb.newsbank.com/iw-search/we/InfoWeb?p_action=doc&p_docid=10585A95

Lee v. Weisman. 505 U.S. 577; 112 S. Ct. 2649 (1992).

Lerner, R. M. (1976). *Concepts and theories of human development*. Reading, MA: Addison-Wesley Publishing.

Lerner, R. M. (1995). *America's youth in crisis: Challenges and options for programs and policies*. Thousand Oaks, CA: Sage Publications.

Lerner, R. M., & Galambos, N. L. (1998). Adolescent development: Challenges and opportunities for research, programs, and policies. *Annual Review of Psychology, 49, 413-447.*

Lerner, R. M., & Kauffman, M.B. (1985). The concept of development in contextualism. *Developmental Review, 5, 309-333.*

Lerner, R. M., & Lerner, J. V. (1983). Temperament and adaptation across life: Theoretical and empirical issues. In P. B. Baltes & O. G. Brim (Eds.), *Life-span development and behavior* (pp. 197-231). NY: Academic Press.

Lochrie, C. (2002, November 10). Seeking justice via resolution. *The Press-Enterprise* (Riverside, CA), p. B6. Retrieved August 9, 2006, from http://web.lexis-nexis.com.hokhmah.stmarys-ca.edu:2048/umiverse/document

Los Angeles County District Attorney's Office (n.d.). Retrieved October 4, 2006, from http://da.co.la.ca.us

Macallair, D. (2000, January 6). Proposition 21 is bad policy for California's juvenile offenders [Op Ed Column]. *The San Diego Union-Tribune*, p. B11-7. Accessed May 5, 2006, from http://web.lexis-nexis.com.hokhmah.stmarys-ca.edu:2048/umiverse/document

Macallair, D. (2002, March 21). A growing racial, ethnic disparity: Ruling a setback for juvenile justice in California [Op Ed Column]. *The San Diego Union-Tribune*, p. B11-7. Accessed May 5, 2006, from http://web.lexis-nexis.com.hokhmah.stmarys-ca.edu:2048/umiverse/document

Macduff, C. (2002, May 28). Justice plan gets personal. *The Press-Enterprise* (Riverside, CA), p. B1. Retrieved August 7, 2006, from http://web.lexis-nexis.com.hokhmah.stmarys-ca.edu:2048/umiverse/document

Making parents liable has paid off: Juvenile justice, probation officials' efforts are taking a bite out of delinquency problems (2004, June 30). [Editorial]. *The Merced-Sun Star* (CA), p. B3. Retrieved October 30, 2006, from http://infoweb.newsbank.com/iw-search/we/InfoWeb?p_action=doc&p_docid=10585A95

Manduley v. Superior Court. 86 Cal. App. 4th 1198, 104 Cal. Rptr. 2d 140 (2001).

Marshall, E. (1997, May 1). Gang influences creep into Truckee-Tahoe. *Sierra Sun* (Truckee-Tahoe, CA). Retrieved April 14, 2006, from http://www.sierrasun.com/apps/pbca.dII/article?AID=/19970501/NEWS/105014782$Sear...

Mason, C. (2001, February 9). Proposition 21 ruling affects juvenile hall escape case: Appellate court says judge must decide if teens can be tried as adults. *The Press Democrat* (Santa Rosa, CA), p. B1. Retrieved April 14, 2006, from http://nl.newsbank.com/nl-search/we/Archives?p_action=print

Mazza, D. (2005, October 25). Violent crimes by juveniles show drop. *Whittier Daily News* (CA). Retrieved December 23, 2006, from http://my.mccd.edu/iw-search/we/InfoWeb?p_action=doc&p_docid=10D7C1AF43BC96B8&p_docnum=1&p_queryname=2&p_product=NewsBank&p_theme=aggregated4&p_nbid=F5AI4FWCMTE2NjkxMTUxMy44MjkxNTQ6MToxMjo2Ni45NC43OS4xNjk

McKee, M. (2002, March). With few qualms, justices OK Prop 21. *The Recorder* (San Francisco), News, p. 1. Retrieved June 23, 2005, from http://web.lexis-nexis.com.hokhmah.stmarys-ca.edu:2048/umiverse/document

Melton, G. B. (1983). Toward "personhood" for adolescents: Autonomy and privacy as values in public policy. *American Psychologist, 38, 99-103.*

Merriam-Webster's Dictionary of Law (1996). Accessed December 22, 2006, from http://dictionary.lp.findlaw.com/scripts/results.pl?co=dictinary.lp.finalw.com&topic=1...

Miles, A., & Huberman, A. (1994). *Qualitative data analysis: An expanded sourcebook.* Thousand Oaks, CA: Sage Publications.

Moffitt, T. E. (1993). Adolescence-limited and life-course-persistent antisocial behavior: A developmental taxonomy. *Psychological Review, 100(4), 674-701.*

Moore, T. (1997, April 11). Wilson calls for tough youth crime penalties. *The San Francisco Chronicle*, p. A1.

Moran, G. (2000, August 1). Migrant attack case to test adult-trial law: Youths' lawyers say DA wields too much power. *The San Diego Union-Tribune*, p. B1. Retrieved May 5, 2006, from http://web.lexis-nexis.com.hokhmah.stmarys-ca.edu:2048/umiverse/document

Moran, G. (2001, January 10). Attorneys tell court Prop. 21 is flawed: They are defending teens in migrant-attack case. *The San Diego Union-Tribune*, pp. NC-1, NI-1. Retrieved October 4, 2006, from http://web.lexis-nexis.com.hokhmah.stmarys-ca.edu:2048/umiverse/document

Moran, G. (2001, March 17). Attorneys for Williams to challenge Prop. 21. *The San Diego Union-Tribune*. Retrieved May 5, 2006, from http://web.lexis-nexis.com.hokhmah.stmarys-ca.edu:2048/umiverse/document

Moran, G. (2001, September 26). Prosecutors charge few juveniles as adults: Power granted by Prop. 21 is seldom used in county. *The San Diego Union-Tribune*, p. B1. Retrieved May 5, 2006, from http://web.lexis-nexis.com.hokhmah.stmarys-ca.edu:2048/umiverse/document

Moran, G. (2001, December 6). State high court weighs Prop. 21 issues: Youths facing trial as adults in beating case. *The San Diego Union-Tribune*, pp. NC-1, NI-1. Retrieved May 5, 2006, from http://web.lexis-nexis.com.hokhmah.stmarys-ca.edu:2048/umiverse/document

Moran, G. (2002, March 1). Tougher teen rules upheld by high court: 2 high-profile cases in county can go forward. *The San Diego Union-Tribune*, p. A1. Retrieved May 5, 2006, from http://web.lexis-nexis.com.hokhmah.stmarys-ca.edu:2048/umiverse/document

Moran, G. & Hughes, J. (2000, August 1). Migrant attack case to test adult-trial law: Decision expected today on charges against 8th teen. *The San Diego Union-Tribune*, p. B-1. Retrieved October 4, 2006, from http://web.lexis-nexis.com.hokhmah.stmarys-ca.edu:2048/umiverse/document

Morris, W. (Ed.). (1981). *The American heritage dictionary of the English language*. Boston: Houghton Mifflin.

Moseley-Braun, C., & Lee, L. M. (1994). Juvenile justice. *American Bar Association Journal*, *80*, *46*. Retrieved November 11, 2005, from http://proquest.umi.com.hokhmah.stmarys-ca.edu

Nation, N. I. (2004, November 28). Early intervention credited for reducing juvenile crime in Marin. *Marin Independent Journal* (San Rafael, CA). Retrieved June 27, 2006, from http://www.cjcj.org/press/early_intervention.html

Nation, N. I. (2005, June 27). Parents push for public juvenile trials. *Marin Independent Journal* (San Rafael, CA). Retrieved June 23, 2006, from http://web.lexis-nexis.com/universe/document

Nation, N. I. (2005, November 28). Tried by their peers. *Marin Independent Journal* (San Rafael, CA). Retrieved July 17, 2006, from http://web.lexis-nexis.com/universe/document

Nieves, E. (2000, March 6). The 2000 campaign: The initiative: California proposal toughens penalties for young criminals. *The New York Times*, p. A1.

Nurcombe, B., & Partlett, D. F. (1994). *Child mental health and the law*. NY: The Free Press.

Offer, D. (1969). *The psychological world of the teen-ager: A study of normal*

adolescent boys. NY: Basic Books.

Opatrny, D. J. (1999, April 13). Growing pains in juvenile justice. *The Recorder* (San Francisco), p. 1 News. Retrieved June 27, 2005, from http://web.lexius-nexis.com.hokhmah.stmarys-ca.edu:2048/universe/document

Opatrny, D. J. (2000, March 13). Hallinan says he'll ignore Proposition 21. *The Recorder* (San Francisco), p. 1 News. Retrieved June 23, 2005, from http://web.lexius-nexis.com.hokhmah.stmarys-ca.edu:2048/universe/document

Ormond, C. L., Luszcz, M. A., Mann, L, & Beswick, G. (1991). A metacognitive analysis of decision making in adolescence. *Journal of Adolescence, 14, 275-291.*

Opponents of juvenile justice initiative blast measure in rally at courthouse. (2000, March 2). *Metropolitan News Enterprise* (Los Angeles), p. 13. Retrieved June 23, 2005, from http://web.lexius-nexis.com.hokhmah.stmarys-ca.edu:2048/universe/document

Opportunities to make a difference: Social advocates for youth. (2002, April 7). *The Press Democrat* (Santa Rosa, CA), p. B4.

Ozanne, J. L., Hill, R. P., & Wright, N. D. (1998). Juvenile delinquents' use of consumption as cultural resistance: Implications for juvenile reform programs and public policy. *Journal of Public Policy and Marketing, 17(2), 185-196.* Retrieved February 28, 2005, from http://proquest.umi.com/

Padilla, F. M. (1992). *The gang as an American enterprise*. New Brunswick, NJ: Rutgers University Press.

Pagan, A. (2006, April 1). Join us at children's summit [Letter to the editor]. *The Merced Sun-Star* (CA). Retrieved July 12, 2006, from

http://www.mercedsunstar.com/opnion/v-print/story/12004527p-12763968c.html

Paladoz, T. (2005, November 17). A message for youth offenders [Letter to the Editor]. *The Record* (Stockton, CA). Retrieved December 23, 2006, from http://www.recordnet.com/apps/pbcs.dll/article?AID=/20051117/OPED02/511170305/-1/ARCHIVE

Parham v. J. R. 442 U.S. 584. (1979).

Patton, M. Q. (2002). *Qualitative research and evaluation methods*. Thousands Oaks, CA: Sage Publications.

Pesznecker, S. (2004, June 24). Parent Accountability Board named top criminal justice program in U.S. *The Merced-Sun Star* (*CA).* Retrieved October 30, 2006, from http://infoweb.newsbank.com/iw-search/we/InfoWeb?p_action=doc&p_docid=10585A95

Peterson, A. C. (1988). Adolescent development. *Annual Review of Psychology*, *39, 583-607.*

Piaget, J. (1976). *The grasp of consciousness: Action and concept in the young child*. Cambridge, MA: Harvard University Press.

Platt, A. M. (1977). *The child savers: The invention of delinquency*. The University of Chicago Press.

Proposition 21: Juvenile crime initiative. *Children's Advocate*, January-February 2000. Retrieved November 4, 2005, from acc@4children.org

Proposition 184: Three-strikes. (1994, November 14). *State Net: California Weekly Journal*. Retrieved June 27, 2005, from http://web.lexis-nexis.com.hokhmah.stmarys-ca.edu:2048/universe/document

Purdy, L. M. (1992). *In their best interest? The case against equal rights for children*. Ithaca, NY: Cornell University Press.

Real Estate Center at Texas A & M University (2002). Retrieved December 6, 2005, from http://recenter.tamu.edu/Data/popc/pc06025.htm

Real justice (n.d.). *International Institute for Restorative Practices approved as a graduate school by Pennsylvania Department of Education*. Retrieved November 3, 2006, from http://www.realjustice.org/index.html

Redding, R. E. (1997). Juveniles transferred to criminal court: Legal reform proposals based on social science research. *Utah Law Review, 3, 711-763.*

Regnery, A. S. (1989). Getting away with murder: Why the juvenile justice system needs an overhaul. *Policy Review, 21, 65-68.*

Reppucci, N. D. (1999). Adolescent development and juvenile justice. *American Journal of Community Psychology, 27(13), 307.* Retrieved February 17, 2005, from http://infortrac.galegroup.com.hokhmah.stmarys-ca.edu

Restatement (Second) of Torts Chapter 45, Section 892A (2), 1979.

Restorative conferences for schools: General information (n.d.). [Brochure]. Sebastopol, CA. Retrieved August 7, 2006, from www.restorativeresources.org

Restorative justice (n.d.). [Brochure]. Sebastopol, CA. Retrieved August 7, 2006, from www.restorativeresources.org

Restorative justice online (n.d.). Retrieved August 9, 2006, from http://www.restorativejustice.org/intro/

Reynolds, J. (2006, March 30). Boy, 12, one of two suspects in man's killing. *The*

Monterey County Herald (CA). Retrieved July 14, 2006, from http://mercury.mccd.edu/exchange/fritzemeier.m/inbox/%201LexisNexis(R)%20Email%20...

Rogers, C. M., & Wrightsman, L. S. (1976). Attitudes toward children's rights: Nurturance or self-determination? *Journal of Social Issues*, *34(2), 59-68.*

Rossi, P. H., & Anderson, A. B. (1982). The factorial survey approach: An introduction. In P. H. Rossi & S. L. Nock (Eds.), *Measuring social judgments: The factorial survey approach*, pp. 15-68. Beverly Hills, CA: Sage Publications.

Rossi, P. H., & Berk, R. A. (1967). *Just punishments: Federal guidelines and pubic view compared*. NY: Aldine De Gruyter.

Rossi, P.H., & S. L. Nock (Eds.). *Measuring social judgments: The factorial survey approach.* Beverly Hills, CA: Sage Publications.

Rossmann, R. (2000, May 10). First local test of Proposition 21: 17-year-olds will be tried as adults. *The Press Democrat* (Santa Rosa, CA), p. A1. Retrieved April 14, 2006, from http://nl.newsbank.com/nl-search/we/Archives?p_action=print

Roth, A. (2001, February 8). Court rejects adult charges in migrant beatings. *The San Diego Union-Tribune,* p. A-1. Accessed May 5, 2006, from http://web.lexis-nexis.com.hokhmah.stmarys-ca.edu:2048/umiverse/document

Roth, A. (2001, February 16). Pfingst will appeal ruling on Prop. 21: Case involves 8 teens accused of beating Mexicans. *The San Diego Union-Tribune*, pp. NC-1, NI-1. Accessed May 5, 2006, from http://web.lexis-nexis.com.hokhmah.stmarys-ca.edu:2048/umiverse/document

Roth, A. (2001, December 3). High court will weigh challenge to Prop. 21: 8 local

teens charged as adults in hate-crime case. *The San Diego Union-Tribune*, p. B1. Accessed May 5, 2006, from http://web.lexis-nexis.com.hokhmah.stmarys-ca.edu:2048/umiverse/document

Rovella, D. E. (2000, March 13). California to vote on juvie bill. *The National Law Journal*. Retrieved June 23, 2005, from http://web.lexis-nexis.com.hokhmah.stmarys-ca.edu:2048/umiverse/document

Ryder, V., & Harter, M. B. (2002). *Contemporary Living*. Tinley Park, IL: The Goodheart-Willcox Company, Inc.

Saks, M. J. (1989). Legal policy analysis and evaluation. *American Psychologist, 44(8), 1110-1117.*

Sanchez, G. (2006, June 21). Boy, 14, could be tried as adult in shootings. *Monterey County Herald* (CA). Retrieved June 22, 2006, from http://mercury.mccd.edu/exchange/fritzemeier.m/Inbox/%20LexisNexis(R)%Email%20...

Sanchez, J. L. Jr. (2006, February 3). Rate of serious crimes decreased: City sees 2nd consecutive year without homicide. *The Press Democrat* (Santa Rosa, CA), p. P1. Retrieved July 12, 2006, from http://nl.newsbank.com/nl-search/we/Archives?p_action=print

Sanchez, R., & Booth, W. (2000, March 13). California toughens juvenile crime laws: Rules to treat young offenders more like adults. *The Washington Post*, p. A3. Retrieved August 27, 2005, from http://web.lexis-nexis.com.hokhmah.stmarys-ca.edu:2048/universe/document

Sanders, J. (2003, June 9). Reclaiming ownership of our youth [Letter to the editor]. *The*

Merced-Sun Star (CA). Retrieved October 30, 2006, from http://infoweb.newsbank.com/iw-search/we/InfoWeb?p_action=doc&p_docid=10585A95

Santrock, J. W. (2005). *Adolescence*. NY: McGraw Hill Higher Education.

SAY (Social Advocates for Youth) prevention (n.d.). [Brochure]. Santa Rosa, CA. Retrieved October 6, 2006, from http://socialadvocatesforyouth.org/prevention.html

Scherer, D. G. (1991). The capacities of minors to exercise voluntariness in medical treatment decisions. *Law and Human Behavior, 15(4), 431-449.*

Scherer, D. G., & Reppucci, N. D. (1988). Adolescents' capacities to provide voluntary informed consent: The effects of parental influence and medical dilemmas. *Law and Human Behavior, 12(2), 123-141.*

Schindler, M., & Arditti, J. A. (2001). The increased prosecution of adolescents in the adult criminal justice system: Impacts on youth, family, and community. *Marriage and Family Review, 32(3/4), 165-187.*

Schiraldi, V. (2005, October 3). Safer for us and for them: Points of view: The most effective response to juvenile crime turns out to be a strict but humane approach. *Legal Times*. Retrieved February 3, 2006, from http://web.lexis.nexis.com.hokhmah.stmarys-ca.edu:2048/universe/document

Scott, E. S. (2000). Criminal responsibility in adolescence: Lessons from developmental psychology. In T. Grisso & R. G. Schwartz (Eds.), *Youth on trial: A developmental perspective on juvenile justice* (pp. 291-324*).* University of Chicago Press.

Scott, E. S., Reppucci, N. D., & Woolard, J. L. (1995). Evaluating adolescent decision making in legal contexts. *Law and Human Behavior, 19(3), 221-244.*

Sheil, P. (2006, March 21). County has new aim in mental-health care. *The Record* (Stockton, CA). Retrieved July 12, 2006, from http://web.lexis-nexis.com.hokhmah.stmarys-ca.edu:2048/universe/document

Shepherd, R. E. Jr. (1996). JJ standards: Anchor in the storm. *Criminal Justice Magazine*. Retrieved December 21, 2006, from http://www.abanet.org/crimjust/juvjus/cjstandards.html

Sholley, D. (2005, June 10). Juvenile offenders get a chance to right their wrongs. *Inland Valley Daily Bulletin* (Ontario, CA). Retrieved August 7, 2006, from http://web.lexis-nexis.com.hokhmah.stmarys-ca.edu:2048/universe/document

Slovic, P. (1964). Assessment of risk taking behavior. *Psychological Bulletin, 61(3), 220-233.*

Smallen, M. (2000, March 1). Kidding ourselves on juvenile crime [Comment]. *The Recorder* (San Francisco), p. 5. Retrieved June 23, 2005, from http://web.lexis-nexis.com.hokhmah.stmarys-ca.edu:2048/universe/document

Smith, C. (2000, March 9). More teens may be incarcerated: Officials await Prop. 21 impact. *The Press Democrat* (Santa Rosa, CA), p. B1. Retrieved April 14, 2006, from http://nl.newsbank.com/nl-search/we/Archieves?p_action=print

Smith, C. (2000, September 10). Crime and punishment: Gillen praised for record, juvenile sentences alternative—and for remaining hopeful. *The Press Democrat* (Santa Rosa, CA), p. D1. Retrieved April 14, 2006, from http://nl.newsbank.com/nl-search/we/Archieves?p_action=print

Smith, S. (2006, January 3). Youth prison populations on the decline. *The Record* (Stockton, CA). Retrieved December 23, 2006, from http://www.recordnet.com/apps/pbcs.dll/article?AID=/20060103/NEWS01/601030318/1001/ARCHIVE

Snyder, H. N. (1997). *Juvenile Arrests 1995*. Office of Justice Prevention. Washington, DC: U.S. Department of Justice.

Snyder, H. N. (2005). *Juvenile Arrests 2003*. Office of Justice Prevention. Washington, DC: U.S. Department of Justice.

Snyder, H. N., & Sickmund, M. (1999). *Juvenile offenders and victims: 1999 national report.* Washington, DC: National Center for Juvenile Justice. Retrieved August 13, 2005, from http://www.ncjrs.org/html/ojjdp/naitonalreport99/toc.html

Social Advocates for Youth (n.d.). Retrieved October 6, 2006, from http://socialadvocatesforyouth.org/home.html

Stanford v. Kentucky. 492 U.S. 361, 109 S. Ct. 2969 (1989).

State assemblyman pushes alternative to juvenile justice initiative. (2000, March 3). *Metropolitan News Enterprise* (Los Angeles), p. 10. Retrieved June 23, 2005, from http://web.lexis-nexis.com.hokhmah.stmarys-ca.edu:2048/universe/document

Steinberg, D. (2000, July 25). The constitutionality of Proposition 21 [Letter to the editor]. *The San Diego Union-Tribune,* p. B-15. Accessed June 22, 2006, from http://web.lexis-nexis.com.hokhmah.stmarys-ca.edu:2048/umiverse/document

Steinberg, L., & Cauffman, E. (1996). Maturity of judgment in adolescence:

Psychological factors in adolescent decision making. *Law and Human Behavior, 20(3), 249-272.*

Steinberg, L., & Schwartz, R. G. (2000). Developmental psychology goes to court. In T. Grisso & R. G. Schwartz (Eds.), *Youth on trial: A developmental perspective on juvenile justice* (pp. 9-31). University of Chicago Press.

Stevenson, C. S., Larson, C. S., Carter, L. S., Gomby, D. S., Terman, D. L., & Behrman, R.E. (1996). The juvenile court: Analysis and recommendations. *Future of Children: The Juvenile Court, 3, 4-28.*

Stouthamer-Loeber, & Loeber, T. (1988). The use of prediction data in understanding delinquency. *Behavioral Science and Law, 6, 333-347.*

Swanson, H. L., & Hill, G. (1993). Metacognitive aspects of moral reasoning and behavior. *Adolescence, 28(111), 711-736.* Retrieved February 5, 2005, from http://infotrac.galegroup.com/itw/informark

Szczygiel, A. (1994). Beyond informed consent. *Ohio Northern University Law Review, 21, 171.*

Templeton, R. (1998, June 10). Targeting the "mean kids" [Comment]. *The Recorder* (San Francisco), p. 6. Retrieved June 23, 2005, from http://web.lexis-nexis.com.hokhmah.stmarys-ca.edu:2048/universe/document

Thatcher, R. W., Walker, R. A., & Giudice, S. (1987). Human cerebral hemispheres develop at different rates and ages. *Science, 236, 1110(4).*

Thomas, A., & Chess, S. (1977). *Temperament and development*. NY: Brunner/Mazel.

Thompson, K. (2003, March 6). *Justice for all: Restorative justice allows resolution*

for both crime victims and perpetrators. Retrieved August 7, 2006, from http://www.restorativeresources.org/pacificsun.php

Thompson v. Oklahoma. 487 U.S. 815, 108 S. Ct. 2687 (1988).

Torbet, P., Gable, R., Hurst, H., Montgomery, I., Szymanski, L., & Thomas, D. (1996). *State responses to serious and violent juvenile crime.* Office of Juvenile Justice and Delinquency Prevention (National Center for Juvenile Justice). Retrieved October 1, 2005, from http://www.ncjrs.gov/pdffiles/statresp.pdf

Tracy, P., Wolfgang, M. E., & Figlio, R. M. (1990). *Delinquency in two birth cohorts*. (Office of Juvenile Justice and Delinquency Prevention). Washington, DC: U.S. Department of Justice.

Union Pacific Railway Company v. Botsford. 151 U.S. 250 (1891).

Vernia, B. J. (1992). The burden of proving competence to stand trial: Due process at the limits of adversarial justice. *Vanderbilt Law Review, 45, 199.* Retrieved October 14, 2005, from http://web.lexis-nexis.com.hokhmah.stmarys-ca.edu:2048/universe/document

Wadlington, W. J. (1983). Consent to medical care for minors. In G. B. Melton, G. P. Koocher, & M. J. Saks (Eds.), *Children's competence to consent* (pp. 57-74). NY: Plenum Press.

Walker, N. E., Brooks, C. M., & Wrightsman, L. S. (1999). *Children's rights in the United States: In search of a national policy*. Thousand Oaks, CA: Sage Publications.

Wang, G. I. (2002, January 9). Youth justice program is seeking adults for key panel:

Accountability board will decide offenders' fate. *Saratoga News* (CA). Retrieved October 20, 2006, from http://www.community-newspapers.com/archives/saratoganews/01.09.02/youth-justice-0...

Ward, J. M. (2003). Deterrence's difficulty magnified: The importance of adolescent development in assessing the deterrence value of transferring juveniles to adult court. *UC Davis Journal of Juvenile Law and Policy, 7, 253.* Retrieved March 12, 2005, from lexisnexis@prod.lexisnexis.com

Weithorn, L. A. (1984). Children's capacities in legal contexts. In N. D. Reppucci, L. A. Weithorn, E. P. Mulvey, & J. Monahan (Eds.), *Children, mental health, and the law* (pp. 25-55). Beverly Hills, CA: Sage Publications.

Welfare and Institutions Code Section § 707(d), p. 122.

We must put a stop to violent crime. (2003, June 24). ["Our View" Editorial]. *The Merced Sun-Star* (CA). Retrieved October 30, 2006, from http://infoweb.newsbank.com/iw-search/we/InfoWeb?p_action=doc&p_docid=10585A95

Wilson, J. Q., & Herrnstein, R. J. (1985). *Crime and human nature*. NY: Simon & Schuster.

Wilson, P. (2000, February 23). California needs juvenile justice reform [Letter to the editor]. *The San Diego Union-Tribune*, pp. B9, B11.

Winslow, T. (August 31, 2005). Get juvenile crime statistics correct [Letter to the editor]. *The Record* (Stockton, CA).

Wizner, S. (1984). Discretionary waiver of juvenile court jurisdiction: An invitation to procedural arbitrariness. *Criminal Justice Ethics, 3(2), 41-50.*

Wolfe, R. (2005, February 15). Righting wrongs: Restorative justice: Group gives youthful offenders a chance at restitution and their victims a chance to be heard. *The Press Democrat* (Santa Rosa, CA), p. D1. Retrieved August 7, 2006, from http://www.restorativeresources.org/pd050214.php

Wong, T. (2002). Adolescent minds, adult crimes: Assessing a juvenile's mental health and capacity to stand trial. *UC Davis Journal of Juvenile Law and Policy, 6, 163.* Retrieved March 12, 2005, from lexisnexis@prod.lexisnexis.com

Woolard, J. L., & Reppucci, N. D. (2000). Researching juveniles' capacities as defendants. In T. Grisso & R. G. Schwartz (Eds.), *Youth on trial: A developmental perspective on juvenile justice* (pp. 173-191). The University of Chicago Press.

Woolard, J. L., Reppucci, N. D., & Redding, R. E. (1996). Theoretical and methodological issues in studying children's capacities in legal contexts. *Law and Human Behavior, 20(3), 219-228.*

Yin, R. K. (2003). *Case study research: Design and methods* (3rd ed.). Newbury Park, CA: Sage Publications.

Yoshikawa, H. (1994). Prevention as cumulative protection: Effects of early family support and education on chronic delinquency and its risks. *Psychological Bulletin, 115(1), 28-54.* Retrieved October 27, 2005, from http://proxies.apa.org.hokhmah.stmarys-ca.edu:2048/journals/bul/115/1/28.html

Zimring, F. E. (1982). *The changing legal world of adolescence*. NY: The Free Press.

Zimring, F. E. (1998). *American youth violence*. NY: Oxford University Press.

Zimring, F. E. (2000). Penal proportionality for the young offender: Notes on

immaturity, capacity, and diminished responsibility. In T. Grisso & R. G. Schwartz (Eds.), *Youth on trial: A developmental perspective on juvenile justice* (pp. 271-289). University of Chicago Press.

Appendix A: Survey

Forced Values Questionnaire
Welfare and Institutions Code Section § 707(d) Direct File
Survey #_____

Directions: Thanks for your willingness to complete this survey as part of my dissertation in Educational Leadership at St. Mary's College. The survey asks you to reflect on various aspects about Welfare and Institutions Code Section § 707(d) Direct File and the development of minors. It is estimated that the survey will take about 15 minutes of your time. There is a box at the end to check if you would be willing to complete a 15 minute follow-up telephone interview. Please answer all questions.

1. Gender:
□ Male
□ Female

2. Marital Status:
□ Single
□ Married
□ Divorced/separated
□ Widowed

3. Heritage/Ethnicity:
□ Asian excluding Filipino
□ Black/African–American
□ Filipino
□ Hispanic
□ Native American:
□ Pacific Islander:
□ White/Caucasian
□ Other foreign national
□ Decline to state

4. Do you have children?
□ Yes
□ No

5. If you have children, list their current ages. If you do not have children, go on to question 6.
_____

6. Numbers of years as an attorney: _____

7. Number of years as an attorney in a California District Attorney's office: _____

8. The County (or City) of the district attorney's office I work in is _____

Background: Since the passing of California's Proposition 21 in 2000, district attorneys have more options available to them in choosing how to prosecute juvenile offenders. The Welfare and Institutions Code Section § 707(d) Direct File states that an evaluation be based on the following criteria: A) The degree of criminal sophistication exhibited by the minor. (B) Whether the minor can be rehabilitated prior to the expiration of the juvenile court's jurisdiction. (C) The minor's previous delinquent history. (D) Success of previous attempts by the

juvenile court to rehabilitate the minor. (E) The circumstances and gravity of the offense alleged in the petition to have been committed by the minor. In addition to the legal requirements, there are many other factors a district attorney may consider in choosing to 707(d) direct file versus trying a juvenile in the juvenile court.

Directions: For each of the factors listed, rate how important this factor is in making a decision to try a juvenile as an adult in criminal court using the following Likert Scale.

1 Not important
2 Somewhat important
3 Important
4 Very important

FACTORS	**1**	**2**	**3**	**4**
9. Minor's degree of criminal sophisticatio used in alleged offense				
10. Minor's risky decision making due to po logical reasoning abilities				
11. Minor's temperament and behavior affected by neurological deficits				
12. Whether the minor can be rehabilitated before the end of the juvenile court's jurisdiction				
13. Minor's belief that his/her behavior is no governed by the same rules that apply t everyone else				
14. Minor's decision making skills				
15. Minor's previous history of delinquency				
16. Minor's understanding of trial related information				
17. Minor's limited capacity to control impulsiveness				

18. Juvenile court's success at previous attempts to rehabilitate the minor				
19. Minor's cognitive (intellectual) development and analytical abilities				
20. Circumstances and seriousness of the alleged offense committed by the minor				
21. Minor's psychological maturity				
22. Minor's age at time of the alleged offens				
23. Minor's maturity of judgment				
24. Minor's ability to resist peer pressure is not fully developed				
25. Minor's risky behavior is considered adolescent experimentation				
26. Minor's potential psychological harm from incarceration in adult facility				

For the following four questions, select the answer that best describes you.

27. I would describe my understanding of adolescent development, including social, emotional, moral, cognitive, and physical development as:
    - □ I have a thorough knowledge of adolescent development.
    - □ I have a good knowledge of adolescent development.
    - □ I have a basic knowledge of adolescent development.
    - □ I have little knowledge of adolescent development.

28. My formal education about adolescent development includes: (Check all that apply)
    - □ Workshops/seminars on adolescent development
    - □ High School course(s) on child and/or adolescent development
    - □ College course(s) on child and/or adolescent development
    - □ Other education on adolescent development
    - □ No formal education on adolescent development

29. In thinking about my roles & responsibilities with juveniles in the district attorney's office, I believe that:
□ Education about adolescent development would be very helpful & relevant to my work with juveniles.
□ Education about adolescent development would be helpful & relevant to my work with juveniles.
□ Education about adolescent development would be somewhat helpful & relevant to my work with juveniles.
□ Education about adolescent development would not be helpful or relevant to my work with juveniles.
□ Education about adolescent development does not apply to me because I don't
work with juveniles.

30. I would be willing to participate in a fifteen minute follow-up phone interview during the next month at an arranged date and time convenient for me.
□ Yes
□ No

If yes, please indicate your contact information below so that I can contact you to arrange a follow-up interview time.

Name: _____
Title: _____
Phone Number: ( ) ____-_____
E-mail Address: _____

31. Optional. Please add any relevant additional comments.

Thank you for taking the time from your busy schedule to complete this survey.

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Appendix B: Phone Interview Questions

1. How has your role as Chief Deputy District Attorney changed since the implementation of Proposition 21?

2. When you are faced with deciding to try a juvenile as an adult, what factors do you typically consider?

3. How do your constituents view juvenile offenders? Note: This question was re-written. How does your community view juvenile offenders?

4. What trends do you notice in the juvenile justice system?

5. Describe your knowledge of adolescent development.

6. Describe how adolescents make decisions.

7. How do you determine an adolescent's level of moral development?

8. Hypothetical scenario

9. That concludes my interview questions. Is there anything else you'd like to add?

   Note: Interviewer will express appreciation of their time and assistance both at the beginning of the phone call and at the end. She will remind the interviewee about confidentiality. Additionally, she will let the participants know that they can look forward to receiving a summary of the research upon completion.

Appendix C: Hypothetical Scenario

Henry Ramos was recently arrested after the following incident in which he stabbed another patron at a teen pool hall. Henry was fourteen years old at the time of the incident and will be fifteen in another six months. On the day of the incident, Henry cut school and went to a teen pool hall on the outskirts of town where he met up with several guys he knew who were members of a local gang, the "Knicks." Henry knew they sometimes carried concealed weapons but he had a good relationship with several members and he liked the respect he got at school when his association with the gang members became known. These gang members approached him about joining. Henry feels the Knicks are not really responsible for violence in the community because he blames a rival gang, the "Blades," who are widely believed to be into heavy drug use and such crimes as car jacking. Henry feels vulnerable at school and in his community; he loves being accepted and courted by the Knicks - whom he views as protective towards him — very different from the Blades.

While Henry was playing pool, five Blade members came in and a fight soon broke out between Henry's gang friends and their rivals. Henry was caught up in the fight, and one adult witness saw Henry lift up his shirt and pull out a knife from his waistband. When a Blades gang member attacked Henry with his fists, Henry lunged at the guy with a knife and stabbed him in the stomach, seriously injuring him. Henry's prints were found on the knife handle, which has a five-inch fixed blade. Henry denies carrying it concealed. He claims the knife was on the floor and he picked it up when the other guy came at him.

Henry's home life is difficult because his father is serving a ten-year prison term and his mother works two jobs to support the family. Henry, the oldest of five children, receives little supervision and his attendance at school has suffered dramatically since his father went to prison two years ago. The school principal and the school counselor repeatedly conferred with Henry and his mother about his poor attendance, but there has been no improvement.

The school counselor suspects Henry is hyperactive and has a related or resulting learning disability. The counselor believes Henry's hair-trigger temper and fighting are signs of frustration and anxiety related to his inability to concentrate and learn in school. The counselor tried to arrange testing for Henry but received no cooperation from either Henry or his mother. Henry's grades are failing and his behavior in public areas such as the school cafeteria and school parking lot is often disruptive. Twice during the current school year, Henry was temporarily suspended from school for fist fighting. Henry has one prior arrest and conviction for breaking and entering a neighbor's house when he was twelve-years-old. He received probation and counseling and performed community service in lieu of confinement.

1. **If Henry is charged with assault with a deadly weapon, would you recommend he be tried as an adult or remain within the jurisdiction of the juvenile court?**
2. **What are the key factors that would enter into your recommendation?**

Appendix D: Contact Summary Form

Contact Type:
Visit _____
Phone: _____

Site: _____
Contact Date: _____
Today's Date: _____
Written By: _____

1. What were the main issues or themes that struck you in this contact?

2. Summarize the information you got (or failed to get) on each of the target questions.
   Question: Information:

3. Anything else that struck you as salient, interesting, illuminating or important in this contact?

4. What new (or remaining) target questions do you have in considering the next contact with this site?

(Miles & Huberman, 1994).

Appendix E: Document Summary Form

DOCUMENT FORM

Site: _____
Document: _____
Date Received or picked up: _____

Name or description of document:

Event or contact, if any, with which document is associated:

Significance or importance of document:

Brief summary of contents:

IF DOCUMENT IS CENTRAL OR CRUCIAL TO A PARTICULAR CONTACT, make a copy and include with write-up. Otherwise, put in document file.

(Miles & Huberman, 1994).