

99814

Transfer to Adult Court:
Legislative Change and Its Impact

by

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Volume VI of XI

Implications of California's 1977 Juvenile Justice Reform Law

99814

U.S. Department of Justice
National Institute of Justice

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Prepared for National Institute of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, U.S. Department of Justice under Grant Nos. 77-JN-99-0012 and 78-JN-AX-0034. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

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1. Introduction

The provision for easier certification of certain juveniles to adult court is one of several major provisions of AB3121 addressed in the larger project. Before AB3121, Section 707a of the Welfare and Institutions Code specified the conditions under which a juvenile could be remanded to the adult court, or in the terms of the law, the conditions under which a juvenile could be declared not a "fit" and proper subject for the juvenile court. Thus, the terms "fit" and "unfit" are used to describe those who are found by the court to be fit and proper subjects and those who have been found not to be fit and proper subjects, respectively. Before 1977, juveniles could be found unfit if they were 16 years old or older and were deemed by the court not to be fit for juvenile court based on the following criteria:

1. The degree of criminal sophistication exhibited by the minor.
2. Whether the minor can be rehabilitated prior to the expiration of the juvenile court's jurisdiction.
3. The minor's previous delinquent history.
4. Success of previous attempts by the juvenile court to rehabilitate the minor.
5. The circumstances and gravity of the offense alleged to have been committed by the minor.

Discretion in the application of these five criteria to individual cases was left entirely to the court but the central issues were clearly the juvenile and his history with the court.

In 1977 AB3121 went into effect and offered new bases, in addition to the old, by which juveniles could be declared unfit. Section 707b indicated that if a minor is 16 years old or older and is alleged to have committed one or more of the following offenses, the District Attorney may set a fitness hearing in which the minor shall be found unfit unless the minor is thought to be fit on the basis of 707a criteria:

1. Murder;
2. Arson of an inhabited building;
3. Robbery while armed with a dangerous or deadly weapon;
4. Rape with force of violence or threat of great bodily harm;
5. Kidnapping with ransom;
6. Kidnapping for purpose of robbery;
7. Kidnapping with bodily harm;
8. Assault with intent to murder or attempted murder;
9. Assault with a firearm or destructive device;
10. Assault by any means of force likely to produce great bodily injury;
11. Discharge of firearm into an inhabited or occupied building.

Thus, there appeared to be a mandate for juveniles accused of the 11 offenses to be declared unfit on the basis of the accusation, but there was a large escape hole in the form of the original 707a criteria. The essential change, then, was that the District Attorney could cause a fitness hearing to occur on the basis of the offense alone rather than on the basis of other, more nebulous criteria, and the court could find a minor unfit on the basis of the offense alone. In addition where one of the 11 offenses were charged, the burden of proof was shifted more toward the defense to keep the minor in juvenile court where the burden was previously more heavily on the prosecutor.

Correspondingly, this report will attempt to answer two basic questions in two California counties, Los Angeles and Alameda, and one question concerning the entire state.

1. Did AB3121 lead to more severe treatment of more juveniles?
 - a. Did fitness hearings increase?
 - b. Did the number of juveniles found unfit for juvenile court increase?
 - c. Were unfit juveniles treated more severely?
2. If there were increases in hearings and findings of fitness, who was affected?
3. How widespread were these effects throughout the state?

2. METHODS

The cohorts used to address the above questions are not samples. Data were collected on all juveniles who had fitness hearings in the years 1976 and 1977 in Los Angeles County and in Alameda County. Since statistical significance has no meaning for analyses of a population, probability levels (p's) will not be indicated on the tables.

In Los Angeles County the list of juveniles who had fitness hearings was provided by the Los Angeles County District Attorney's Office. Each of the 565 cases was followed through to its final disposition, whether that disposition took place in juvenile court or in adult court. Most information on a case could be obtained from the juvenile District Attorney's files. Cases not located in the juvenile D.A. files were almost always found in the Probation Department files. Neither of these file systems, however, provide information about the unfit juvenile after his/her fitness hearing. Once a juvenile is declared unfit, the juvenile files on the case are closed and the case is referred to law enforcement for refiling with the adult D.A., who then makes an assessment of the case. If the adult D.A. does not reject it, the case proceeds to Municipal Court for a preliminary hearing. If not dismissed at the preliminary hearing, the case goes to Superior Court.

The method used to search for the adult handling of unfit cases made assumptions about where most cases were likely to be found. Therefore, cases declared unfit were first looked up in the Superior Court County Clerk's Office for their adult handling records. Cases not located in the County Clerk's Office were looked up in the adult D.A.'s list of rejected cases and, if not found there, were looked up in Municipal Court records. If no record of the case was found in these three locations, the case was assumed not to have been refiled by the police (a total of 16 cases).

In Alameda County the District Attorney's office had not kept systematic records of actual fitness hearings as they occurred in the relevant years. Rather, records of requests for "behavioral studies" (a step preliminary to fitness hearings) had been kept. However, since the District Attorney was not heavily involved in fitness proceedings before 1977, the 1976 records were not quite complete. In addition, in 1977 the fitness procedure was apparently used as a plea bargaining tool, so fitness hearings would sometimes be cancelled after the behavioral study was completed. This meant that some cases on the behavioral study list did not actually represent fitness hearings and had to be dropped. As a result, the increase in fitness hearings in 1977 compared to 1976 was not as dramatic as it once appeared. Also, other sources had to be employed to find other fitness hearings that had not been recorded on the District Attorney's list. The sources of other such hearings were court appointment records (destroyed in one of the two courts), a list of remands to adult court kept by the Probation Department and probation files that referred to other fitness hearings. Below is a list of the sources of our Alameda cohort and their frequencies.

District Attorney's list	322 (95%)
Probation Department remand list	10 (2.9%)
Probation files	4 (1.2%)
Court appointment book	3 (.9%)

Of the original 349 cases listed on District Attorney lists, 22 or 6.3% , did not actually result in fitness hearings; the hearings had been cancelled, usually after a guilty plea.

Most information on Alameda County adult court handling was provided by a county-wide computer system (CORPUS). Information that could not be found there was obtained from municipal court records or superior court records. Information collected about juvenile court handling was obtained from District Attorney files,

Probation files and court files.

In both Los Angeles and Alameda Counties, the items of information collected that are relevant to this analysis fall into five categories:

(1) aspects of the offense charged, (2) features of the incident other than the offense itself, (3) the subject's history with the juvenile justice system, (4) features of the fitness hearing, and (5) outcome variables.

Following is a description of each item under the categories.

The items under the heading of Offense Data are:

1. Intake charges up to six
2. Types of weapons used
3. Amount of injury inflicted
4. Amount of property damage or loss

The charges themselves were included since they are often the basis for making decisions about offenders. In addition, the charge is a legitimate basis for a fitness hearing and decision. The other three items are merely specifications of offenses. The six charges were coded into the scheme shown in Appendix F. The most serious charge was used in the analysis. The basis of the seriousness rating was the Bureau of Criminal Statistics ratings, although their categories were more specific than ours and required some judgment as to which of their categories most described the offenses in our sample. The final order of seriousness used is represented in the tables which list the offenses (e.g., Tables 23 and 24). The first offense was considered the most serious, the second offense listed was considered next most serious, etc.

The items under the heading of Features of the Incident are as follows:

1. Type of commitment
2. Type of victim
3. Degree of advance planning of the offense
4. Instigator of the incident
5. Victim's gang status

The first, second and fifth items are meant to indicate what type of victim or complainant was involved since Black and Reiss (1970) pointed out

the importance of these factors in decision-making. The other two items are crude measures of sophistication. Advance planning seems, on the face of it, more related to sophistication than is the fact of incident instigation. The assumption behind the use of instigation as a measure of criminal sophistication is that a person who is caught up in an escalating incident and reacts violently is acting relatively spontaneously. Sophistication is included as a predictor since it is mentioned in the law as a basis for fitness findings.

The categories of values for type of victim and type of complainant were originally the same. However the coding for complainant type was found to be unreliable between the two categories of individuals (i.e., "one individual" vs. "several individuals"). These categories were collapsed into one since coders did not reliably distinguish between them. The categories of "some planning" and "considerable planning" were collapsed into a single category of "planned" for the same reason.

The items used to describe the subject's history with the juvenile justice system are as follows:

1. Number of prior police contacts
2. Number of prior probation referrals
3. Probation status at time of hearing

The juvenile's history with the justice system is also a basis for fitness findings and so is included in the analysis. Of course, prior record has a long standing status in criminal justice research as often being the best predictor of system decisions and of offender behavior.

The items selected to measure aspects of the fitness hearing were suggested to us by justice system personnel as potentially important predictors. Included are:

1. Type of defense attorney
2. Presiding officer (judge, referee, commissioner)
3. Probation officer's recommendation

Outcome variables that are included as measures of severity of handling are:

1. Type of entry into the adult system
2. Outcome of fitness hearing
3. Conviction (or none) on each charge
4. Sentence

The "type of entry into adult court" variable indicates whether the unfit juvenile's case was not refiled by the police, whether the adult District Attorney rejected his case, whether he pled to a lesser charge or to the original charge, and whether he had a court trial or a jury trial. Conviction* or dismissal was recorded for each charge. For the purpose of this analysis, conviction was collapsed to the presence or absence of any conviction on any charge. The sentence** variables are used in two ways. Specific sentences are listed by year for some analyses but for most, sentence is collapsed into two categories, confined and not confined, ignoring what the place of confinement is (although it is always defined as secure confinement). The following analyses will consider each of the two counties separately, with the similarities and differences between the two noted in the Alameda County section. Statewide impact questions will be considered at the end of the volume.

* It should be noted that "conviction" is an incorrect term for juveniles who remain in juvenile court, but it will be used nevertheless, since to use different terminology for the different subgroups would be confusing.

** Sentence is also an incorrect term for juvenile court.

3. GENERAL QUESTIONS - LOS ANGELES COUNTY

The overarching question of the analysis is: did AB3121 mean more severe treatment of more juveniles? There are several components to this question. First, we may ask if the number of fitness hearings increased post-AB3121 compared to pre-AB3121. Second, we may determine whether or not the number of transfers (to adult court) increased with AB3121. Once we have established the fact that both fitness hearings and transfers have increased, it is necessary to address the broader issue of whether treatment rendered by the adult court is more severe than that meted out by the juvenile court. That is, transfers to adult court may increase, but this would not really constitute more severe treatment if the events following transfer were more lenient than would have occurred in the juvenile court. Therefore, the likelihood of conviction and the types and lengths of sentences will be compared across the two courts, irrespective of the two years. In other words, the issue of the relative severity of the two courts will be addressed apart from the influence of AB3121 on the frequency of transfers, which is discussed separately.

The next major section of the report will deal with the types of cases that were most affected by the change in the law. That is, who was most vulnerable to the new transfer criteria? Characteristics of the offenses and the offenders will be compared across years, allowing us to see where the changes occurred in reality.

Having established changes in severity as well as to whom the changes were directed, we will be in a better position to return to the original question with a more elaborate analysis. That is, in the final section, the issue of severity across the two courts will be addressed employing controls for the types of cases processed by each court.

It should perhaps, be pointed out as part of this introduction that the dramatic increases shown in this report should be viewed with some perspective. That is, the types of offenses that put juveniles at risk for fitness hearings constitute less than 7% of all criminal offenses committed by juveniles in the State of California. The effects that are described here pertain to only a small number of California's juvenile offender population and should not, therefore, be seen as a massive change in the processing of juvenile offenders.

3.1 Fitness Hearings and Transfers

There is no doubt that the number of fitness hearings increased. Table 1 shows that they increased 318 percent between 1976 and 1977, from 109 to 456. Further, the number of juveniles declared unfit has also increased dramatically, although not as much as the number of hearings. The unfit declarations have increased by 234 percent, from 67 to 224. Clearly the court has increased its findings of unfitness but not at the rate that the District Attorney has increased the number of fitness hearings. It should be noted that these increases cannot be attributed to actual increases in violent crime since Los Angeles County experienced a 9 percent drop in arrests for crimes against persons in 1977 compared to 1976 for persons under the age of 18.*

3.2 Convictions

The next logical set of questions addresses the underlying assumption of the certification provision of AB3121: were juveniles who were declared unfit treated more severely than those who remained in juvenile court? Table 2 indicates that 13.3 percent of all unfit cases did not get to court at all. Another 6.6 percent got to the preliminary hearing but were dismissed there. For those who remained in juvenile court, all were tried. There are more "cracks"

* Calculated from data tapes provided by the Bureau of Criminal Statistics, California Department of Justice.

TABLE 1
Fitness Hearing Outcome by Year
Los Angeles County

	1976	1977	Increase
Unfit	67 61.5%	224 49.1%	234%
Fit	42 38.5%	232 50.9%	452%
Total	109	456	318%

TABLE 2
Adult Handling of Cases Found Unfit for 1976 and 1977
Los Angeles County

Not Refiled by Police	16 5.9%
Adult DA Rejected Case	20 7.4%
Dismissed at Preliminary Hearing	18 6.6%
Court Trial	25 9.2%
Jury Trial	32 11.8%
Pled to Lesser Charge	127 46.9%
Pled Guilty as Charged	33 12.2%
Total	271

for unfit cases to slip through than there are for fit cases. This might be categorized as an unintended consequence of the legislation. The rest of the categories of Table 2 cannot be compared at the juvenile level because of the incompleteness of juvenile records.

Table 3 addresses the matter of the determination of guilt. Are juveniles more at risk of being convicted in the juvenile court or in the adult court? Slightly more (a difference of 5 percent) cases tried in juvenile court resulted in conviction compared to adult court convictions. This comparison includes the 19.9 percent of unfit cases that never got to trial. This may indicate that, since rates of guilt findings are very close between fits and unfits, cases are weeded out earlier in the process in the adult system than in the juvenile system. Ultimately, almost the same proportion of juveniles (who had fitness hearings) were found not guilty in both systems. On the adult side, 95.5 percent of all cases which got to court yielded convictions while all fit cases got to trial but the rate of conviction was only 84.6 percent (no table is presented for these adult data).

3.3 Confinement

Once convicted, were unfit juveniles more likely to be given sentences which include secure confinement? Table 4 shows that 95.8 percent of all convicted unfit juveniles received sentences involving secure confinement compared to 76 percent of fit juveniles who are convicted. However, since there is a slightly lower rate of conviction in the adult court group, it is appropriate to ask what the probabilities were that, once declared fit or unfit, a juvenile would ultimately be confined. Table 5 indicates that unfit juveniles still faced a higher risk of being confined than did fit juveniles, (76% compared to 64%).

The next question to be addressed at this general level involved the place of confinement. Some places may be considered to constitute more severe

TABLE 3

Guilt Finding by Fitness Outcome for 1976 and 1977

Los Angeles County

	Unfit	Fit
Guilty	223 79.6%	220 84.6%
Not Guilty	57 20.3%	40 15.4%
Totals	280	260

TABLE 4

Fitness Outcome by Sentence for Cases Convicted in 1976 and 1977

Los Angeles County

	Confined	Not Confined
Unfit	209 95.8%	9 4.2%
Fit	165 76.0%	52 24.0%
Totals	374	61

confinement than others. The assumptions are that the state penitentiary is a more severe form of confinement than the California Youth Authority, which is, in turn, more severe than County Probation Camps. Similarly, we are assuming that a sentence to County Jail is more severe than a sentence to CYA.*

From a prosecutorial perspective, one advantage the adult court process has over the juvenile court process is the possibility of a sentence to the state penitentiary. Some district attorneys feel that, if juveniles are merely sent to the Youth Authority from adult court, there is little advantage in going through the fitness process to get the juvenile to adult court. Table 6 reveals that 52.5 percent of all convicted unfit juveniles did indeed go to the California Youth Authority. However, about 22 percent went to County Jail and 20 percent went to State prison. Thus, about 42 percent of convicted unfit juveniles got a more severe disposition than the most severe juvenile court disposition. By comparison, Table 7 indicates that 50.0 percent of convicted fit juveniles got the most severe disposition available to the juvenile court, while 27.1 percent went to probation camps or juvenile hall.

* These assumptions are based on several inherent differences among these placements. First, adult institutions are, by law, less concerned with rehabilitation and more concerned with punishment than are juvenile institutions. This is reflected in staff/inmate ratios and in programs offered (this will be demonstrated later in the report). Second, on the whole, adult institutions must necessarily house older, more (criminally) experienced inmates. This is likely to be manifested in a "tougher" atmosphere that a young inmate will face when confined in adult institutions. Also, tougher inmates necessitate tougher administrative policies within the institutions they occupy.

The assumption that the California Youth Authority is a more severe treatment than county probation camps and that the state prison is more severe than county jails, is based on the same argument as the latter one above. That is, in each case, the placement assumed to be harsher is one that houses older and more experienced inmates than the other in the pair. There are other justifications for this particular hierarchy as well, but they will be presented in a subsequent section. For now, those stated here will suffice.

TABLE 5

Fitness Outcome by Sentence for
All Fitness Hearing Cases for 1976 and 1977
Los Angeles County

	Confined	Not Confined
Unfit	209 76.0%	66 24.0%
Fit	165 64.0%	93 36.0%
Totals	372	159

TABLE 6

Sentences of All Cases Declared
Unfit and Convicted in 1976 and 1977
Los Angeles County

State Prison	45 20.4%
Sentences including County Jail	48 21.7%
California Youth Authority	116 52.5%
No Confinement	9 4.1%
Other	3 1.3%
Total	221

TABLE 7
Sentences of All Cases Declared Fit and Convicted
In 1976 and 1977
Los Angeles County

Informal Court Probation	1 .5%
Placement at Home	39 18.2%
Placement Outside Home (Not Specified)	6 2.8%
Juvenile Hall	2 .9%
Probation Camp	56 26.2%
California Youth Authori	107 50.0%
Other	3 1.4%
Totals	214

In summary, the results at this level of analysis are positive in terms of the intended effects of AB3121. The number of fitness hearings and of unfit declarations increased dramatically. Rates of conviction and confinement were almost equivalent with a few more cases ultimately confined in the unfit group. The types of confinement used by the adult court, on the whole, did seem to be more severe than the types of confinement received through the juvenile court. The following section pursues, in more detail, the relative severity of the two systems and their disposition placements.

3.4 Placements

Two major questions will be addressed in this section. First, are the actual sentences served more severe (longer) in the adult system than in the juvenile system? Second, does one system offer more or better programs to its clients than the other?

Four types of placements were represented in the Los Angeles County cohort: (1) juvenile probation camp, (2) California Youth Authority, (3) County Jail, and (4) State Prison. The first two are juvenile court placements (although the Youth Authority can be used by the adult court); the latter two are restricted to adult court sentences. The county camps are generally used for less serious juvenile offenders than are sent to the Youth Authority. Similarly, county jails generally house less serious offenders than state prisons. Since the California Youth Authority is the more likely alternative to adult court placements for the types of offenders we are studying here, it constitutes the more critical comparison to adult court placements.

Each case that resulted in conviction and sentence from either court was followed through to ultimate placement; information on lengths of sentences and programs participated in were collected on all cases found. Of course some

offenders were still in their placements when data were collected, restricting our ability to measure actual times served. However, a sufficient number have been released to allow meaningful comparisons across placements. In addition, there were more missing cases in some placements than others. In the county camps, 11.1 percent were not found in the records; in the California Youth Authority, 6.9 percent were not found; in the county jails, 42.6 percent* were not found; and in the state prisons, 13.0 percent were not found.

3.4.1 Length of Sentence

Table 8 addresses the issue of time served by those placed in each institutional type. Table 8 shows the mean number of days spent in the respective institutions from the date of sentence until release. It should be noted, however, that in some cases, the offenders had not been released at the time of data collection. In these cases, the date of data collection was used as the date of release (data collection took place in 1979). This means that longer time periods are possible for the 1976 cohort (as much as a year). However, this should not be a problem for the analysis since the proportions placed in each institutional type do not vary by year of fitness hearing nor by fitness outcome. The comparisons should, therefore, be valid.

Not surprisingly, Table 8 shows that both state placements (prison and youth authority) mean longer sentences than county placements. Time spent in the California Youth Authority is about equivalent to that spent in state prison, at least up to the time of data collection. Table 8 does not show the projected release dates since we do not know them for any cases but those in the state prison. For these cases, the mean number of days expected (including good behavior) is 1754. Subjects placed in the Youth Authority would have to stay longer than average to match this amount of time. Nevertheless, it is possible that they will as these are rather

* The county jail record system was in transition during this study. During the earlier periods, records were decentralized. Later, attempts were being made to centralize the records, but there were some problems in doing so. Both facts (decentralization of records and change) contributed to loss of cases. However there is no reason to think the losses were systematic.

TABLE 8

\bar{x} Days from Sentence to Release and
from Arrest to Sentence by Placement

		Sentence to Release	Arrest to Sentence	Sum of First Two Columns
Probation Camp	\bar{x}	211.8	83.1	294.9
CYA	\bar{x}	860.2	156.3	1016.5
Jail	\bar{x}	192.4	194.0	386.4
Prison	\bar{x}	792.7	325.6	1118.3

severe cases in this study. An interim summary might indicate that court of trial makes less difference in the time served than whether a county or state facility is the place of sentence.

Another issue that should not be ignored in a study of time served is the time spent between arrest and sentence. This time is often considerable and is sometimes taken into account in calculating the final sentence to be served. Also, since there are severe time constraints on the juvenile court that do not apply to the adult court, this could add a disproportionate amount of time to sentences served by those tried in adult court. To address this issue, the second column of Table 8 shows the amount of time elapsed between arrest and sentencing. The days cannot simply be added to the number of days from sentence to release since we do not always know which subjects are detained between arrest and sentence and which are not. However, we do know that about 86 percent were detained at least until the fitness hearing; we may assume then, that a large proportion of the cohort spent the time between arrest and sentence in detention. If all of them had been detained during this period, the third column of summations would describe the total amount of time spent in incarceration by type of ultimate placement. As anticipated, those tried in adult court face longer pre-trial delays--enough to push the mean total times for adult placements slightly above their counterparts in juvenile court. When pre-trial periods are not taken into account, juvenile placements result in slightly longer stays than adult placements, and this is reversed when pre-trial periods are taken into account. In neither case, however, are the differences by court of trial very large. We must again conclude that county versus state facility placements is more predictive than juvenile versus adult status of the placement.

Another factor that should be addressed here is the matter of offense or offender severity. This will be related both to type of placement and to length of sentence. Tables 9 through 12 pertain to the severity of the offenses and offenders represented in each type of institutional placement. Clearly, those placed in juvenile probation camps had shorter prior records than the others. The offenders in the other three placements are quite comparable in this respect, although, surprisingly, those sent to state prison show slightly shorter records than those going to jail or CYA. Thus, a sentence of state prison may reflect the offense more than the prior record. The next three tables will provide a test of this idea. Table 10 indicates offenders in prison are very overrepresented among those offenses resulting in death and in hospitalization. They are also overrepresented in the use of a gun during the crime, according to Table 11. On both of these measures of severity, offenders in the CYA are second only to prison inmates in severity, reflecting the fact that state placements (prison and CYA) result in longer sentences than do county placements.

Table 12 indicates that, while the very serious crimes of homicide, rape and armed robbery are represented in every placement type, they account for all but one offender in state prison. Those sent to state prison, then, are, on the whole a more serious group of offenders than those in other placements, including those in the Youth Authority, although CYA wards are also overrepresented in homicide, rape and armed robbery. Thus far, however, offenders sent to prison do not show longer sentences than CYA offenders. Of course this is not the final word on this issue since many were still in both types of placements at the time of data collection. Most of the offenders in prison have several more years before their expected release, but we do not have this information for those in the CYA.

TABLE 9

\bar{x} Prior Police Contacts by Sentence Placement

Placement	\bar{x}
Camp	6.2
CYA	11.2
Jail	11.0
Prison	10.3

TABLE 10

Amount of Injury by Sentence Placement

Placement	Little or None	Medical Attention	Hospital- ization	Death
Camp	37 (66.1)	9 (16.1)	5 (8.9)	5 (8.9)
CYA	112 (51.4)	40 (18.3)	28 (12.8)	38 (17.4)
Jail	33 (71.7)	4 (8.7)	4 (8.7)	5 (10.9)
Prison	10 (22.2)	6 (13.3)	7 (15.6)	22 (48.9)
Total	192 (52.6)	59 (16.2)	44 (12.1)	70 (19.2)

TABLE 11
Weapon Used by Sentence Placement

Placement	Gun	Non-Gun	None
Camp	24 (42.9)	17 (30.4)	15 (26.8)
CYA	110 (50.5)	59 (27.1)	49 (22.5)
Jail	15 (32.6)	7 (15.2)	24 (52.2)
Prison	32 (71.1)	10 (22.2)	3 (6.7)
Total	181 (49.6)	93 (25.5)	91 (24.9)

TABLE 12
Most Serious Charge by Placement Type

	Camp	CYA	Jail	Prison	Total
Homicide	5 (8.9)	36 (16.5)	4 (8.7)	22 (48.9)	67 (18.4)
Rape	2 (3.6)	22 (10.1)	3 (6.5)	8 (17.8)	35 (9.6)
Armed Robbery	17 (30.4)	89 (40.8)	12 (26.1)	14 (31.1)	132 (36.2)
Kidnapping	1 (1.8)	4 (1.8)	0 (0.0)	0 (0.0)	5 (1.4)
Gun Use	5 (8.9)	6 (2.8)	2 (4.3)	0 (0.0)	13 (3.6)
Unarmed Robbery	6 (10.7)	15 (6.9)	2 (4.3)	1 (2.2)	24 (6.6)
ADW	10 (17.9)	27 (12.4)	5 (10.9)	0 (0.0)	42 (11.5)
Burglary	7 (12.5)	12 (5.5)	5 (10.9)	0 (0.0)	24 (6.6)
Other Property	3 (5.4)	5 (2.3)	10 (21.7)	0 (0.0)	18 (4.9)
Other	0 (0.0)	2 (.9)	3 (6.5)	0 (0.0)	5 (1.6)

The comparisons we have investigated so far have been between adult and juvenile placements toward the end of determining which of them is the more severe treatment. There is one other comparison that is especially interesting in California since in this State minors convicted in adult court can be sent to the juvenile corrections system, the CYA. Were juveniles sent to the CYA from adult court sentenced to longer terms than those coming from the juvenile court? Were they a less serious group? Interestingly, offenders sent to the Youth Authority from the juvenile court seemed to have longer stays than those sent from adult court (see Table 13). A reasonable explanation of this would be that it was the more serious offenders from juvenile court who are sentenced to the CYA and the less serious offenders from the adult court that were sent here; thus, the more serious offenders from juvenile court got longer sentences. Tables 14 through 16 shed light on this question. The data do not support this hypothesis. Youth Authority wards from adult court had longer prior records, committed more offenses resulting in death or hospitalization of victims, and used guns slightly more often. With the exception of homicide, however, their offenses seem quite comparable in severity. We cannot look to the seriousness of the offenders for an explanation of the longer stays in the CYA experienced by those assigned by the juvenile court. These data partially support an idea that some critics of adult court transfer have stated: similar cases will, by comparison to its usual clients seem more serious to the juvenile court and less serious in adult court. Therefore, similar cases are treated with more leniency in adult court. We emphasize "partial" support since this is only one small piece of the larger picture, and is inconsistent with the rest of the picture. Nevertheless it does seem to be true that, among those sent to the CYA, referrals from adult court were confined a somewhat shorter period of time than those from juvenile court, and were more serious offenders.

TABLE 13

\bar{x} Number of Days Spent in the California
Youth Authority by Court of Trial

Court of Trial	\bar{x} Days
Juvenile	915.2
Adult	799.3

TABLE 14

\bar{x} Prior Police Contacts of Those Placed
in CYA by Court of Trial

Court of Trial	\bar{x} Contacts
Juvenile	9.7
Adult	12.5

TABLE 15

Amount of Injury Caused by Those Placed
in CYA by Court of Trial

Court of Trial	Little or None	Medical Attention	Hospital-ization	Death
Juvenile	64 (61.0)	19 (19.1)	10 (9.5)	11 (10.5)
Adult	48 (41.7)	21 (18.3)	18 (15.7)	27 (23.5)
Total	112 (50.9)	40 (18.2)	28 (12.7)	38 (17.3)

TABLE 16
Weapon Used by Those Placed
in CYA by Court of Trial

Court of Trial	Weapon		
	Gun	Non-Gun	None
Juvenile	50 (48.1)	33 (31.7)	21 (20.2)
Adult	60 (52.6)	26 (22.8)	28 (24.6)
Total	110 (50.5)	59 (27.1)	49 (22.5)

TABLE 17
Most Serious Charge Against Those Placed
in CYA by Court of Trial

	Court of Trial	
	Juvenile	Adult
Homicide	10 (9.6)	26 (22.8)
Rape	13 (12.5)	9 (7.9)
Armed Robbery	46 (44.2)	45 (37.7)
Kidnapping	0 (0.0)	4 (3.5)
Gun Use	3 (2.9)	3 (2.6)
Unarmed Robbery	8 (7.7)	7 (6.1)
ADW	17 (16.3)	10 (8.8)
Burglary	4 (3.8)	8 (7.0)
Other Property	7 (6.7)	2 (1.8)
Other	1 (1.0)	2 (1.8)

Table 18 indicates the numbers and percentages of cases that are still committed to the placement institutions, on parole, or discharged. This, too, is a measure of relative length of confinement for the four conditions. It is clear that the bulk of the prison cases are still confined, while most cases in other placements are at least on parole (in the case of the Youth Authority) or completely discharged (in the cases of camp and jail). A comparison of the proportion of cases still confined in the Youth Authority and the prisons shows that, by this measure, a sentence to the state prison portends a longer stay than a sentence to the Youth Authority. Jails, however, still look equivalent to county camps for juveniles in terms of the length of confinement expected.

3.4.2 Institutional Programs

The second point of interest for this section is an assessment of the number of types of programs available to offenders in the various placement types. The same cohort is analyzed in this section, but data from the county jail are not included since they were unavailable to use. In general, however, it is the practice of the county to offer no programs to inmates under 18 years of age. Requirements for separation of juveniles from adults mean that juveniles must be housed in one unit, and since there are so few of them, programs are not deemed feasible. Consequently, care is custodial only until the offenders' 18th birthday. Some programs may then become available if there is sufficient time remaining in the sentence.

Table 19 shows the education achievements of the inmates in the three types of institutions. Offenders were most likely to get some education if sent to a county camp (91 percent), but were more likely to go on to a high school certificate of some kind if placed in the Youth Authority (13 percent compared to 4 percent in the camps and 0 in prison). This may well reflect the

TABLE 18

Commitment Status at Time of Data Collection
by Institutional Placement

	Camp	CYA	Jail	State Prison
Committed	0 (0.0)	26 (13.5)	0 (0.0)	36 (90.0)
On Parole	0 (0.0)	100 (51.8)	0 (0.0)	4 (10.0)
Discharged	46 (100.0)	63 (32.6)	19 (95.0)	0 (0.0)
Other	0 (0.0)	4 (2.1)	1 (5.0)	0 (0.0)

TABLE 19

Education Completed by Inmates
by Institutional Placement

	Camp	CYA	Prison
High School Certificate	2 (4.0)	26 (13.0)	0 (0.0)
GED Certificate	1 (2.0)	4 (2.0)	0 (0.0)
High School Credits	41 (85.0)	126 (62.0)	15 (38.0)
None	4 (8.0)	46 (23.0)	25 (63.0)

length of confinement in the Youth Authority compared to the county camps. There is not likely to be time to complete a high school certificate in camp with only a six-month stay--especially considering the younger age of the juveniles in county camps (in general) compared to Youth Authority wards. In state prisons, some inmates received some high school credits (38 percent), but the larger portion received none.

Table 20 displays the vocational training received by inmates of the various institutions. Prison inmates and Youth Authority wards were nearly equivalent in opportunity. A variety of programs are available in the two systems and cases were spread rather evenly among them, with a total of 36.6 percent participating in the Youth Authority and 32.5 percent participating in prisons. The percentages given are approximate because a few of the cases had more than one vocational training assignment. Consequently fewer subjects received vocational training than is implied by adding all percentages in Table 20.

Table 21 indicates the work experience offered to offenders. By percentages, prison inmates received the most work experience, followed by camp subjects, with Youth Authority wards receiving the least experience. However, it must not be overlooked that the bulk of the prison inmates received kitchen assignments as their work experience. Similarly, camp subjects most commonly received grounds crew assignments or kitchen assignments. These are doubtless less marketable skills in the outside world than most other work assignments possible. The Youth Authority wards were placed in a much wider variety of work assignments holding more promise for applicability in the world to which each must ultimately return.

Table 22 lists the special programs not classifiable as education, vocational training or work experience. They apply only to county camps and the

TABLE 20
Vocational Training of Inmates
by Institutional Placement

	Camp	CYA	Prison
Building	0 (0.0)	21 (10.4)	0 (0.0)
Electrical	0 (0.0)	1 (0.5)	1 (2.5)
Automotive	2 (4.2)	12 (5.9)	0 (0.0)
Mechanical	0 (0.0)	0 (0.0)	1 (2.5)
Welding	3 (6.3)	4 (2.0)	1 (2.5)
Maintenance	0 (0.0)	11 (5.4)	0 (0.0)
Clerical	0 (0.0)	6 (3.0)	0 (0.0)
Culinary	0 (0.0)	12 (5.9)	4 (10.0)
Graphic	0 (0.0)	0 (0.0)	2 (5.0)
Gardening	0 (0.0)	3 (1.5)	0 (0.0)
Sewing	0 (0.0)	0 (0.0)	1 (2.5)
Shoe Repair	0 (0.0)	0 (0.0)	1 (2.5)
Upholstery	0 (0.0)	4 (2.0)	1 (2.5)
Crew	0 (0.0)	0 (0.0)	1 (2.5)
Kitchen	1 (2.1)	0 (0.0)	0 (0.0)

TABLE 21
Work Experience of Inmates
by Institutional Placement

	Camp	CYA	Prison
Building	0 (0.0)	21 (10.4)	0 (0.0)
Electrical	0 (0.0)	1 (7.4)	0 (0.0)
Automotive	0 (0.0)	6 (3.0)	0 (0.0)
Welding	0 (0.0)	3 (1.5)	0 (0.0)
Maintenance	2 (4.2)	15 (7.4)	6 (15.0)
Cosmetology	0 (0.0)	2 (1.0)	2 (5.0)
Clerical	0 (0.0)	3 (1.5)	0 (0.0)
Culinary	0 (0.0)	16 (7.9)	17 (42.5)
Graphic	0 (0.0)	0 (0.0)	1 (2.5)
Gardening	0 (0.0)	4 (2.0)	3 (7.5)
Upholstery	0 (0.0)	3 (1.5)	0 (0.0)
Crew	15 (31.3)	0 (0.0)	1 (2.5)
Kitchen	12 (25.0)	0 (0.0)	2 (5.0)
Laundry	2 (0.0)	0 (0.0)	4 (10.0)

TABLE 22
Special Programs Participated in by Inmates
by Institutional Placement

	Camp	CYA
College	0 (0.0)	4 (2.0)
Drugs	1 (2.1)	5 (2.5)
Psychology	0 (0.0)	5 (2.5)
Aide	5 (10.4)	2 (1.0)
Volunteer	0 (0.0)	5 (2.5)
SPECTRA	2 (4.2)	3 (1.5)
Living	2 (4.2)	2 (1.0)
Leader	6 (12.5)	0 (0.0)
Sport	1 (2.1)	0 (0.0)
Group Competition	1 (2.1)	0 (0.0)

Youth Authority, indicating a more varied experience for offenders within the juvenile system than in the adult system. Four youngsters committed to the Youth Authority participated in college programs, some of which were conducted on the grounds and some at college campuses. Five juveniles in the CYA and one from county camp were involved in drug abuse programs. Psychological counseling was experienced by five youngsters who were committed to the CYA. Five youngsters in county camp and two in the CYA joined programs as tutors or teachers' helpers, while five others from the CYA were matched with adult volunteers from outside the institution (this includes a foster grandparents program). The abbreviation "SPECTRAL" refers to special programs for wards whose lives or safety are in danger. Two wards from probation camp and three from CYA were placed in such programs. Several youngsters took part in courses geared toward everyday living including family life, consumerism and career planning. Several youngsters in county camps were appointed crew leaders, and others took part in group or sports competitions.

3.4.3 Summary

County camp subjects were most likely to get educational training and opportunities to participate in special programs while in confinement. Less emphasis was placed on vocational training and marketable work experience (not surprising in view of the younger clients of this system). Youth Authority wards experienced the most varied program of the three types of institutions studied. They were more likely to receive high school certificates, they received more vocational training than any other group and they received more marketable work experience than others. Finally, they also had the possibility of certain special programs not available in the adult system at all. It is, on the basis of these data, fair to characterize the adult system as more

custodial in emphasis than the juvenile system. Juveniles in county jail experienced purely custodial programs until they were at least 18 years old. By this criterion, then, juveniles referred to the adult system can be said to receive harsher treatment than they would in the juvenile system.

By the criterion of the sentence length, the picture is more complex. Based on the evidence available at this time it is likely that similar types of crimes (in terms of severity) and similar offenders (in terms of prior record) will get similar sentences regardless of court of trial. Within each court a county placement will result in a shorter stay than a state placement, and this distinction is by far the more important one compared to court of trial.

If we mean by the question, "Does trial in adult court mean more severe treatment?", "Do the most severe offenders receive adult institution placements?", the answer is yes. While some very serious offenders were distributed among the various placement types, the state prison had a clearly disproportionate share of them; further, this is a significant finding in view of the fact that some transfer observers assumed that almost no transferred minors would receive adult placements.

Finally, on the assumption described earlier, that adult placements are inherently more harsh because of the age and experience of the bulk of the inmates occupying each, the fact that so many juveniles were ultimately sentenced to these adult institutions indicates a "positive" answer to the question of whether or not transfer means more severe treatment.

4. Who is Affected?

We have seen that there was a 318 percent increase in fitness hearings, reflecting a policy decision on the part of the District Attorney's office, and a 234 percent increase in transfers, reflecting the decision-making of the court. Were some types of juveniles more affected by the changes in policy than others? Did the District Attorney's emphasis coincide with the court's in the areas of increase, or did the court's opinions cancel out the effect of the District Attorney's dramatic change in policy? This can be seen in the difference between the overall percentage increases in fitness hearings versus unfitness declarations. The court's increase was smaller than the District Attorney's increase. Following is an analysis of what types of juveniles and incidents were more subject to the changes observed. The variables listed in the methods section as possibly related to juvenile justice decision-making will be used in this analysis.

Two types of tables are used in this analysis. One cross-tabulates the predictive variables with the year in which the case went to fitness hearing. The second type of table cross-tabulates these variables with fitness outcome, also presented by year. The first type of table is used to assess the impact of the District Attorney's different decision-making between the two years. The second type of table is meant to reflect the differences in court decision-making by year.

The tables will be presented in sets of two, one representing the District Attorney differences across years on the variable and the other representing the court differences (or similarities) across years on the same variable. Tables 23 and 24 are the first such tables. Table 23 lists the offenses charged against these juveniles. Each juvenile is represented

TABLE 23

Most Serious Offense Brought to Fitness Hearing by Year
Los Angeles County

	1976	1977	Increase
Homicide	24 23.8%	51 12.1%	113%
Forcible Rape	11 10.9%	32 7.6%	191%
Armed Robbery	25 24.8%	152 36.2%	508%
Use of Firearm (Except Robbery)	2 2.0%	30 7.1%	1400%
Strong-Arm Robbery	8 7.9%	35 8.3%	338%
Felony Assault (Except with Firearm)	12 11.9%	63 15.0%	425%
Other Crimes Against Persons	3 3.0%	8 1.9%	167%
Burglary	6 5.9%	28 6.7%	367%
Other Property Offenses	6 6.0%	19 4.5%	217%
Other	4 4.0%	2 0.4%	50%
Totals	101	420	316%

by his most serious offense, so that he was charged with armed robbery using a gun, he would appear in the armed robbery section and not in the use of firearm section, since the armed robbery charge is treated by the District Attorney as more serious than the use of firearm alone. As mentioned earlier, the order of the offenses in the tables represents the ordering by seriousness that was used to classify juveniles. The first column then, lists the most serious charge lodged against juveniles. The second column shows the number of fitness hearings of that type in 1976. The third column shows the number of fitness hearings of that type held in 1977. The last column indicates the percentage increase of that offense type in 1977 compared to 1976. For instance, in 1976 there were 24 fitness hearings on juveniles whose most serious offense was homicide (and this represented 23.8 percent of all 1976 fitness hearings). There were 51 such hearings in 1977, representing a 113 percent increase over 1976.

In looking at the percent increase column, it is important to note the overall increase involved in this table, in this case, 316 percent. The total increase in fitness hearings across years is 318 percent. But the more appropriate point of comparison is the table's overall increase. This may differ somewhat from the total increase of 318 percent since each table involves different variables and therefore different numbers of missing cases (if a variable cannot be found in the file, it is coded "missing" and the case is subsequently dropped from all tables involving that variable). If a particular type of offense shows the overall amount of increase in 1977, it cannot be said to have been disproportionately affected by AB3121 policies. For instance, strong-arm robbery shows a 338 percent increase in fitness hearings, a figure which is very close to the overall increase and which is, therefore,

of little note in this analysis. Armed robbery, on the other hand, showed a 508 percent increase, indicating that armed robbery was more affected by policy changes in the District Attorney's office than were most other offense types. Similarly, felony assault cases increased disproportionately compared to other offenses.* The use of firearm also seemed to be the basis of inclusion into the 1977 group of fitness hearings more than was true of 1976 cases. The actual percent increase on this offense type is extremely large because of the extremely small number of cases in 1976 where the use of firearm was the most serious charge. In terms of absolute numbers, it does not account for a large proportion of the increase seen in 1977, but on a case-by-case basis, users of firearms faced considerably more risk of fitness hearings in 1977 than they did in 1976. Finally, minors charged with burglary were also disproportionately affected by AB3121. This is particularly noteworthy since burglary is not one of the offenses listed in AB3121 as a basis for 707b findings of unfitness. For juveniles charged with burglary, unfitness would have to be found on the basis of the 707a criteria (see Page 1 for a list of these criteria). There is, therefore, no rational reason for them to have increased with AB3121 except for a possible "halo effect." The "fitness frame of mind" apparently spills over into areas not directly involved in the change in the law. Since burglary is about the most serious offense not included in 707b, it naturally is more affected by the "halo."

Before looking at the court's orientation to the same cases in the same categories, two general points should be made. First, a criterion of 50 percentage points difference between each table's total percent increase and the increase for a particular category has been used (somewhat arbitrarily) as

* Our use of "disproportionate" will be restricted to increases which exceed the overall percentage increase although increases can, of course, be disproportionately below the overall increase.

the cutting point for what increases are disproportionate and therefore noteworthy. Second, in taking disproportionate increases as indices of changes in District Attorney decision-making criteria, we are assuming constancy of offense incidence across the two years. In other words, if the incidence of armed robbery increased in 1977, this would account for the large increase in fitness hearings for this group. However, a listing provided by the Probation Department of five offense types which include the bulk of the AB3121 offenses shows almost identical frequencies within offense types across years. Therefore we feel relatively safe in assuming disproportionate increases are more a result of District Attorney policy than of changes in the incidence of arrests for particular crimes.

Table 24 shows the court's fitness decisions within each offense type, separated by year. Again, using homicide as an illustration, it can be seen that 66.7 percent of all fitness hearings on homicides in 1976 resulted in the minors being declared unfit. In 1977, 80.4 percent of such hearings resulted in findings of unfit. This represents a 156 percent increase in the number of unfit homicide cases. The focus of these types of tables, then, is the difference in numbers of unfit cases, or cases that were remanded to adult court by the juvenile court, and the percentage increase associated with the absolute numbers of unfit cases. According to this table, armed robbery, use of firearm and strong-arm robbery showed disproportionate increases in 1977. Notice that the point of comparison for this table is different from that of Table 23. The overall increase in court findings of unfitness for this table was 213 percent; this therefore serves as the point of comparison for determining disproportionate increases at this level. The comparison of this table with the first shows that with respect to armed robbery and use of firearms, the court shares the District Attorney's orientation in treating

TABLE 24
Most Serious Offense by Fitness Outcome by Year

	1976		1977		increase in Unfitness
	Unfit	Fit	Unfit	Fit	
Homicide	16 66.7%	8 33.3%	41 80.4%	10 19.6%	156%
Forcible Rape	8 72.7%	3 27.3%	18 56.2%	14 43.8%	125%
Armed Robbery	17 68.0%	8 32.0%	69 45.4%	83 54.6%	306%
Use of Firearm (Except Robbery)	0 0.0%	2 100.0%	10 33.3%	20 66.7%	∞
Strong-Arm Robbery	3 37.5%	5 62.5%	13 37.1%	22 62.9%	333%
Felony Assault (Except with Firearm)	6 50.0%	6 50.0%	20 31.7%	43 68.3%	233%
Other Crimes Against Persons	2 66.7%	1 33.3%	4 50.0%	4 50.0%	100%
Burglary	4 66.7%	2 33.3%	11 39.3%	17 60.7%	175%
Other Property Offenses	3 50.0%	3 50.0%	7 36.8%	12 63.2%	133%
Other	3 75.0%	1 25.0%	1 22.2%	1 77.8%	0%
Totals	62	39	194	226	213%

these cases more severely. However, the District Attorney's efforts in increasing burglary cases and felony assault cases were cancelled out by the court's decisions. Strong-arm robbery, on the other hand, showed increases by the court where disproportionate increases were not seen at the District Attorney level. In more direct terms, the District Attorney's efforts in armed robbery and use of firearms cases "paid off" where such efforts in felony assault and burglary cases did not. Of course, this latter is an overstatement since all categories show increases, presumably resulting from District Attorney efforts in increasing filings. However, some areas can be seen to have borne more fruit than others.

Table 25 and 26 reveal that the District Attorney disproportionately increased his motions for fitness hearings on cases involving use of weapons other than firearms but there was not a disproportionate increase in findings of unfitness for these offenses. In other words, the court's actions cancelled the effect of the District Attorney's actions. One would assume that the reasons filings on cases involving non-firearm weapons increased more than did cases involving firearms is that firearm cases were already (in 1976) being filed to a large extent so there was less increase possible. Non-firearm offenses, including those involving knives and other cutting instruments and the use of bludgeoning instruments, were clearly included in the AB3121 707b list and can account for the rise in fitness hearings for these cases. However, apparently the court did not share the feeling that these cases were appropriate to the category of "unfit for juvenile court."

Tables 27 and 28 deal with the degree of personal injury inflicted on the victim by the offender. The categories include Death, Hospitalization Required, Medical Attention Required and Minimal or No Injury. At the District Attorney's level of decision-making, all categories went up disproportionately (compared

TABLE 25

Weapon Used in Instant Offense for Which Fitness
Hearing was Held by Year
Los Angeles County

	1976	1977	Increase
Gun	47 47.0%	201 48.2%	328%
Other Weapons	20 20.0%	118 28.3%	490%
No Weapons	33 33.0%	98 23.5%	197%
Totals	100	417	317%

TABLE 26

Weapon Used in Instant Offense for Which Fitness
Hearing was Held by Fitness Outcome
Los Angeles County

	1976		1977		Increase in
	Unfit	Fit	Unfit	Fit	Unfitness
Gun	28 59.6%	19 40.4%	105 52.2%	96 47.8%	275%
Other Weapons	14 70.0%	6 30.0%	46 39.0%	72 61.0%	229%
No Weapons	19 57.6%	14 42.4%	43 43.9%	55 56.1%	126%
Totals	61	39	194	223	218%

TABLE 27

Amount of Victim Injury in Instant Offense by Year
Los Angeles County

	1976	1977	Increase
Death	26 26.0%	52 12.5%	100%
Hospitalization	12 12.0%	56 13.4%	367%
Medical Attention Required	10 10.0%	75 18.0%	650%
Minimal or No Injury	52 52.0%	234 56.1%	350%
Totals	100	417	317%

TABLE 28

Amount of Victim Injury in Instant Offense by
Fitness Outcome by Year
Los Angeles County

	1976		1977		Increase in
	Unfit	Fit	Unfit	Fit	Unfitness
Death	17 65.4%	9 34.6%	42 80.8%	10 19.2%	147%
Hospital- ization	7 58.3%	5 41.7%	32 57.1%	24 42.9%	357%
Medical Attention Required	8 80.0%	2 20.0%	33 44.0%	42 56.0%	313%
Minimal or No Injury	29 55.8%	23 44.2%	90 38.0%	147 62.0%	210%
Totals	61	39	197	223	222%

to the table's overall increase of 317 percent) except those of death and minimal or no injury. The fact that the category of death did not go up disproportionately reflects the earlier finding that homicides did not go up much. The fact that incidents involving little or no injury increased probably reflects the earlier finding that the District Attorney increased fitness filings on burglary cases which usually do not involve injury. The court's decisions reflect the earlier results as well. Transfers did go up substantially for the higher categories of injury (except death) but the category of little or no injury did not go up substantially. This is consistent with the fact that the court did not go along with the District Attorney's increase in burglary filings. In summary, then, juveniles charged with offenses involving considerable injury were more at increased risk of being declared unfit in 1977 than were other types of offenders.

Tables 29 and 30 relate property damage and/or loss to year of fitness hearing and to fitness outcome. Categories used to indicate the degree of property damage or loss are: More than \$1,000, \$100 to \$1,000, less than \$100 and None, plus a category to indicate that there was property damage or loss but the amount could not be determined. The District Attorney increased motions for fitness hearings disproportionately on the two higher categories of damage/loss. The court reflected the increase only on the lower of the two high categories.

The next set of tables, Tables 31 and 32 deal with the degree of planning that was necessary to carry out the charged offense. This information was coded from the narrative description of the event. Considerable advance planning was assumed to have been necessary in such instances as where tools were required, or masks were used or some plan of action was evident. Those cases which were obviously completely spontaneous and arose from the situation

TABLE 29
Amount of Property Damage or Loss in Instant
Offense by Year
Los Angeles County

	1976	1977	Increase
\$1000 or more	11 11.0%	62 14.9%	464%
\$100 to \$1000	13 13.0%	88 21.2%	577%
Less than \$100	18 18.0%	79 19.0%	339%
None	38 38.0%	133 32.0%	250%
Amount Unknown	20 20.0%	53 12.8%	165%
Totals	100	406	306%

TABLE 30
Amount of Property Damage or Loss in Instant
Offense by Fitness Outcome by Year
Los Angeles County

	1976		1977		Increase in Unfitness
	Unfit	Fit	Unfit	Fit	
\$1000 or More	10 90.9%	1 0.1%	31 50.0%	31 50.0%	210%
\$100 to \$1000	9 69.2%	4 30.8%	42 47.7%	46 52.3%	367%
Less than \$100	11 61.1%	7 38.9%	32 40.5%	47 59.5%	191%
None	22 57.9%	16 42.1%	63 47.4%	70 52.6%	186%
Amount Unknown	9 45.0%	11 55.0%	24 45.3%	29 54.7%	167%
Totals	61	39	192	223	215%

TABLE 31

Degree of Advance Planning Involved in
Instant Offense by Year
Los Angeles County

	1976	1977	Increase
Planned	84 84.8%	286 81.0%	240%
Spontaneous	15 15.2%	67 19.0%	347%
Totals	99	353	257%

TABLE 32

Degree of Advance Planning Involved in Instant
Offense by Fitness Outcome by Year
Los Angeles County

	1976		1977		Increase in Unfitness
	Unfit	Fit	Unfit	Fit	
Planned	52 61.9%	32 38.1%	135 47.2%	151 52.8%	160%
Spontaneous	8 53.3%	7 46.7%	31 46.3%	36 53.7%	288%
Totals	60	39	166	187	177%

TABLE 33

Current Probation Status of Juveniles
Who Had Fitness Hearings by Year
Los Angeles County

	1976	1977	Increase
New Referral	31 31.0%	112 27.1%	261%
Criminal Ward	63 63.0%	253 61.1%	302%
Other Statuses	6 6.0%	49 11.8%	717%
Totals	100	414	314%

TABLE 34

Current Probation Status by Fitness

Outcome by Year

Los Angeles County

	1976		1977		Increase in Unfitness
	Unfit	Fit	Unfit	Fit	
New Referral	15 48.4%	16 51.6%	46 41.4%	66 58.9%	207%
Criminal Ward	41 65.1%	22 34.9%	129 51.0%	124 49.0%	215%
Other Statuses	5 83.3%	1 16.7%	16 32.7%	33 67.3%	220%
Totals	61	39	191	223	213%

were coded as spontaneous. Cases which did not fit into either of these extreme categories were coded in the middle category of "Some Planning." However, due to coding unreliability between the categories of "considerable" and "some" planning, these two categories were combined into one category called "planned." This item was an attempt to get at some measure of sophistication. It may be that most of the truly planned crimes had already been the subjects of fitness hearings in 1976, because it is the spontaneous crimes that received the disproportionate increases in filings and in unfitness findings. So juveniles charged with offenses that arose spontaneously were at greater increased risk in 1977 than were juveniles charged with crimes involving planning.

Probation status at time of fitness hearing is the next factor to be considered. There are many statuses one may hold in the probation system, but the cases in this group were collapsed into three categories: Criminal Offender Ward, New Referral and Other Statuses. The "other" category includes status offender wards, juveniles under investigation for other crimes, dependent children of the court, informal probation and informal court probation. None of these statuses were represented with sufficient frequency to warrant independent categories, so they were collapsed. This mixture of statuses showed a substantial increase in representation in fitness hearings. It is difficult to attribute meaning to this, especially since the percent increase partially reflects the very small number of such cases in the 1976 group. In addition, the same increase was not evidenced at the court level.

Tables 35 and 36 indicate the mean number of prior police contacts recorded for the groups. This variable cannot be interpreted in the same way that the categorical variables could be, but it can be seen that the number of police

TABLE 35

Mean Number of Prior Police Contacts of Juveniles
Who Had Fitness Hearings by Year
Los Angeles County

	1976	1977
\bar{X}	10.43	9.30
S.D.	7.49	6.57
N	101	422

TABLE 36

Mean Number of Prior Police Contacts of Subject
by Fitness Outcome by Year
Los Angeles County

<u>Prior Police Contacts</u>		1976	1977
Unfit	\bar{X}	11.45	11.39
	S.D.	7.13	7.34
	N	62	194
Fit	\bar{X}	8.79	7.51
	S.D.	7.84	5.23
	N	39	228

contacts is not very different between the two years. It seems not to have been a very important variable in the District Attorney's decision-making process overall. In our past studies, random samples of juveniles from police files typically show one or two prior offenses, with half having no priors at all. Those who are sent on to probation, no doubt, have longer records than this, but nine or ten priors is still quite a large mean. The mean number of priors does go down by one in 1977, indicating that the hearing increase policy probably resulted in bringing a few more juveniles into the process who had fewer priors than was usual in the past. But the effect is not large, and they were still frequent offenders.

The court clearly differentiated among these juveniles on their prior records in making the fitness decision. The mean number of priors for unfit juveniles was 11.45 in 1976 compared to a mean of 8.79 for fit juveniles in 1976--a substantial difference, and clearly an important criterion of unfitness in the court's view. The pattern is similar in 1977, but the fit juveniles had an average of one offense less in 1977 than they did in 1976. This undoubtedly reflects the group of juveniles on whom the District Attorney filed fitness petitions, who had shorter records than their counterparts in 1976. But apparently the court weeded out these cases since they appeared in the fit group in 1977, because the mean number of priors for unfits remained almost exactly the same in 1977 compared to 1976.

The number of prior probation referrals shown in Tables 37 and 38 reveal the same pattern but less strongly. It would seem that the number of police contacts had more influence on decisions than did the number of probation referrals.

TABLE 37

Mean Number of Probation Referrals of Juveniles
Who Had Fitness Hearings by Year
Los Angeles County

	1976	1977
\bar{X}	7.52	6.73
S.D.	5.88	5.30
N	100	417

TABLE 38

Mean Number of Probation Referrals of
Fitness Outcome by Year
Los Angeles County

Prior Probation Referrals

		1976	1977
Unfit	\bar{X}	8.18	8.23
	S.D.	5.39	5.90
	N	61	194
Fit	\bar{X}	6.49	5.43
	S.D.	6.51	4.32
	N	39	223

Tables 39 through 42 deal with the gang status of both the subject and the victim. Very few of the victims were gang members, making interpretation tenuous, but the overall pattern among the four tables is that subjects who were gang members, and incidents where victims were gang members, experienced a disproportionate increase in fitness hearings and findings of unfitness.

Types of victims are represented in Tables 43 and 44. They were categorized as: Within Family, Single Private Individuals, Groups of Private Individuals, Private Business, Public Agencies (including police) and None. At both the District Attorney level of decision and the court level of decision, family victims and public agency victims predict to higher increases in 1977 fitness hearings, but the numbers in the categories are small. The small numbers do not allow us to attribute much of the overall increases to these categories, but they do indicate that, on a case-by-case basis, members of the category did experience a greater risk of fitness hearings and transfers. The extent to which there was a substantial risk of increase however, depends on what proportion of the total arrested population in the particular category is represented in the fitness group. If this proportion is very small, then the increases shown in the tables actually represent only a small increase in risk to the total population of that category. Unfortunately, our data do not allow an assessment of actual risk increase. It should also be noted that, at the District Attorney level, private business victims were represented disproportionately in the increase between 1976 and 1977, but the effect was washed out at the court level. The court, on the other hand, found a disproportionate number of cases unfit where the victim was one private individual.

The next variable to be analyzed is the type of complainant. Tables 45 and 46 indicate that when the complainant was a member of the family, or a business, the suspect faces much higher probabilities of fitness hearings and of

TABLE 39
Subject's Gang Status by Year
Los Angeles County

	1976	1977	Increase
Gang Member	21 21.2%	88 25.1%	319%
Marginal Gang Member	5 5.1%	29 8.3%	480%
Not a Gang Member	73 73.7%	234 66.7%	221%
Totals	99	351	255%

TABLE 40
Subject's Gang Status by Fitness Outcome by Year
Los Angeles County

	1976		1977		Increase in Unfitness
	Unfit	Fit	Unfit	Fit	
Gang Member	13 61.9%	8 38.1%	52 59.1%	36 40.9%	300%
Marginal Gang Member	4 80.0%	1 20.0%	13 44.8%	16 55.2%	225%
Not a Gang Member	43 58.9%	30 41.1%	98 41.9%	136 58.1%	128%
Totals	60	39	163	188	172%

TABLE 41

Victim's Gang Status by Year
Los Angeles County

	1976	1977	Increase
Gang Member	6 6.1%	29 8.7%	383%
Marginal Gang Member	2 2.0%	7 2.1%	250%
Not a Gang Member	91 91.9%	297 89.2%	226%
Totals	99	333	236%

TABLE 42

Victim's Gang Status by Fitness Outcome by Year
Los Angeles County

	1976		1977		Increase in Unfitness
	Unfit	Fit	Unfit	Fit	
Gang Member	2 33.3%	4 66.7%	14 48.3%	15 51.7%	600%
Marginal Gang Member	1 50.0%	1 50.0%	2 28.6%	5 71.4%	100%
Not a Gang Member	57 62.6%	34 37.4%	139 46.8%	158 53.2%	144%
Totals	60	39	155	178	158%

TABLE 43

Type of Victim by Year
Los Angeles County

	1976	1977	Increase
Within Family	0 0.0%	13 3.1%	∞
Private Individual	53 53.0%	237 57.0%	347%
Several Individuals	27 27.0%	77 18.5%	185%
Private Business	14 14.0%	74 17.8%	429%
Public Agency	2 2.0%	11 2.6%	450%
None	4 4.0%	4 1.0%	0%
Totals	100	416	316%

TABLE 44

Type of Victim by Fitness Outcome by Year
Los Angeles County

	1976		1977		Increase in Unfitness
	Unfit	Fit	Unfit	Fit	
Within Family	0 0.0%	0 0.0%	5 38.5%	8 61.5%	∞
Private Individual	29 54.7%	24 45.3%	108 45.6%	129 54.4%	272%
Several Individuals	16 59.3%	11 40.7%	35 45.5%	42 54.5%	119%
Private Business	12 85.7%	2 14.3%	37 50.0%	37 50.0%	208%
Public Agency	1 50.0%	1 50.0%	6 54.5%	5 45.5%	500%
None	3 75.0%	1 25.0%	2 50.0%	2 50.0%	-33%
Totals	61	39	193	223	216%

TABLE 45

Source of Referral by Year
Los Angeles County

	1976	1977	Increase
Family	3 3.5%	15 4.0%	400%
Private Individual	57 66.3%	255 67.5%	347%
Business	7 8.1%	57 15.1%	714%
Public Agency	19 22.1%	51 13.5%	168%
Totals	86	378	340%

TABLE 46

Source of Referral by Fitness Outcome by Year
Los Angeles County

	1976		1977		Increase in Unfitness
	Unfit	Fit	Unfit	Fit	
Family	1 33.3%	2 66.7%	4 26.7%	11 73.3%	300%
Private Individual	35 61.4%	22 38.6%	115 45.1%	140 54.9%	229%
Business	6 85.7%	1 14.3%	27 47.4%	30 52.6%	350%
Public Agency	9 47.4%	10 52.6%	27 52.9%	24 47.1%	200%
Totals	51	35	173	205	239%

findings of unfitness. These patterns, as would be expected, are quite similar to the patterns observed in the victim tables.

The next variable is the type of attorney employed for the case at the fitness hearing stage. The attorneys are categorized into Private, Court Appointed and Public Defender. The Public Defender was increased substantially, and disproportionate to the others. One would assume from these figures that the Public Defender's office felt more workload pressure under AB3121. Table 48 indicates the relative success of the different types of attorneys in keeping their clients in juvenile court. In both years, it is clear that the public defenders had more such success than the other types and that private attorneys have the least success. Private attorneys also faced the largest increase in clients declared unfit in 1977 compared to 1976. It is not easy to interpret the clear direction of this table. If public defenders had the highest rate of unfitness declarations, it could be explainable by heavy workload and insufficient time to prepare cases. However, this does not explain the actual direction. It is possible that private attorneys get the toughest cases, but this seems doubtful. In an effort to explain this trend, we related offense type and number of offenses to type of attorney to discover any biases in the types of offenders that attorneys receive as clients. There was a slight tendency for private attorneys to represent homicide cases more, which would partially explain the tendency for private attorney cases to be declared unfit. However, the relation between type of attorney and homicide is not strong enough to explain the trend fully.

The final variable that we will analyze relates only to fitness outcome; it is the factor of the Deputy Probation Officer's recommendation on fitness and how that predicts fitness outcome. Table 49 makes it clear that it does, indeed correlate highly with outcome. Of course it is possible that the court

TABLE 47
Type of Attorney by Year
Los Angeles County

	1976	1977	Increase
Private	10 9.8%	33 8.0%	230%
Court-Appointed	54 52.9%	205 49.6%	280%
Public Defender	38 37.3%	175 42.4%	360%
Totals	102	413	305%

TABLE 48
Type of Attorney by Fitness Outcome by Year
Los Angeles County

	1976		1977		Increase in
	Unfit	Fit	Unfit	Fit	Unfitness
Private	6 60.0%	4 40.0%	26 78.8%	7 21.2%	333%
Court-Appointed	38 70.4%	16 29.6%	100 48.8%	105 51.2%	163%
Public Defender	19 50.0%	19 50.0%	67 38.3%	108 61.7%	253%
Totals	63	39	193	220	206%

TABLE 49

DPO's Recommendation by Fitness Outcome by Year

Los Angeles County

	1976 Outcome		1977 Outcome	
	Unfit	Fit	Unfit	Fit .
DPO - Unfit	49 84.5%	9 15.5%	142 82.1%	31 17.9%
DPO - Fit	10 23.8%	32 76.2%	49 20.1%	195 79.9%

simply uses the same criteria for deciding fitness as the Deputy Probation Officer does in deciding on a recommendation. The Deputy Probation Officer's recommendation predicts outcome for about 80 percent of the cases. That is, when the Deputy Probation Officer recommends juveniles be found unfit, 80 percent of the time this will be the finding of the court. The same proportions hold for both years. Clearly, the probation officer's recommendation is the best predictor of court findings that we have seen, but it has not been affected by AB3121.

To summarize this section, we should first say that the large increases seen in fitness hearings and in findings of unfitness are spread among all categories of offenders. Of all the categories we have studied, only three showed no increase or a decrease. Almost all show a substantial increase in hearings and in remands. Some types of offenders, however, accounted for more of the increase than others. Some of the District Attorney's increases resulted in proportionate increases at the court level and some did not. Overall, armed robbers, users of firearms, those who allegedly inflicted considerable injury and property loss and gang members felt the change in policy the most. The categories which the District Attorney expanded but the court refused to expand included primarily burglary, offenses involving weapons other than firearms, and some offenders with shorter records than 1976 offenders.

5. THE ORIGINAL QUESTIONS REVISITED - LOS ANGELES COUNTY

The questions: "did unfit juveniles get convicted more often than fit juveniles?" and "did unfit juveniles receive sentences including confinement more often than juveniles who are declared fit?" received a general analysis in the first section of this report. These analyses revealed that unfit juveniles were convicted a little less often and were confined slightly more often than were juveniles who were found fit. It was not clear, though, whether the types of offenses and juveniles were sufficiently similar to warrant the comparison. Perhaps the unfit juveniles represent a more serious group of offenders and offenses and this accounts for the differences in proportions found guilty and sentenced to secure institutions. We have seen in the preceding section that some types of offenses and juveniles are more subject to transfers than others, although the transfers cut across all categories. (Identifying variables which predict fitness outcome was not the major focus of the analysis, but such patterns can be seen in the tables.) To address the question of whether unfit juveniles are receiving harsher treatment independent of the types of offenses they have committed, a multiple correlation analysis was conducted so that all variables that are correlated with fitness outcome at .1 or more could be controlled while looking at the relation between outcome and guilt or confinement.

Table 50 displays the relevant aspects of the multiple correlation analysis to predict findings of guilt or non-guilt. Only correlations are shown, and not regression coefficients since our purpose here is not to study each variable and its effect (we have already done that in the preceding section) but to look at the relationship between outcome and

TABLE 50
Summary of Multiple Correlation Analyses
Correlating Fitness Outcome with Guilt Outcome,
Controlling for Biasing Variables - Los Angeles County

<u>Variables</u>		<u>Percent Variance Explained</u>	
Control Variables	Number of Prior Police Contacts	.3	
	Probation Status	.3	After Controlling for Preceding Variables
	Number of Charges	1.4	After Controlling for Preceding Variables
	Charge	4.5	After Controlling for Preceding Variables
	Subjects Gang Status	.0	After Controlling for Preceding Variables
	Fitness Outcome	.9	After Controlling for Preceding Variables

Zero-Order r^2 for Fitness Outcomes with Guilt Outcome = .002 (Variance Explained = .2%)

(Fitness is positively related to guilt)

guilt, controlling for the other biasing variables. The zero-order r^2 of fitness outcome versus guilt indicates that outcome explains 0.6 percent of the variance in guilt findings. The direction of the relationship indicates that unfit juveniles were less likely to be found guilty but the relationship was very weak. After controlling on other variables, we see that the direction of the relation is still negative, and the proportion of variance explained has increased to .9 percent. This is, by anybody's reckoning, a small effect leaving us with the conclusion that there was little if any difference in the likelihood of conviction based on fitness outcome.

The analysis of the relation of confinement with fitness outcome is similar but in the opposite direction and the effects are somewhat larger. Table 51 shows that, uncontrolled, fitness outcome explains about 8 percent of the variance in confinement. After controlling for all biasing factors identified, the direction of the relation is the same (unfits are confined more) and the variance attributable to fitness outcome has been reduced to about 2.3 percent. Again, the effect is small, but more noticeable than the relation with guilt. There is some evidence that, controlling for biasing effects, juveniles certified to adult court were more likely to be confined.

5.1 Summary - Los Angeles County

There is no doubt that AB3121 has had an impact on fitness proceedings in Los Angeles County. There was an increase of 318 percent in fitness hearings and an increase of 234 percent in certifications to adult court. There is evidence that juveniles handled in juvenile court were convicted at about the same rate as juveniles in adult court and that juveniles

TABLE 51
Summary of Multiple Correlation Analyses
Correlating Fitness Outcome With Sentence of
Confinement for Subjects Found Guilty,
Controlling for Biasing Variables - Los Angeles County

<u>Variable</u>		<u>Percent Variance Explained</u>	
Control Variables	Number of Prior Police Contacts	4.7	
	Probation Status	1.4	After Controlling for Preceding Variables
	Number of Charges	3.5	After Controlling for Preceding Variables
	Charge	2.4	After Controlling for Preceding Variables
	Subjects' Gang Status	.4	After Controlling for Preceding Variables
Fitness Outcome		2.3	After Controlling for Preceding Variables

Zero-Order r^2 for Fitness Outcome with Confinement - .080 (Variance Explained = 8%);
(Fitness is negatively correlated with Confinement)

handled in an adult court were a little more likely to be confined as part of their sentences. In addition, the place of confinement is more severe in a substantial number of cases than could be imposed through the juvenile court. The adult court placements are more custodial in emphasis than juvenile court placements, which were more service or rehabilitation oriented, although sentence lengths are quite comparable across courts.

Some types of offenders were affected more by the changes than were others. Armed robbers, users of firearms, offenders who inflicted considerable injury and loss and, perhaps, gang members experienced higher probabilities of certification as adults. Those types of offenders on whom the District Attorney attempted, and failed, to increase certifications included burglars, those who used weapons other than firearms, and juveniles with shorter records.

In general, it is clear that, in Los Angeles County, this provision of AB3121 was implemented in a way which was quite consistent with the intent of the legislators, with few unintended consequences. The only unintended consequence identified was the fact that some 13 percent of all cases certified unfit did not make it back into the system as adults, either because the police did not refile or because the adult District Attorney rejected the case. In addition, another 6.6 percent are dismissed at preliminary hearing and are never tried. Of course, even this may not be interpreted as an unintended effect. One could think of these 20 percent who are not tried as simply being "weeded out" of the system early rather than waiting to be acquitted for lack of evidence. In contrast, all cases declared fit for juvenile court are tried, but the conviction rate is much lower when compared to adult court cases which

are actually tried. One must conclude that serious juvenile offenders have been treated more severely than similar offenders were before AB3121.

6. GENERAL QUESTIONS - ALAMEDA COUNTY

As we did in the Los Angeles County analysis, we will begin with the overarching question of: does AB3121 mean more severe treatment of more juveniles?

6.1 Fitness Hearings

Based on the number of fitness hearings and the number of cases found unfit, (see Table 52) it would appear that this is the case, although not as substantially as in Los Angeles County. In Alameda County there was a 65 percent increase in the number of cases found unfit. As in Los Angeles County the increase cannot be attributed to an increase in violent crime in Alameda County since Alameda County experienced a 9 percent drop in arrests for crimes against persons. (Calculated from data tapes provided by the Bureau of Criminal Statistics, California Department of Justice.) It is interesting that in Alameda County the court did not cut into the District Attorney's attempts to increase juvenile court "waivers" to the extent that we saw in Los Angeles County. The court's proportional increase in its decisions for unfitness matched the District Attorney's proportion almost exactly.

6.2 Convictions

The next logical question is: are juveniles who are declared unfit treated more severely than those who remain in juvenile court? Table 53 is the first step in addressing this question. Cases that did not get to trial at all number about 17.4 percent. These cases were not refiled by police, were rejected by the adult District Attorney, or were dismissed at preliminary hearing. However, as in Los Angeles County, the ultimate outcome relating to guilt findings were roughly equivalent in the two

TABLE 52
Proportion of Cases Found Unfit by Year
Alameda County

	1976	1977	Increase
Unfit	67 52.3%	111 52.6%	66%
Fit	61 47.7%	100 47.4%	61%
Total	128	211	65%

TABLE 53
Adult Handling of Cases Found Unfit
Alameda County

Dismissed	4 2.3%
Not Refiled by Police	1 .6%
Adult DA Reject Case	11 6.4%
Dismissed at Preliminary Hearing	14 8.1%
Court Trial	4 2.3%
Jury Trial	17 9.9%
Pled to Lesser Charge	113 65.7%
Pled Guilty to Charge	8 4.7%
Total	172

systems (see Table 54). In the juvenile court, 88.2 percent of the cases involving fitness hearings were found guilty, compared to 79.1 percent in adult court. There was a slightly higher chance of being found guilty in the juvenile court than there was in adult court in Alameda for this type of case, but we have not yet controlled carefully for the type of case. The same was true in Los Angeles County to a slightly lesser degree. However, the rough equivalency in proportions found guilty may indicate, as in Los Angeles County, that the cases "weeded out" early in the process (about 17.4 percent) represent a degree of "efficiency" in the adult court not found in the juvenile court. It has been pointed out to us, though, that the juvenile court has time restrictions that the adult court does not face. In other words, there is not time to do careful evaluations of juvenile court cases prior to trial in the juvenile court; cases must be filed quickly or the filing deadline passes.

6.3 Confinement

Once convicted, were unfit juveniles more likely to be given sentences which include secure confinement? Table 55 shows that juveniles declared unfit were at considerable more risk of confinement than were juveniles remaining in juvenile court. The percentages of cases ultimately convicted and confined are 84.5 percent and 50.0 percent respectively. However, since there was a slight difference in conviction rates across the two systems it is appropriate to ask whether the ultimate probability of confinement was different for juveniles found unfit than for those found fit, ignoring the intermediate step of guilt. Table 56 indicates that there was a considerable difference in these probabilities. For unfit juveniles, 68.6 percent were ultimately confined; for their fit counter-

TABLE 54

Guilt Finding by Fitness Outcome for 1976 and 1977

Alameda County

	Unfit	Fit
Guilty	136 79.1%	142 88.2%
Not Guilty	36 20.9%	19 11.8%
Totals	172	161

TABLE 55

Fitness Outcome by Sentence for Cases Convicted in 1976 and 1977

Alameda County

	Confined	Not Confined
Unfit	109 84.5%	20 15.5%
Fit	70 50.0%	70 50.0%
Totals	179	90

TABLE 56

Fitness Outcome by Sentence for All Fitness Hearing Cases in 1976 and 1977

Alameda County

	Confined	Not Confined
Unfit	109 68.6%	50 31.4%
Fit	70 44.0%	89 56.0%
Totals	179	139

parts, 44.0 percent were confined. This is a larger difference than that found in Los Angeles County; however, we have not yet controlled for severity of offense or for prior offenses.

The final question to be addressed in this section concerns the place of confinement. Again, we assume that the order of severity in confinement is, in descending order: state prison, county jail, California Youth Authority, and county probation camps. The first two sentence options are available only to adult court judges. According to Table 57, 48.5 percent of all cases declared unfit and convicted receive adult placements (state prison or county jail). This is a somewhat larger percentage than that found in Los Angeles County. However, among the adult placements a larger proportion were sent to county jail and a lower proportion to state prison than was the case in Los Angeles County. Only 31.6 percent of the unfit, convicted cases were sent to the Youth Authority, but close to 20 percent were not confined at all. In summary, Alameda County convicted unfit cases were more likely than Los Angeles County cases to be given uniquely adult sentences, but were less likely to be sent to state prison and more likely to receive non-confinement sentences.

For cases found fit and "convicted" in juvenile court, the bulk went to county probation camps. Far fewer were sent to the Youth Authority. The distributions appear about the same comparing Alameda to Los Angeles except for the Youth Authority category. Fewer Alameda juveniles went to the Youth Authority (proportionately), and the difference seems to be accounted for by assignment to special programs including restitution and fines and WETA (Weekend Training Academy), work-hours alternative to

TABLE 57

Sentences of all Cases Declared Unfit and Convicted
in 1976 and 1977

Alameda County .

State Prison	14 10.3%
Sentences Including County Jail	52 38.2%
California Youth Authority	43 31.6%
No Confinement	20 14.7%
Other	7 5.1%
Total	136

TABLE 58

Sentences of all Cases Declared Fit and Convicted
in 1976 and 1977
Alameda County

	1976	1977
Informal Court Probation	0 0%	3 3.6%
Placement at Home	6 11.8%	14 16.7%
Placement Outside Home (Not Specified)	3 5.9%	3 3.6%
Juvenile Hall	1 2.0%	3 3.6%
Probation Camp	12 23.5%	20 23.8%
California Youth Authority	19 37.3%	15 17.9%
Other	3 5.9%	9 10.7%
Restitution and Fine	3 5.9%	9 10.7%
Weekend Training Academy	4 7.8%	8 9.5%
Totals	51	84

juvenile hall confinement.

Results presented in this section indicate that there was a substantial increase in fitness hearings and in transfers. The court accommodated the District Attorney to a very large extent in this effort. While somewhat fewer cases were found guilty in the adult court compared to the juvenile court (as was true in Los Angeles County) a larger proportion of those found guilty (and overall disregarding guilt) are ultimately confined. However, in absolute terms a larger proportion of unfit cases from Los Angeles were confined than was true of such cases from Alameda County. Finally, a substantial proportion of those found unfit and found guilty in Alameda were sentenced to uniquely adult placements, and can therefore be said to have received more severe sentences than they could have if they had remained in the juvenile court.

7. WHO IS AFFECTED IN ALAMEDA COUNTY?

The preceding section has shown a 65 percent increase in fitness hearings and a 66 percent increase in unfitness indicating a substantial change in policy at the District Attorney's level and a similar policy change at the court level. However, it is possible that the types of offenders that the court rules unfit may come disproportionately from the same categories of juveniles who received fitness hearings at the decision of the District Attorney. Thus, as in the Los Angeles analysis, we will analyze the shifts in District Attorney policy as reflected in the different types of juveniles who received fitness hearings post-AB3121 versus pre-AB3121, and we will study the shift in court policy by observing the differences in the types of juveniles ruled unfit across the same two years. Finally, we can judge in what ways the court differed from the District Attorney by comparing the results of the preceding analysis. For an explanation of the tables and the mode of interpretation, see the analogous sections dealing with Los Angeles County.

For the Alameda County analysis, a "percent increase" that is 20 points different from the overall table percent increase will qualify as disproportionate and therefore worthy of analysis. The analogous figure for the Los Angeles County analysis was 50 percentage points.*

Tables 59 and 60 for Alameda County contain slightly different categories than the analogous tables for Los Angeles County (Tables

* We have used "disproportionate" as a relative term, that is, relative to the overall change represented in the table under analysis. Since the Alameda tables generally show smaller changes, it takes less change within a specific category to constitute a "disproportionate" change.

TABLE 59
Most Serious Offense Brought to Fitness Hearing by Year
Alameda County

	1976	1977	Increase
Homicide	13 10.2%	5 2.4%	-62%
Forcible Rape	9 7.0%	11 5.2%	22%
Armed Robbery	17 13.3%	31 14.7%	82%
Use of Firearm (Except Robbery)	1 0.8%	4 1.9%	300%
Strong-Arm Robbery	8 6.3%	11 5.2%	38%
Felony Assault (Except with Firearm)	24 18.8%	28 13.3%	17%
Other Crimes Against Persons	7 5.5%	8 3.8%	14%
Burglary	17 13.8%	34 16.1%	100%
Other Property Offenses	18 13.3%	34 16.1%	89%
Hard Drugs	4 3.1%	5 2.4%	25%
Criminal Driving	4 3.1%	16 7.6%	300%
Victimless Crimes	3 2.3%	18 8.5%	500%
Other	3 2.3%	6 2.8%	100%
Totals	128	211	65%

TABLE 60

Most Serious Offense Brought to Fitness Hearing by Fitness Outcome by Year

Alameda County

	<u>1976</u>		<u>1977</u>		Increase in Unfitness
	Fit	Unfit	Fit	Unfit	
Homicide	2 15.4%	11 84.6%	3 60.0%	2 40.0%	-82%
Forcible Rape	4 44.4%	5 55.6%	5 45.5%	6 54.5%	20%
Armed-Robbery	11 64.7%	6 35.3%	14 45.2%	17 54.8%	183%
Use of Fireman	0 0.0%	1 100.0%	3 75.0%	1 25.0%	0
Strong Arm Robbery	7 87.5%	1 12.5%	7 63.6%	4 36.4%	300%
Felony Assault (except with firearm)	15 62.5%	9 37.5%	13 46.4%	15 53.6%	67%
Other Person Crimes	3 42.9%	4 57.1%	5 62.5%	3 37.5%	-25%
Burglary	9 52.9%	8 47.1%	23 67.6%	11 32.4%	38%
Other Property Crimes	7 38.9%	11 61.1%	15 44.1%	19 55.9%	73%
Hard Drugs	0 0.0%	4 100.0%	3 60.0%	2 40.0%	-50.0%
Criminal Driving	1 25.0%	3 75.0%	2 12.5%	14 87.5%	350%
Victimless Crimes	0 0.0%	3 100.0%	3 16.7%	15 83.3%	400%
Other	2 66.7%	1 33.3%	4 66.7%	2 33.3%	100%
Totals	61	67	100	111	66%

23 and 24). As defined by the Los Angeles County categories, Alameda County would have had too many "others." Consequently, what appeared as "other" in the Los Angeles analysis will be broken into more specific offenses in this analysis. This breakdown is as follows: other property crimes, hard drugs (includes all drug sales and use of heroin and cocaine), criminal driving (includes hit-and-run and driving under the influence of alcohol or drugs), victimless crimes (includes prostitution and use of marijuana, pills, glue, and alcohol) and "other."

The dominant feature of Table 59 is that the increase in fitness hearings in 1977 is comprised of all categories of crimes in this table except homicide (we don't know if this exception reflects policy or a decrease in the incidence of homicide in 1977). However, some offenses are overrepresented in the increases. The largest share of the increase (in terms of the proportional increases in individual crimes) came from victimless crimes with an increase of 500 percent. Next in magnitude of increase is criminal driving and use of firearm (although this category is too small to consider seriously), burglary, other property crimes, and armed robbery. Each of these offenses showed disproportionate increases in fitness hearing incidence in 1977 compared to 1976, thereby representing the policy change from the District Attorney's office concerning fitness hearings. As before, the change in court policy is measured by disproportionate increases in actual unfitness rulings. To the extent that changes in unfitness match the proportional changes in numbers of fitness hearings, the court's policy change matched that of the District Attorney. To the extent that the proportional increases in unfit rulings are larger or smaller than the proportional increases in fitness hearings for each

offense category, the court's policy on fitness hearings can be said to have changed differently from the District Attorney's policy. Table 60 indicates the changes in fitness rulings. The largest increase in unfitness is seen in the "victimless crimes" category at 400 percent, although this represents only a moderate proportion of unfitness rulings in 1977. Next is "criminal driving" at 350 percent. Similarly, strong-arm robbery shows a 300 percent increase in unfitness between the two years, but the increase only represents a change from one case to four cases in 1977. Finally, there was a 183 percent increase in unfit cases based on armed robbery charges, and a 100 percent increase for "other" crimes.

Interestingly, the only crime that precipitated disproportionate increases in fitness hearings and in unfitness rulings that is among the 707b list offenses is armed robbery. There is some overlap in the District Attorney's and the court's judgements of which crimes were most worthy of "crackdowns." The court actually exceeded the District Attorney in its judgements of criminal driving, armed robbery and strong-arm robbery, but fell somewhat behind in victimless crimes (although a 400 percent increase is still considerable). The major categories in which the District Attorney's increases were not completely carried out by the court were burglary (as in Los Angeles) and use of firearm. Further, the court actually decreased transfers in other person crimes and hard drugs while the District Attorney increased these categories.

To summarize these tables we would have to say that the court showed itself quite willing to follow the District Attorney's lead in determining who was selected for the increased severity of handling. Even more interesting is that, in comparison with Los Angeles County, the offenses

subject to increases in severity were much less serious offenses, most not appearing on the 707b list at all. The addition of 707b to the code apparently has precipitated wider use of 707a as well.

Tables 61 and 62 display changes in fitness hearings and unfitness findings by weapon use. The figures here parallel those seen in Tables 59 and 60. The major increases in fitness hearings occurred on the basis of offenses involving no weapons. However, the court shows a somewhat different pattern. Findings of unfitness were disproportionately increased among those who used guns followed by those who used no weapons at all (the latter does not fit our definition of disproportionate). Similarly, considering the same questions by amount of victim injury, (Tables 63 and 64) the major increases in fitness hearings can be seen in the category of minimal or no injury, while the court increased its rulings of unfitness primarily among those whoses crimes necessitated some medical attention, followed by those that resulted in little or no injury.

Based on Tables 65 and 66, we would have to say that property damage and loss were not the basis of decision-making for the District Attorney or for the court. The clear pattern is for the cases involving no property loss or damage to bear the brunt of the fitness proceedings increases. Similarly, planning was not a basis for changes in fitness decisions since there was little difference in the level of increase at the District Attorney or court level based on degree of crime planning.

Tables 69 and 70 show youths who came to the court with prior non-criminal status with the court (not new referrals) constitute a disproportionate share of the increases. However, the absolute numbers involved diminish the importance of this apparent increase.

TABLE 61

Weapon Used in Instant Offense by Year

Alameda County

	1976	1977	Increase -
Gun	33 26.8%	45 23.2%	36%
Other Weapons	30 24.4%	31 16.0%	3%
No Weapons	60 48.8%	118 60.8%	97%
Totals	123	194	58%

TABLE 62

Weapon Used in Instant Offense by Fitness Outcome

Alameda County

	<u>1976</u>		<u>1977</u>		Increase in Unfitness
	Unfit	Fit	Unfit	Fit	
Gun	14 42.4%	19 57.6%	25 55.6%	20 44.4%	79%
Other Weapon	14 46.7%	16 53.3%	13 42%	18 58%	-7%
No Weapons	34 56.7%	26 43.3%	57 48.3%	61 51.7%	68%
Total	62	61	95	99	53%

TABLE 63

Amount of Victim Injury in Instant Offense by Year
Alameda County

	1976	1977	Increase
Death	13 10.6%	5 2.6%	-62%
Hospitalization	17 13.8%	19 9.9%	12%
Medical Attention Required	6 4.9%	9 4.7%	50%
Minimal or No Injury	87 70.7%	158 82.7%	82%
Totals	123	191	55%

TABLE 64

Amount of Victim Injury in Instant Offense by
Fitness Outcome by Year
Alameda County

	1976		1977		Increase
	Unfit	Fit	Unfit	Fit	
Death	11 84.6%	2 15.4%	2 40%	3 60%	-82%
Hospitalization	7 41.2%	10 58.8%	8 42.1%	11 57.9%	14%
Medical Attention Required	3 50%	3 50%	7 77.8%	2 22.2%	133%
Little or None	41 47.1%	46 52.9%	77 48.7%	81 51.3%	88%
Totals	62	61	94	97	52%

TABLE 65
Collapsed Property Damage or Loss By Year
Alameda County

	1976	1977	Increase
More than \$1000	25 20.3%	35 18.3%	40%
Less than \$1000	55 44.7%	74 38.7%	35%
None	39 31.7%	81 42.4%	108%
Amount Unknown	4 3.3%	1 0.5%	-75%
Totals	123	191	55%

TABLE 66
Collapsed Property Damage or Loss By Outcome By Year
Alameda County

	1976		1977		Increase in Unfitness
	Unfit	Fit	Unfit	Fit	
More than \$1000	14 56%	11 44%	13 37.1%	22 62.9%	-7%
Less than \$1000	29 52.7%	26 47.3%	35 47.3%	39 52.7%	21%
None	15 38.5%	24 61.5%	45 55.6%	36 44.4%	200%
Amount Unknown	4 100%	0 0%	0 0%	1 100%	0%
Totals	62	61	93	98	50%

TABLE 67

Degree of Advance Planning Involved in Instant Offense by Year

Alameda County

	1976	1977	Increase
Planned	102 82.9%	157 83.5%	54%
Spontaneous	21 17.1%	31 16.5%	48%
Totals	123	188	53%

TABLE 68

Degree of Advance Planning Involved in Instant

Offense by Fitness Outcome by Year

Alameda County

	<u>1976</u>		<u>1977</u>		Increase in
	Unfit	Fit	Unfit	Fit	Unfitness
Planned	51 50%	51 50%	79 50.3%	78 49.7%	55%
Spontaneous	11 52.4%	10 47.6%	13 41.9%	18 58.1%	18%
Totals	62 50.4%	61 49.6%	92 48.9%	96 51.1%	48%

TABLE 69
Current Probation Status of Juveniles
Who Had Fitness Hearings by Year
Alameda County

	1976	1977	Increase
New Referral	51 42.1%	69 35.6%	35%
Criminal Ward	68 56.2%	115 59.2%	67%
Other Statuses	2 1.7%	10 5.2%	400%
Totals	121	194	60%

TABLE 70
Collapsed Probation Status by Fitness Outcome by Year
Alameda County

	<u>1976</u>		<u>1977</u>		Increase in
	Unfit	Fit	Unfit	Fit	Unfitness
New	23 45.1%	28 54.9%	25 36.2%	44 63.8%	9%
Criminal	38 55.9%	30 44.1%	65 57.0%	50 43.0%	71%
Non-Criminal	0 0%	2 100%	4 40.0%	6 60.0%	∞
Totals	61	60	94	100	54%

Tables 71 and 72 give us an important hint about the basis for fitness decisions in Alameda County. For both the District Attorney and the court, there was an increase in the number of prior arrests for the subjects of more severe handling in 1977 compared to those in 1976. That is, while most tables have indicated a decrease in the seriousness of offenses that were the basis of increased fitness hearings, these tables show the opposite. While the increases in the mean number of prior arrests were not large, they are consistent between District Attorney and court, and the standard deviations become smaller across years, indicating less variation in the number of prior arrests for those who had fitness hearings and for those who were declared unfit. It seems quite likely that number of prior arrests was a major criterion for the District Attorney in deciding who would have a fitness hearing and for the court in deciding who would be ruled unfit. Interestingly though, the means for Alameda were consistently lower than those for Los Angeles. The same pattern is not demonstrated with respect to number of prior probation referrals (Tables 73 and 74). The reason for this is not clear. It is clear, though, that for both prior arrests and prior probation referrals the court's standard for an appropriate number of priors as the basis for unfitness was higher than the District Attorney's. In all cases, in both years, the mean number of priors for those declared unfit was higher than the mean number of priors for those who were given fitness hearings.

The gang status of the subject and the victim (Tables 75 and 76) are not considered in this discussion because the number of subjects and victims who were gang members were so small as not to warrant analysis.

Tables 77 and 78 indicate that youths accused of crimes against

TABLE 71

Mean Number of Prior Police Contacts of Juveniles Who
Had Fitness Hearings by Year
Alameda County

	1976	1977
\bar{X}	7.72	7.87
S.D.	7.04	5.59
N	127	207

TABLE 72

Mean Number of Prior Police Contacts of Subject by
Fitness Outcome by Year
Alameda County

	1976	1977
Unfit \bar{X}	8.98	9.53
S.D.	8.04	5.31
N	66	108
Fit \bar{X}	6.34	6.09
S.D.	5.53	5.31
N	61	100

TABLE 73

Mean Number of Probation Referalls of Juveniles Who
Had Fitness Hearings by Year
Alameda County

	1976	1977
\bar{X}	7.29	6.86
S.D.	6.36	5.22
N	127	206

TABLE 74

Mean Number of Prior Probation Referalls of Subject
by Fitness Outcome by Year
Alameda County

Prior Probation Referrals

	1976	1977
Unfit \bar{X}	8.58	8.26
S.D.	7.14	4.82
N	66	107
Fit \bar{X}	5.90	5.36
S.D.	5.09	5.23
N	61	99

TABLE 75
Subject's Gang Status by Year
Alameda County

	1976	1977	Increase
Gang Member	3 2.4%	3 1.6%	1%
Marginal Gang Member	0 0%	2 100%	∞
Not a Gang Member	120 98%	187 97.4%	56.0%
Totals	123%	192%*	56.0%

* Total % = .99 due to rounding

TABLE 76
Subject's Gang Status by Fitness Outcome by Year
Alameda County

	<u>1976</u>		<u>1977</u>		Increase
	Unfit	Fit	Unfit	Fit	in Unfitness
Gang Member	2 66.7%	1 33.3%	0 0%	3 100%	0%
Marginal Gang Member	0 -	0 0%	0 -	2 100%	-
Not a Gang Member	60 50%	60 50%	94 50.3%	93 49.7%	57.0%
Totals	62	61	94	98	52.0%

TABLE 77
Type of Victim by Year
Alameda County

	1976	1977	Increase
Within Family	2 1.6%	3 1.5%	50%
Private Individual	88 71.5%	109 56.2%	24%
Private Business	20 16.3%	41 21.1%	105%
Public Agency	2 1.6%	10 5.2%	400%
None	11 8.9%	31 16.0%	182%
Totals	123*	194*	58%

* Total % = 99.9 due to rounding

TABLE 78
Type of Victim by Fitness Outcome by Year
Alameda County

	1976		1977		Increase in
	Unfit	Fit	Unfit	Fit	Unfitness
Family	0 0%	2 100.0%	1 33.3%	2 66.7%	∞
Private Individual	42 47.7%	46 52.3%	48 44%	61 56%	14%
Private Business	11 55%	9 45%	19 46.3%	22 53.7%	73%
Public Agency	0 0%	2 100%	6 60%	4 40%	∞
None	9 81.8%	2 18.2%	21 67.7%	10 32.3%	133%
Totals	62	61	93	99	50%

public agencies, and private business were particularly subject to changes in District Attorney and court policy. In both tables, however, a very substantial portion of the increase occurred among those who had no victims (confirming the earlier analysis based on type of crime). Tables 79 and 80 show an interesting complementary pattern considering source of referral or complainant. Public agencies, as complainants, seemed to precipitate more severe handling in the form of fitness hearings and to a lesser degree unfitness rulings. More interesting is that, in this analysis, police observation takes the place of private business as an important predictor of fitness hearings and unfitness increases. At the court level it is the single best predictor of increases in unfitness across years. This factor may well represent the difficult-to-measure dimension of case quality. That is, it is possible that the better cases in terms of evidence may be sent to superior court. Very likely, a police officer is a more credible witness than other types of witnesses such as private individuals.

In Alameda County, youths subject to fitness hearings were more likely to receive a court-appointed attorney in 1977 than in 1976, and those using public defenders were more at risk of unfitness in 1977 than they were in 1976. This represents an apparent decrease in effectiveness for public defenders in 1977 compared to 1976 when they were the most effective type of attorney for keeping their clients in juvenile court. In 1977 court-appointed attorneys seemed to do a better job for their clients than other attorneys (Tables 81 and 82).

The final table (83) concerns the recommendation of the Deputy Probation Officer (DPO). As in Los Angeles County, in Alameda County

TABLE 79

Source of Referral by Year

Alameda County

	1976	1977	Increase
Family	2 1.7%	3 1.6%	50%
Private Ind./ Business	93 80.9%	128 69.6%	38%
Public Agency	2 1.7%	7 3.8%	250%
Police Observation	18 15.7%	46 25%	156%
Totals	115	184	60%

TABLE 80

Source of Referral by Fitness Outcome by Year

Alameda County

	1976		1977		Increase in
	Unfit	Fit	Unfit	Fit	Unfitness
Family	0 0%	2 100%	2 66.7%	1 33.3%	∞
Private Ind./ Business	43 46.2%	50 53.8%	56 43.8%	72 56.2%	30%
Public Agency	0 0%	2 100%	2 28.6%	5 71.4%	∞
Police Observation	12 66.7%	6 33.3%	30 65.2%	16 34.8%	150%
Total	55 47.8%	60 52.2%	90 49%	94 51%	64%

TABLE 81

Type of Attorney by Year

Alameda County

	1976	1977	Increase
Private	33 27.5	44 23.4	33%
Court Appointed	19 15.8	37 19.7	95%
Public Defender	66 55.0	106 56.4	61%
No Attorney	2 1.7	1 0.5	-50%
Totals	120	188	57%

TABLE 82

Type of Attorney by Fitness Outcome by Year

Alameda County

	<u>1976</u>		<u>1977</u>		Increase in
	Unfit	Fit	Unfit	Fit	Unfitness
Private	17 51.5%	16 48.5%	18 40.9%	26 59.1%	5%
Court Appointed	10 52.6%	9 47.4%	12 32.4%	25 67.6%	20%
Public Defender	31 47.0%	35 53.0%	59 55.7%	47 44.3%	90%
No Attorney	2 100%	0 0.0%	1 100%	0 0.0%	50%
Totals	60	60	90	98	50%

TABLE 83

DPO's Recommendation by Fitness Outcome by Year

Alameda County

	<u>1976 Outcome</u>		<u>1977 Outcome</u>	
	Unfit	Fit	Unfit	Fit
DPO - Unfit	51 77.3%	15 22.7%	71 76.3%	22 23.7%
DPO - Fit	4 8.0%	46 92.0%	17 18.5%	75 81.5%

the Deputy Probation recommendation is highly associated with the ultimate fitness decision. In both years about 77 percent of the cases where the Deputy Probation Officer recommended a finding of "unfit" this was indeed the finding. The Deputy Probation Officer seemed even more influential where (s)he recommended fitness. Under this circumstance 92 percent of cases were found fit in 1976 and 81.5 percent were found fit in 1977. This is a very high rate of concordance; interestingly though, the pattern is almost exactly reversed from Los Angeles County, where Deputy Probation Officers more often succeed when they recommend unfitness. In any case, it is clear that the Deputy Probation Officer is probably influential in this decision in both counties.

This section can be summarized by the following points. First, almost all types of crimes represented in this analysis showed increases in fitness hearings and in unfitness.

Second, the increases came disproportionately from the pool of criminal driving, victimless crimes, robbery (armed and unarmed), and some property crimes. The majority of these crimes are not on the 707b list and therefore constitute expansions in the use of section 707a more than 707b. This is a clear departure from the pattern seen in Los Angeles County where the more serious crimes were the pool from which the extra cases came in 1977.

Third, the major criteria for changes in fitness decisions in 1977 compared to 1976 were probably number of prior arrests and type of complainant (it clearly was not seriousness of offense). The first is a 707a criterion the the second is likely a quality-of-evidence factor.

Finally, as in Los Angeles County, the Deputy Probation Officer is

highly influential in the court's fitness decision.

8. THE ORIGINAL QUESTIONS REVISITED - ALAMEDA COUNTY

The cross-tabular analysis for Alameda County showed a small tendency for juveniles who stayed in juvenile court to be convicted more frequently than their counterparts in adult court. On the other hand, there was a substantial tendency for juveniles in adult court to be confined at a greater rate than is the case with juvenile court offenders. Both findings parallel the Los Angeles County results but they do not account for possible biases in the types of cases assigned to adult court compared to juvenile court. That is, cases declared unfit may have been the more serious cases and therefore should have received more severe sentences. If the adult court had all of the serious cases and the juvenile court had more minor cases, we could not say, on the basis of this finding, that the adult court treated offenders more harshly than does the juvenile court. It is, therefore, important to control for the type of case sent or remanded to adult court and, after controls are applied, to observe the difference in sentence severity. This analysis will accomplish the controls through a multiple correlation method. As with the Los Angeles County analysis, the variables that are controlled are those that are correlated with the fitness decision. By controlling for these variables, we are (at least partially) controlling for the bias in assignment of cases to courts.

Table 84 indicates, after controlling for assignment biases, that the amount of variance explained is reduced from 1.2 percent to .9 percent. In view of the known tendency for underadjustment in statistical control, this effect cannot be taken seriously as a difference between the two courts. In other words, the two courts seem almost exactly equivalent

in their conviction rates.

Table 85 shows the result of predicting confinement in convicted offenders, by knowledge of court type, controlling for biases in assignment of cases to courts. Without controls we can predict 11.3 percent of the variance in confinement decisions by knowing whether a juvenile was sentenced by the juvenile court or the adult court. However, when we control for the differences in the cases sent to the respective courts, the variance we are able to explain is reduced to 6.2 percent, still a substantial effect not easily relegated to statistical underadjustment. We are especially unwilling to assume that the apparent differences in sentence severity are due to underadjustment for biasing factors since we are controlling for the actual factors that are legitimately used in making sentence decisions: offense type and prior record. Since these variables are not surrogates for "real" underlying concepts but are the "real" concepts that we want to control, statistical underadjustment is less a problem than it sometimes is. Underadjustment in the guilt analysis was more worrisome since some of our control variables were probably just imperfect surrogates for such things as quality of evidence. We had no direct measures of evidence quality and therefore could not adjust well for whatever biases existed on that variable.

In Los Angeles County the findings were in the same direction but smaller effects were seen. With controls, .9 percent of the variance in guilt findings could be predicted by court type. We have interpreted this to indicate rough equivalence in probability of guilt findings in Los Angeles County as well. This corresponds well to the findings in Alameda County. The findings on sentence severity also correspond well. In Los

TABLE 84

Summary of Multiple Correlation Analyses
Correlating Fitness Outcome with Guilt Outcome,
Controlling for Biasing Variables - Alameda County

<u>Variables</u>		<u>Percent Explained</u>	
Control Variables	Instigation	.9	
	Prior Police Contacts	.3	After Controlling for Preceding Variables
	Number of Charges	2.5	After Controlling for Preceding Variables
	Charge	6.1	After Controlling for Preceding Variables
	Prior Criminal Probation	1.5	After Controlling for Preceding Variables
	Fitness Outcome	.9	After Controlling for Preceding Variables

Zero-Order r^2 for Fitness Outcome with Guilt Outcome = .012 (Variance Explained = 1.2%)
(Fitness is positively related to Guilt)

TABLE 85

Summary of Multiple Correlation Analysis
Correlating Fitness Outcome with Sentence of Confinement
for Subjects Found Guilty,
Controlling for Biasing Variables - Alameda County

<u>Variables</u>		<u>Variance Explained</u>	
Control Variables	Instigator	4.3	
	Prior Police Contacts	7.1	After Controlling for Preceding Variables
	Number of Charges	2.2	After Controlling for Preceding Variables
	Charge	4.7	After Controlling for Preceding Variables
	Prior Criminal Probation Status	2.8	After Controlling for Preceding Variables
	Fitness Outcome	6.2	After Controlling for Preceding Variables

Zero-Order r^2 for Fitness Outcome with Confinement = .11 (Variance Explained = 11.3%)
(Fitness is negatively correlated with confinement)

Angeles County, the controlled prediction to sentence produced 2.3 percent variance explained, compared to 6.2 percent in Alameda County. In both cases we interpret this to mean that adult court treatment is more severe than juvenile court treatment.

9. STATEWIDE IMPACT

It was predicted that this provision would be particularly subject to the personal orientations of officials responsible for carrying it out. That is, in some counties the effect would be large, and in others there would be little or no effect, depending on the orientations of the District Attorney and the court. Table 86 shows the rates of adult court remands for each county and for the state as a whole, excluding Los Angeles County. The increases seen in Los Angeles and Alameda Counties are not replicated statewide. There is only a very small increase in remands statewide. San Diego County has a high rate of remands but this has been the case for the entire period. Some small counties showed increases but are so small that one does not know if the increases are due to AB3121 or to random fluctuation. The overall picture, though, is that this provision was not implemented uniformly across the state or even in a majority of the counties. It is important to realize, then, that the effects described in Los Angeles and Alameda Counties do not apply to the State generally. These two counties were selected specifically for the fact that implementation seemed to be dramatic here and the processes and bases worth describing. They may represent the types of reactions we might expect in other urban counties under similar legislation, but the findings will not always indicate what will happen even in urban counties (Santa Clara and San Francisco, for example responded very differently).

TABLE 86

Number of Adult Court Remands for all
Counties for 1974 through 1977

<u>County</u>	<u>Adult Court Remands</u>			
	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>
Alameda	47	47	67	111
Alpine	0	0	0	0
Amador	0	1	0	0
Butte	2	5	4	3
Calaveras	0	0	0	0
Colusa	0	0	0	1
Contra Costa	1	3	1	0
Del Norte	0	0	0	0
El Dorado	2	0	7	3
Fresno	32	14	11	15
Glenn	0	0	0	0
Humboldt	3	2	9	4
Imperial	10	13	7	7
Inyo	0	0	2	1
Kern	2	3	4	4
Kings	16	21	12	30
Lake	0	0	2	3
Lassen	0	0	1	0
Madera	0	7	8	16
Marin	1	0	0	2
Mariposa	0	0	0	3
Mendocino	4	17	14	12
Merced	2	2	7	9
Modoc	0	0	1	2
Mono	--	0	0	0
Monterey	2	3	0	1
Napa	0	0	0	0
Nevada	0	0	0	0
Orange	3	2	7	15

TABLE (continued)

<u>County</u>	<u>Adult Court Remands</u>			
	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>
Placer	2	0	0	1
Plumas	0	0	0	1
Riverside	45	19	40	42
Sacramento	4	4	4	16
San Benito	1	1	0	0
San Bernardino	50	24	6	11
San Diego	288	337	346	283
San Francisco	1	0	1	0
San Joaquin	2	2	5	4
San Luis Obispo	5	2	7	11
San Mateo	4	5	4	11
Santa Barbara	4	6	13	10
Santa Clara	38	25	82	76
Santa Cruz	11	5	9	14
Shasta	2	1	16	17
Sierra	--	0	0	0
Siskiyou	0	0	0	2
Solano	6	3	14	7
Sonoma	14	4	8	3
Stanislaus	2	0	0	11
Sutter	0	0	0	2
Tehama	6	2	0	0
Trinity	--	0	0	0
Tulare	4	2	1	15
Tuolumne	1	0	0	6
Ventura	25	22	8	5
Yolo	1	1	1	0
Yuba	4	3	3	2
TOTALS	745	842	761	804

10. SUMMARY

Both counties studied showed substantial if not dramatic increases in fitness hearings and in unfit declarations in spite of decreases in arrests for serious juvenile crime across the two years studied. Conviction rates were about equal across the two courts (adult and juvenile) but in both counties, confinement rates were higher in the adult court. These facts remained true even when controlling statistically for the differences in the cases sent to each.

In both counties unfit juveniles were sent to adult places of confinement in about 50 percent of the cases where convictions had been obtained. More juveniles were placed into the state prison system in the Los Angeles County cohort and more were sent to the county jail in the Alameda County cohort. An analysis of the Los Angeles County cohort placements indicated that the adult court placements are more custodial in emphasis than juvenile court placements, which are more service or rehabilitation oriented.

The two counties studied differed only in degree on matters of hearing increases, convictions and sentence severity. In the area of categories of offenders affected, however, they differed more substantially. In both counties the District Attorney increased fitness hearings on some non-707b cases. However, the Alameda County group was composed of much less serious crimes than the Los Angeles County group. Further, the Los Angeles County courts moderated the District Attorney's "excesses" where the Alameda County courts did not, except to a very limited degree.

While almost all categories were affected, the offenders most likely to feel the transfer increases in Los Angeles County were armed robbers,

offenders using firearms and who inflicted considerable injury and/or property loss, and gang members. In Alameda County, also, most offense categories showed increases, but "criminal driving," strong-arm robbery, victimless crimes, and armed robbery were the categories affected most. In Los Angeles County, fitness hearings based on burglary charges accomplished with weapons other than guns, and offenders with shorter than usual records increased considerably but were denied by the court. In Alameda County burglary and other property crime perpetrators suffered the same fate. It is clear that seriousness of crime was not the primary criterion used by the Alameda County District Attorney in calling for increases in fitness hearings. The most probable criterion, based on these data, is prior record, and possibly quality of evidence. Whatever the criteria used in the two counties, it is clear that the District Attorney's predictable efforts went beyond what was specifically encouraged by the new law. There was some evidence as well, that the new criteria were used as a plea bargaining tool to obtain guilty pleas from the accused juveniles. Finally, it cannot be overlooked that the Probation Officer was heavily influential in the fitness decision.

The impact of this provision was substantial only in the two most populous counties in the State, perhaps reflecting the influence of the relative serious-crime problems experienced in the 58 counties. This may, in fact, be the primary factor explaining the variation in response. There was, however, a small increase in transfers in the rest of the state (excluding Los Angeles); and it certainly must be said that some portion of the juvenile offender population was treated more harshly after the implementation of AB3121 than before.

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