CORRECTIVE LEGISLATION: PREDICTION AND PROCESS

by

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Abstract

This volume reports findings concerning the prediction and production of legislative "corrections" to AB3121 within the more general context of illuminating the process wherein legislation is developed and subsequently modified. Archival documents are utilized in an examination of the political process wherein AB3121 was devised, modified, and enacted by the California Legislature in the Fall of 1976.

Predictions of attempts to modify provisions of AB3121 are based on projections of conflict generated within the justice system sectors impacted by the legislation. Applying a previously developed analytic framework to the provisions of AB3121, predictions of forms of corrective legislation were obtained and compared to the content of legislation actually introduced during the subsequent legislative session. The framework is moderately successful at predicting legislative provisions that are most likely to undergo modifications, but somewhat less successful at the opposite end of the continuum--the prediction of no change. The difficulties encountered in the process of operationalizing the framework and some suggested refinements are enumerated.

In order to investigate the process of correcting legislation, three bills were selected as case studies from all introduced bills that modified provisions of AB3121. Changes in the bill's content, public input in the form of opinion-expressive letters, documentary material (i.e., committee statements, testimony, financial assessments, and legislators' correspondence), and informational interviews are utilized to illuminate the legislative correcting process. We conclude that public opinion (in the form of opinion-expressive letters) may have a limited effect on legislative outcomes, but this impact appears to be secondary to internal legislative processes.

These data imply that awareness of the political context in which legislation is enacted could be a valuable asset to any legislative impact assessment. Issues that arise in the development process and controversy articulated in such forms of public input as opinion-expressive letters signal areas of conflict in implementation and potential non-compliance. Finally, attempts to predict legislative modifications should include consideration of legislative processing factors as well as input from affected public sectors.

Introduction

An exploration of the prediction of legislative modification and the investigation of the process of correcting AB3121[1] are dual goals of this report. Several types and sources of information are utilized to illuminate the process wherein legislation is developed and subsequently modified. While AB3121 is the target of the exploration, the various legislative "corrections" to AB3121 constitute the substance of the research.

In order to place the attempts to modify AB3121 in context, it was necessary to examine the political process wherein AB3121 was devised, modified, and enacted by the California Legislature in the Fall of 1976. The bill that was implemented as AB3121 was rather different from the AB3121 that was introduced by Assemblyman Julian Dixon in February of 1976. The investigation of this legislative processing, detailed in Section 1, furnishes information regarding the juvenile justice issues presented by AB3121, the principal actors or participants in attempts to influence the final character of the legislation, the character of their input, and finally, the content of the bill as it was changed in order to incorporate that input.

A linkage between AB3121 and the attempts to modify it can be found in the difficulties of implementing the bill. Presumably, conflict generated within the justice system sectors impacted by the legislation would produce attempts to modify certain provisions of the bill. One area of inquiry in this research is the prediction of legislative modification by projecting conflicts in implementation. Section 2 concerns the prediction of legislation that corrects AB3121.

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[1] AB3121 is a juvenile court reform law enacted in California in 1976 as Chapter 1071.

One method for making such predictions is described and the utility of the predictive framework is assessed. Also in this section, the legislative attempts to correct portions of AB3121 are described.

Section 3 reports the results of an in-depth demonstration and investigation of the process of correcting legislation. From all the introduced bills that modified provisions of AB3121, three were selected as case studies of the corrective process. Two of these bills modified sections that were expected to produce conflict among implementers of AB3121; one bill altered sections that were projected to be widely accepted. As with AB3121 in Section 1, changes in the bill's content, public input in the form of opinion-expressive letters, documentary material (i.e., committee statements, testimony, financial assessments, and legislators' correspondence), and informational interviews are utilized to illuminate the legislative correcting process.

1. The Development of AB3121

This section describes the process wherein AB3121 was devised, modified, and enacted by the California Legislature. Several bills which were predecessors to AB3121 are described in order to provide background information. Changes in content of the legislation are interspersed with information about the nature of the reaction to each version of the bill in order to ascertain whether modifications of the bill's content appears to be related to public input.

On February 18, 1976, Assemblyman Julian Dixon introduced AB3121. The bill was read and referred to the Assembly Committee on Criminal Justice for discussion in late March. Introduced at the request of the Los Angeles County District Attorney's office, AB3121 appeared within a climate of pressure on the legislature to toughen juvenile codes. In the year prior to its introduction, resolutions from the councils of several Southern California cities urged a change in laws regarding juveniles charged with felonies. Examples of some of the newspaper headlines that came to Dixon's attention at this time are "Young Thugs Freed to Prey on Elderly Again," "Panel Urges Vast Changes in Juvenile Justice System," and "D.A.'s Hands Tied in Juvenile Court; Presses Sacramento for Legislation" (all from the Los Angeles Times, January, 1976).

Previous bills focusing on serious offenders had been sponsored by the Los Angeles County District Attorney without success. In particular, Assemblyman Jack Fenton introduced a bill in 1973 that was quite similar to the early versions of AB3121. Fenton's bill, AB2424, was amended once but never emerged from from the Assembly Criminal Justice Committee. AB2424 provided for the removal from juvenile court jurisdiction of any juvenile, 16 or 17 years old, charged with one of several serious felonies. These juveniles would be detained in county jails or other adult facilities and kept separate from other juvenile court wards or dependents. The modified version deleted the automatic nature of adult

jurisdiction and instead provided for a fitness hearing with the fitness determination based on several criteria.

Other features of AB2424 also anticipated AB3121. All WIC 602[2] petitions were to be reviewed and approved by the district attorney (the amended version added "as to legal sufficiency") before the petition could be filed in juvenile court. The district attorney's appearance on behalf of the State was mandated for all WIC 602 hearings and allowed with consent or request of the judge in WIC 601 hearings. The second version of AB2424 added protection of the public from criminal conduct of minors and imposing a sense of responsibility for his own acts on a minor as two purposes of the juvenile court law. Finally, detention of juvenile offenders was to be permitted on the basis of protection of a person or property in addition to the previous concerns of the welfare and protection of the minor. An unspecified appropriation was made to cover the costs of these changes.

While AB2424 did not survive initial scrutiny by the Criminal Justice Committee, it is relevant to note that many provisions that were eventually enacted into law as AB3121 were proposed and discussed in this Assembly committee as early as 1973. With Fenton's bill defeated in the Criminal Justice Committee, an aide of the then-Los Angeles County Districy Attorney Joseph Busch contacted Julian Dixon with a copy of a proposal for juvenile justice legislation. By late 1974, Dixon was asked to introduce the bill.

As a member of the Assembly Criminal Justice Committee, Dixon maintained an interest in juvenile violent offenders. In 1974, he chaired the Assembly Select Committee on Juvenile Violence. Furthermore, there was an expanding pressure

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[2]In California, Section 602 of the Welfare and Institution Code concerns juvenile criminal offenders whereas Section 601 concerns status offenders. Throughout this report, these designations are abbreviated to WIC 602 and WIC 601.

from Dixon's constituency in Los Angeles County; in the first quarter of 1975, resolutions were passed by seven Los Angeles County City Councils requesting the legislature to toughen treatment for juvenile felony offenders.

In April of 1975, Assemblyman Dixon and others introduced AB1428. The content of this bill was similar to AB2424. Provisions included the exemption of 16 and 17 year old juveniles charged with specified felonies from juvenile court jurisdiction and from detention in juvenile facilities. However, these juveniles could be certified back to juvenile court. The role of the district attorney in juvenile proceedings was to be modified to the extent that the District Attorney would review petitions for alleged violations of the law for legal sufficiency and be required to appear on behalf of the people in all 601 and 602 hearings. Removal from parental custody was justified if necessary for the protection of the minor or person or property of another, or if the minor was a danger to the public. AB1428 differed from AB2424 namely in that no appropriation was stipulated.

In the Assembly Criminal Justice Committee, AB1428 was modified three times. The felonies specified for juvenile jurisdiction exemptions were altered somewhat. Major modifications were made in the fitness proceedings. Existing law specified that an alleged offense was not in itself sufficient to support the finding of unfit for juvenile court jurisdiction. The June 19, 1975 amended version of AB1428 provided that any one or a combination of the following criteria would support a determination of a juvenile's lack of fitness for juvenile court jurisdiction: (a) sophistication of the minor, (b) estimated time necessary to rehabilitate the minor; (c) previous delinquent history of the minor; (d) success of previous attempts by the juvenile court to rehabilitate the minor; and (e) (3) the circumstances and gravity of the offense committed by the minor. This version of AB1428 also provided for the establishment of a Juvenile Conciliation Court for status offenders. This court would attempt through informal

conciliation counseling proceedings, crisis intervention, and referrals to family-type programs to resolve the intrafamily conflicts and crises which bring status offenders to the attention of the justice system.

Finally, AB1428 provided for the Community Youth Board Pilot Project, an experimental program wherein a board of community members would conduct informal and family-like hearings for status offender cases referred by schools, police, the juvenile courts, or parents. The Community Youth Board would make findings as to what services should be provided "to correct any deficiency in the minor's education, health, behavior, and circumstances which appear to be responsible for the act or situation which caused the minor to be referred to the board, and which appear necessary to best insure that the minor becomes a healthy, productive, and law abiding member of society." While this section of the bill referred to "such funds as may be appropriated by the Legislature," no appropriation was made to cover costs of the Community Youth Board Pilot, the Juvenile Conciliation Court, or the increased role of the district attorney in juvenile court proceedings.

AB1428 failed passage in the Assembly Criminal Justice Committee on January 14, 1976. One month later, on February 18, Dixon introduced AB3121 into the Assembly. Many of the provisions of the introduced version of AB3121 were contained in AB2424 and AB1428. By this time, these provisions had been the focus of debate in the Criminal Justice Committee for a period of three years. As with AB2424 and AB1428, the introduced version of AB3121 was drafted by the Los Angeles County District Attorney's office.

Table 1 summarizes the major provisions of AB3121 and shows how the content of the bill was modified at various points. It is clear from this table that throughout its development, AB3121 contained numerous and diverse provisions, most of which were changed to some degree before its final passage. A detailed

Table 1

The Content of Each Version of AB3121

	Version 1	Version 2	Version 3	Version 4	Version 5	Version 6
Serious offender	16, 17 year old charged with certain felonies with previous felony conviction treated as adults; related changes for prior records; permits detention of such minors in county jail.	Same as V1 except allows for certification to juv. court in cases of invalidity of prior conviction; detention of said minors in Youth Authority facilities as well as county jail and state prison.	Same as V2, except allows for certification back to juv. for disposition if adult trial does not result in conviction.	Same as V3	Same as V3	Deletes serious offenders section; adds section to fitness proceeding 16, 17 year old felons (same list as V1) shall be found not fit for juv. unless amenability is determined based on previously established criteria, "rebuttable presumption;" deletes changes in records; juvenile court jurisdiction and Youth Authority commitment of these minors can be extended to 23 years.
Purposes of juvenile court law	Change purpose of juvenile court law by 1) removing preference for care in own home, 2) provide for protection of public from minor's criminal conduct and 3) to impose sense of responsibility for own acts.	Same as V1	Change deleted.	Same as V3	Adds back in changes in V1.	Same as V1 except retains preference for care in own home.
Petitioner; Petition Review	Prosecuting Attorney acts as petitioner in 601 and 602 hearings (not probation). If probation not request petition from D.A. police may apply to D.A. for review.	Same as V1	Same as V1 except D.A. acts as petitioner only in 602 hearings.	Same as V3	Same as V1 (D.A. is petitioner in 601 and 602 hearing).	Same as V3 (D.A. is petitioner in 602 cases only).
D.A. acts on behalf of people	Requires D.A. to appear on behalf of people in 601 and 602 hearings.	Same as V1	Same as V1 except D.A. appearance in required for 602 hearings only.	Same as V3	Same as V1 (D.A. appearance mandated in both 601 and 602 hearings).	Same as V3 (D.A. appearance mandated for 602 hearings only).
Status Offenders	Establish Juvenile Conciliation Court for status offenders.	Same as V1	Juvenile Concilation Court deleted; establish Youth Status and Services Act including emancipation procedures and removal of status offenders from juvenile court jurisdiction.	Same as V3	Delete Youth Status and Services Act; same as V1- Juvenile Conciliation Court.	Delete Juvenile Conciliation Court; prohibits secure detention for status offenders.
Informal Probation; Provision of Services		Authorizes probation officer to delineate specific program for minor (rather than supervising program); requires petition request if minor does not cooperate within 60 days; requires follow-up report.	Same as V2 but requires consent of minor. Adds directive that probation officer shall make a "diligent effort" to proceed under this section; authorizes probation officer to provide services (shelter care, crisis resolution, counseling & education centers) in lieu of filing a petition; authorizes probation officer to provide non-secure detention facilities in lieu of pretrial detention.	Same as V3	Retains specific program of informal probation with petition request if necessary; retains requirement of minor's consent; deletes directive to make "diligent effort," retains authorization to provide non-secure detention; deletes authorization for other services in V3.	Same as V3

Table 1

The Content of Each Version of AB31 (continued)

	Version 1	Version 2	Version 3	Version 4	Version 5	Version 6
Referees			Prohibits referees from trying cases where prejudice has been established, revises qualifications; requires recording of refereed proceedings.	Same as V3	Same as V3 but modifies qualifications somewhat. Deletes recording requirement.	Same as V5, intent of ½ judges added.
Conditions for Detention			One of the conditions for pre-trial detention modified from "immediate and urgent" necessity for protection of person or property of another to "reasonable" necessity.	Same as V3	Same as V3	Applies "reasonable" necessity condition to court ordered as well as pre-trial detention.
Home supervision program			Requires probation department to establish home supervision program in lieu of detention (pre or post trial).	Same as V3	Same as V3	Same as V3
Rules of Evidence			Revises Rules of Evidence; admission "Exclusion of evidence shall be based on evidence code.	Same as V3	Same as V3	Same as V3
Limits to confinement; specification of charge			Limits maximum term of confinement to the maximum that could be imposed on an adult convicted for the same offense; petition must specify charge as felony or misdemeanor.	Same as V3	Same as V3	Same as V3
Alternative Treatment Dispositions		Requires juvenile court to take into account effectiveness of prior treatments and state in records why continuation is ordered if repetition is needed.	Deletes requirement to take into account prior treatment effectiveness; adds alternatives of restitution, uncompensated work programs, shelter care, and counseling for WIC 602 dispositions.	Same as V3	Same as V3	Same as V3
Youth Authority return of juvenile commitments			Deletes language which provides for the return to juvenile court of minors deemed unsuitable for youth Authority treatment; specifies other disposition and bars court from recommiting minor to youth authority.	Same as V3	Same as V3	Same as V3
Curfew						Violation of curfew is WIC 601 . rather than 602

presentation of each provision and its subsequent modification would be cumbersome. However, the type of inputs from practitioners responding to specific versions of the bill in conjunction with the changes in the bill's content at various stages of legislative processing is a fundamental interest of this research. Therefore, the first version will be more thoroughly described to provide a context. Subsequent modifications will be reported only briefly, with reference to Table 1 for detail.

The introduced bill modified juvenile court law in four general areas: the transfer of serious recidivist offenders to adult court, expanding the purposes of juvenile court law, the role of the district attorney in juvenile court processing, and treatment of status offenders. Following a presentation of the basic provisions, the character of the reaction to this version will be described.

The serious offender provisions of the introduced version of AB3121 differed from the previous bills in that AB3121 targeted recidivist minors. Juveniles charged with certain specified felonies who were 16 years or older, but not more than 17 years at the date of commission of the offense with a previous felony conviction were excepted from juvenile court jurisdiction. Such minors could be detained in county jail or lock-up (only the juvenile court is allowed to detain minors in juvenile court facilities). The bill also made related changes for substantiating prior juvenile court records. These included the requirement that juvenile court records be made available to law enforcement and prosecuting agencies for the purpose of establishing a minor's prior record, as well as photographing and fingerprinting recidivist minors as a part of court records.

The purpose of the juvenile court was altered to the extent that the preference for maintaining care in the minor's home was removed and the protection of the public from criminal conduct by minors was added as a goal of juvenile

court law. The bill required juvenile justice personnel to take into account such protection of the public in their determination.

The role of the district attorney in juvenile court processing was modified in a manner similar to that of the previous bills. Rather than the probation officer acting as petitioner in juvenile court hearings, probation would now submit the application for the petition to the district attorney who would then act as petitioner. Law enforcement officials who request a petition that is not forwarded to the district attorney for consideration could apply to the prosecutor for a review of probation's decision not to petition. Finally, the district attorney was required to appear on behalf of the people in all WIC 601 and WIC 602 hearings. According to committee testimony by the Los Angeles District Attorney, the appearance of the district attorney in juvenile proceedings was necessary to balance the increasingly frequent appearance of the public defender after the Supreme Court's Gault decision.

The final area of proposed modification in the introduced version of AB3121 concerned status offenders. The juvenile court was empowered to establish a Juvenile Conciliation Court to deal with status (WIC 601) offenders. This section of the bill is identical to related portions of AB1428, providing for the filing of related petitions, studies, time limitations, and establishing limits on the court's power for detention. The nature of the conciliation court was to be informal and family-like with counseling of troubled minors as the focus. According to testimony, this provision allowed more separation between status and criminal offenders.

Information from all letters expressing opinions about AB3121 written to its author or referred from other legislators to Dixon, was collected in a manner described in Appendix A. These letters represent attempts to influence the outcome of legislation, and are therefore relevant to this inquiry. In addition

to reactions to particular forms of the bill, the letters often suggested modifications and provided information to the legislators. Because the content of AB3121 changed drastically from its inception to its enactment, the opinion-expressive letters were divided according to the version of the bill to which they were most likely responding.[3]

Ninety-nine of the 102 letters expressing opinions about AB3121 were identified as responding to a particular version of the bill according to the date the letters were written.[4] Three letters did not have dates and could, therefore, not be attached to any particular version. Forty-three of these letters were written between the time that AB3121 was introduced and the date that it was first amended in the Assembly Criminal Justice Committee; thus more than two-fifths of all letters expressing opinions of AB3121 were written within this time period.

In order to look at the character of the response to this original version of AB3121, we will turn first to the source of the opinion expressive letters. Table 2 shows the organizational affiliation of the letter authors for each version. Referring to the Version 1 section, Table 2 indicates that law enforcement and city government officials authored three-fourths of the letters in this group. Each of these groups were uniformly supportive of this version of AB3121. Los Angeles County District Attorney John Van de Kamp contacted police chiefs and city officials in Los Angeles and several southern California cities to enlist their support. Data shown in Table 2 also indicate that the response to this version of AB3121 was generally positive; 84 percent of the letters

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[3]There were six separate forms of AB3121; each of these are referred to in this report as a "version." When a set of amendments are offered to a bill by its author, a new (amended) version is printed and used henceforth so that legislators refer to the most current form, or version, of the bill.

[4]Refer to Appendix A for a description of the methodology used to collect these data.

Table 2

Overall Position By Organizational Affiliation
Of Author for Each Version of AB3121 (from Letters)

Organizational Affiliation of Author	Version 1				Version 2				Version 3 & 4				Version 5 & 6				Total
	Position																
	Pos	Unclear	Neg	Total	Pos	Unclear	Neg	Total	Pos	Unclear	Neg	Total	Pos	Unclear	Neg	Total	
Law Enforcement	17	-	-	17	2	-	-	2	1	1	4	6	-	-	-	0	25
Probation	1	-	3	4	-	-	4	4	-	-	1	1	-	-	-	0	9
Attorney	-	-	-	0	1	-	1	2	2	0	1	3	1	-	-	1	6
Court	-	1	-	1	-	1	-	1	0	0	1	1	-	-	-	0	3
Social Service Agencies	-	-	1	1	-	-	-	0	1	2	3	6	-	-	-	0	7
Educational	1	-	-	1	1	-	-	1	-	-	-	0	-	-	-	0	2
Citizen Group	2	-	1	3	1	-	2	3	0	-	1	1	-	-	-	0	7
City Government	15	-	-	15	1	1	-	2	1	-	2	3	1	-	-	1	21
County Government	-	-	-	0	-	1	1	2	-	-	6	6	1	1	-	2	10
Other	-	-	1	1	-	2	2	4	-	2	1	3	-	-	-	0	8
Total	36	1	6	43	6	5	10	21	5	5	20	30	3	1	-	4	98

written expressed positive reaction.

Over 20 categories were used to group the content of these letters; issues raised about the content of the bill were numerous and quite diverse. Fiscal implications of the changes, impact on the judicial system or local programs or agencies, and the treatment of status offenders in the Juvenile Conciliation Court are examples of issues that were raised only rarely in this group of letters. The nature of the shift in the intent of the juvenile court law, the involvement of the district attorney in juvenile court proceedings, and the nature and/or impact on the target population were the focus of more comment. The issue mentioned most often by far was the bill's proposed changes in the treatment of serious offenders. As mentioned previously, most of the statements were positive. To summarize, law enforcement and city government officials were the two groups most expressive of opinions on the earliest version of AB3121. Their reactions were positive, particularly regarding the treatment of serious repeat offenders as adults.

AB3121 was amended in the Criminal Justice Committee on April 26, 1976. Table 1 indicates that this modification was rather minor. The serious offender provision was altered to allow certification back to juvenile court in those cases where the juvenile's prior felony conviction was invalid. The other provisions were not altered, but two new provisions were added to the bill at this time. In lieu of filing a petition, the probation officer previously had the discretion to place a juvenile offender on a supervision program of informal probation. AB3121 (Version 2) authorized the probation officer to delineate a specific program of informal probation for the minor. It required that the officer request the prosecuting attorney to file a juvenile court petition if the minor failed to involve himself in the program within 60 days. The only other change required the juvenile court to account specifically for orders to

continue or repeat treatment by describing the effectiveness of the prior treatment.

The volume of response to this version was about half of that to the introduced version. Twenty-one letters were written during this period. The authors of these letters are affiliated with several different organizations; no particular group was responsible for more than 20 percent of the letters (refer to Table 2). However, in contrast to the group of letters responding to the earlier version of the bill, the majority of these letters were not supportive. While the few letters received from law enforcement and city government officials were positive, letters from probation were negative (probation's responses to the first version were also generally negative). As with the earlier group of letters, these letters also responded most often to the provisions of the bill that dealt with serious offenders. Although the positions stated in these letters were more negative, they focused on the issues raised in the introduced version of the bill rather than the changes in content evident in the second version. The second group of letters were more critical of the increased involvement of the district attorney, perceived a negative impact on the judicial system, and were opposed in particular to the automatic shift of authority over serious offenders from the juvenile to the adult system. Since this group of letters also appeared to respond to the earliest version of the bill, it is appropriate to describe the character of the two groups as one. Two-thirds of the letters expressing opinions about AB3121 were positive and, on the whole, represented the opinions of law enforcement and city government officials. Probation was the organizational group that was most critical. Both supporters and opposers of the bill were most likely to comment on the serious offender provisions of AB3121, rather than the proposed changes in the treatment of status offenders or modifications in the informal probation program. Table 1 indicates that the bill was revised

extensively after the second version. The Assembly Criminal Justice Committee passed the second version unanimously and referred the bill to the Assembly Ways and Means Committee on May 19. It is at this point that several new provisions were incorporated into AB3121 in addition to modification of extant provisions. The transfer of serious repeat offenders to adult jurisdiction was preserved with minor alterations. Several new changes increased the legalistic character of juvenile court processing. Judicial standards of prejudice and self-disqualification were applied to juvenile court referees; professional qualifications for referrees were raised. Admission and exclusion of evidence in juvenile proceedings was to be governed by the Evidence Code. Furthermore, the conditions under which probation may remove a juvenile offender from a parental custody was modified from "immediate and urgent" to "reasonable" necessity for the protection of person or property of another. On the other hand, the changes in the purposes of juvenile court law proposed in the introduced version of the bill (to provide for the protection of the public and to impose a sense of responsibility on minor for his own acts) were deleted in the third version. The concept of the Juvenile Conciliation Court for status offenders was replaced by the Youth Status and Services Act which removed status offenders from juvenile court jurisdiction and provided emancipation procedures. The district attorney was to act as petitioner and appear on behalf of the state only in WIC 602 hearings rather than in both WIC 601 and 602 proceedings.

Several changes were made in the area of probation. The specific program of informal probation was preserved, but the consent of the minor was now required. The probation officer was directed to make a "diligent effort" to proceed with a program of informal probation. Probation was authorized to provide a variety of services including shelter care, crisis resolution, counseling, and educational opportunities in lieu of applying for a petition. While conditions

for pre-trial detention were eased, probation was also authorized to provide non-secure detention facilities in lieu of pre-trial secure detention. Furthermore, probation was required to establish a program for home supervision, to be used in lieu of either pre-or post-adjudication detention.

Several alternatives were also provided for the court's disposition in WIC 602 cases. The requirement that the court take into account the prior effectiveness of treatment was deleted. The additional dispositional alternatives were restitution to victims, uncompensated work programs, shelter care, and counseling.

Finally, provisions were added regarding confined juveniles. The maximum term of confinement was limited to the adult maximum for the same offense; a juvenile court petition must specify a charge as a felony or misdemeanor. This version also deleted language which provides for the return to juvenile court of minors deemed by the Youth Authority as unsuitable for their treatment. The prohibition against the recommitment by the court of such juveniles to the Youth Authority was also deleted. However, other unmodified sections of the juvenile code provide for the Youth Authority's return of unsuitable minors to the juvenile court. Therefore, the only substantive change in this section was the removal of the restriction on recommitting unsuitable minors to the Youth Authority. The effect of this change was to make the juvenile court, rather than the Youth Authority, the final authority in determining whether or not a juvenile would be placed in a Youth Authority facility.

These changes in AB3121 were extensive and an overall summary might be beneficial. While the treatment of older serious offenders became increasingly adult-like, the treatment of status offenders took on a non-criminal, counseling and service-oriented character. Younger or less serious criminal offenders were also provided with opportunities for treatment both in lieu of court action and as alternative dispositions after court processing. While conditions for detention were eased somewhat, use of non-secure facilities and home supervision

was authorized in lieu of detention. Finally, increased legalism was evident in juvenile court processing in many areas, such as the presence of the district attorney in criminal proceedings, raising qualifications and standards for referees, and revising evidentiary rules.

That the bill was revised extensively at this point raises the issue of the influence of the public input that we have discussed. While the type of data available cannot respond directly to the issue of the cause of the modifications, some educated speculation is possible. Generally, the letters, regardless of overall position, dealt with the issue of transferring older serious repeat offenders to adult court. This provision was not altered in any significant fashion in any of the revisions. On the other hand, although the status offender sections did not appear to engender attention in the letters, this section was revised extensively. The issues of detention, legalism in juvenile court processing, or the provision of alternative treatment programs were not raised in the letters. It seems evident, then, that the changes that were incorporated into the third version of AB3121 were not as a response to public input, insofar as input is represented by opinion-expressive letters to legislators.

Rather than a response to public input, the third version revisions were clearly the result of legislative input. The character of AB3121 changed radically because the content of several other bills was incorporated into it. The Youth Status and Service Act was introduced into the Assembly by Alan Sieroty as AB3894 on March 18, 1976. Sieroty's bill was significant in that its 1975 incarnation was competing with Dixon's AB1428. According to a source in the legislature, these bills "killed each other off." Dixon's willingness to incorporate Sieroty's more liberal provisions for status offenders was a compromise to preserve the more conservative provisions for serious offenders.

Several other 1976 bills were incorporated in AB3121 as well. The provisions

concerning the Youth Authority return of unsuitable commitments to the juvenile court was taken from two bills authored by Senator Presley--SB1694 and SB1695. Assemblyman Art Torres authored AB2672 (developed in conjunction with the California Probation, Parole and Correction Association), which contained the provisions authorizing probation to provide non-secure detention and the alternative treatment services(shelter care, crisis resolution, etc.) as well as the alternative court dispositions (restitution, work-compensation, etc.). The directive to pursue informal probation with diligence and only with the consent of the minor were also drawn from Torres' AB2672.[5] Finally, the provisions concerning changes in referees' standards and qualifications were drawn from AB1598, authored by Senator Robbins. Several of these bills also contained provisions that were part of the introduced version of AB3121 and of AB1428 before it. Alternative proposals for fitness proceedings, the district attorney's role in juvenile processing and conditions for detention were also components of these bills. The authors of each of these bills, with the exception of Assemblyman Sieroty, were co-authors of AB3121 by the third version.

Our first information about AB3121 indicated that it was pieced together from several juvenile justice bills on the eve of its passage. By comparing the content of these bills to the modifications in AB3121 between the two Assembly committees, it is clear now that most of the changes were, in fact, incorporations of other legislation. However, it is noteworthy that these changes took place by May 30, 1976, more than three months prior to final passage. Although AB3121 was modified in later stages of the legislative process, the most extensive changes

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[5]According to an earlier letter from Torres to Dixon, Torres' position on the treatment of serious offenders differed from Dixon's. Torres felt that the fitness proceedings for the certification of a juvenile to adult court was sufficient and the issue of 16 and 17 year old serious offenders should be left alone. Furthermore, he felt that the petitioning function should be retained by probation, rather than the district attorney.

and the piecing together of competing bills, took place much earlier than our informants described.

While these modifications do not appear to be the result of public input, the opinion-expressive letters that respond to these changes may have influenced the final character of the bill. On June 11, the Assembly Ways and Means Committee voted 13 to 1 in favor of AB3121's passage and referred the bill to the Assembly floor for a vote. The bill was amended prior to the Assembly vote on June 17 (68-1 for passage), but the fourth version differed from the third version only by changes in section renumbering and other purely technical modifications. Because versions three and four are nearly identical, all letters written after the date of the third and before the fifth version will be considered as responses to the content of the third version.

Thirty of the 99 letters written about AB3121 were written in response to the third version. Two-thirds of these letters had generally negative views of AB3121. During this time period law enforcement, social service agencies, and county government officials each authored 20 percent of the letters (see Table 2). Within each group, letters were more likely to be negative than positive, but only county government officials were uniformly negative. The opposition of county government was based on projected costs to counties for providing services authorized by AB3121. The opposition expressed by law enforcement was directed at the status offender provisions while the opposition of the social service agencies focused on the treatment of serious offenders as adults. As a group, these letters were more likely to view the status offender provisions positively. Furthermore, they were more likely to be critical of the bill's impact on the judicial system or local programs or agencies than to be supportive of these features.

In summary, the letters responding to the third version of AB3121 were generally negative, with the treatment of serious offenders as the focus of

criticism. On the other hand, the status offender provisions were accorded a more positive reaction. County government officials expressed concern regarding financing and law enforcement officials were beginning to show some opposition, in contrast to earlier versions.

From the Assembly, the fourth version was referred to the Senate Judiciary Committee. The bill was passed by the committee (7 ayes; 2 nays) on August 10, and referred to the Senate Finance Committee with no additional changes. On August 16, AB3121 was amended for the fifth time. In the area of treatment of status offenders, the Youth Status and Services Act was deleted and replaced with the first version's Juvenile Conciliation Court. Related changes were again made in the district attorney's role; the district attorney now acted as petitioner and made appearances in both WIC 601 and 602 proceedings. The changes in the purposes of juvenile court law to include public protection and individual responsibility from version one, but deleted in version three, were returned to the bill. Some minor changes in the new qualification for referees are evident in this version. The final modification concerns probation. This version retained the specific program of informal probation with a petition request if necessary. Also retained was the requirement of the minor's consent for informal probation. The directive to pursue informal probation with "diligent effort" was deleted in this version. While the authority to provide non-secure detention facilities was retained, the authorization for all other alternative services from version three (shelter care, crisis resolution, counseling, and education) was deleted. All other provisions, including the home supervision program, rules of evidence, conditions for detention, limits to confinement, Youth Authority returns and WIC 602 dispositional alternatives were retained.

Even though the letters responding to the previous version were generally supportive of the status offender provisions, most of the changes made in this

version were clearly responding to financial considerations. The services to be provided by probation and within the Youth Status and Services Act would have been costly to counties. On August 17, Dixon wrote a letter to all members of the Senate Judiciary Committee asking for their full consideration of AB3121. In addition to describing the bill's provisions, Dixon also outlined his position on some of the bill's modifications in the Senate Judiciary Committee:

> Before it was amended in the Senate Judiciary Committee, the bill did contain provisions for the decriminalization of status offenders, the concept of which I strongly support. However, the Department of Finance concluded that this particular section alone would have required a great deal of funding. I believe, however, that the cost of funding the changes provided in the present bill would be relatively minimal compared to the much needed reforms that these changes bring about.

In this letter, Dixon also referred to the outcome of past attempts to reform juvenile law.

> As you may already be aware, the Senate has passed several tough measures in this area only to have them die in the Assembly. Those of us who believe that a stronger stand must be taken against repeat violent juvenile offenders are pleased that we were able to usher this bill through the Assembly.

The Senate Finance Committee passed this version on August 23 (7 ayes; 1 nay) as did the entire Senate on August 30 (21 ayes; 12 nayes). AB3121 was then referred back to the Assembly which refused to concur with the Senate's amendments by a vote of 4 against 59. At this point, a Conference Committee from both Houses was appointed and a final version of the bill emerged on August 31. This version was passed (6-0) by the Conference Committee, the Assembly (69-7), and the Senate (36-1) on August 31.

This final version was clearly a compromise bill. The status offender provisions were deleted and replaced with a short but unilateral prohibition of secure detention for status offenders. Violation of curfew was reclassified as a status offense. The district attorney would act as petitioner and was required to appear only in WIC 602 proceedings; probation would act as petitioner for WIC

601 cases and the district attorney's presence in WIC 601 would be at the request and with the consent of the juvenile court judge. While status offenders could no longer be securely detained, criminal offenders could be detained under the "reasonable" necessity condition both at the pre-and post-adjudication stages of juvenile processing. All probation authorizations for services from the third version were retained including the "diligent effort" to pursue informal probation. The referee provisions were retained from version five and a legislative intent that by January 1, 1979, at least one-half of all juvenile judicial officers would be judges of the juvenile court is written into the final version.

The major change in the final version concerns the serious offender provision. Instead of an automatic transfer to adult court based on age, offense, and prior record, the determination of the court of jurisdiction is to be held in the juvenile court fitness proceeding. This final version created a "rebuttal presumption" of the unfitness of juvenile court for 16 and 17 year old serious offenders; it was now incumbent on these offenders (and their attorneys) to establish their amenability to juvenile court jurisdiction on the same criteria (criminal sophistication, previous delinquent history, circumstances, and gravity of the alleged offense, etc.) that was previously used by the prosecuting attorney to establish the minor's lack of amenability. This modification in the treatment of serious offenders was reportedly due to the efforts of the director of the California Youth Authority, Alan Breed, who opposed the automatic transfer of certain juveniles to adult jurisdiction based on the prosecutor's charge. The director was able to enlist the support of Governor Brown's Legal Affairs Aide, Anthony Kline. It was apparently due to the threat of the Governor's veto that the changes in the serious offender's provision were incorporated into the final version. One interesting feature of the final version is that the offender's age and offense were preserved as the criteria whereby a juvenile would fall

under Section 707(b) WIC (fitness determination) whereas the quality of "repeat offender" was not. Prior history was but one area of several wherein a juvenile could establish amenability for adult court.

Public input in the form of opinion-expressive letters was practically non-existent for the last two versions of the bill. One letter from a county official responded to the fifth version in a manner that was neither clearly supportive nor opposing. After the bill was passed by the Legislature on August 31, three letters were written to Governor Brown, urging his signature. One of these, from Attorney General Evelle Younger reflects his attitude about the source of any future changes in juvenile law.

> We are satisfied that AB3121, in conjunction with SB1694 and SB1695*represent a needed revision of the juvenile justice system. If these bills are signed into law, we believe that the Legislature will have done all that it can to improve the juvenile justice process so as to make it more responsive to the needs of modern society. Any failures in the juvenile justice system in the future will have to be laid to the persons who are involved in its operation, and not in the law. (emphasis added)

Brown approved AB3121 on September 20, and it went into effect January 1, 1977.

One purpose of this section of the report has been to describe the process whereby AB3121 was devised, modified, and enacted by the legislature in order to place the attempts to modify AB3121 in context. A second purpose has been to describe the character of the public input into this process and assess the impact of the input--how the content of the bill changed if at all, in order to incorporate that input. Ninety-nine letters expressing opinions of persons and organizations affected by the bill's provisions constitute a sizeable pool of potential input. However, the analysis does not support the conception that modifications in legislation are responsive to public input, at least insofar as

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*SB1694 and SB1695 were companion bills to AB3121 that concerned disposition for unfit minors and detention requirements.

it is measured by opinion-expressive letters. On the contrary, major changes in the legislation appeared to be more a result of input by legislative actors (other legislators, the Governor's aide) than justice system practitioners or other affected actors. Consideration was given to potential costs which was a concern expressed by several governmental officials, but this concern is also mandated by state law. AB3121 contained a statement that reimbursement or appropriation was unnecessary because the aggregated savings and costs do not result in additional net costs. In conclusion, it does not appear in this instance that public input as represented by opinion-expressive letters is a significant source of pressure to modify legislation.

2. Predicting Corrective Legislation

This section of the report concerns the prediction of legislation that is corrective to AB3121. The utility of the Teilmann/Klein conceptual framework for directing these predictions is both explored and assessed by a process entailing several segments. The first part of this section describes the Teilmann/Klein framework and suggests its application to predicting legislative change. Second, the application of the framework to the provisions of AB3121 yields predictions of conflict (correction), or the lack of conflict (no correction) for each provision. The difficulties encountered in the process of operationalizing the framework and some suggested refinements are enumerated. The subsequent juvenile legislation is described in conjunction with the AB3121 issues involved. The final segment in this section concerns the assessment of the predictions to corrective legislation.

2.1. The Teilmann/Klein Framework

During the process of monitoring the implementation of new juvenile justice legislation in California (AB3121), Teilmann and Klein (1980), developed an analytical framework that appeared to be a useful tool in predicting and monitoring varying levels of implementation of the new legislation. The framework consists of various components that the authors inferred might influence implementation. The frameworks's components are :

1. Signals
   a. clarity
   b. legislative mandate
   c. fiscal implications
2. Reflections
   a. codification of trends
   b. philosophic resonance
3. Control
   a. discretion
   b. interorganizational power
   c. diffusion of control

Each component will be described briefly along with the predictions for implementation that are implied.

2.1.1 Signals: The first category of components, Signals, included characteristics of the legislation itself (exclusive of the environment in which it was conceived or upon which it demands action). These characteristics, labeled clarity, legislative mandate, and fiscal implications, communicate the most salient information (signals) about the new law to the anticipated audience.

Clarity involves the ease with which a practitioner may ascertain the intent (stated or assumed purposes) of the law. Lack of clarity, or ambiguity, would hinder the implementation of new legislation.

The second feature of legislation that constitutes a signal to its audience is legislative mandate. Thus this component in the framework refers to the degree to which activities are required rather than merely authorized. The dimension ranges from authorization to encouragement, to provision of incentives for compliance, to mandate with room for interpretation, and finally, to unequivocal mandate. Legislation that is strongly mandated is more likely to be implemented than that which is only authorized.

The final component of signals is fiscal implications, the provision by the legislature of adequate appropriations to implement legislation. Failure to furnish appropriate funds provides ambiguous signals and thus hinders implementation.

2.1.2 Reflections: The second major category in the framework is Reflections, which refers to the practitioner environment that precedes the legislation. Reflections encompass the "perceived needs and pressures" that generate legislation. Teilmann and Klein present two components of reflections: codification of trends and philosophic resonance.

Codification of trends pertains to the degree to which "legislation postdates trends already under way and thus codifies practices already initiated or well-established." Obviously, legislation that reflects pre-existing trends in

the practitioner world is implemented with relative ease.

Philosophic resonance is the extent to which the intent of a piece of legislation is consistent with (i.e., reflects) the underlying philosophy and ideals of the practitioners who are meant to implement its provisions. Legislation that is philosophically dissonant will engender resistance, and consequently will be more difficult to implement.

2.1.3 Control: The final major category of the framework components is Control, which consists of "accommodations between the major actors in the system to which the legislation refers." Discretion, interorganizational power, and diffusion of control are the three components of control.

Teilmann and Klein define discretion as the decision-making power that representatives of the justice system exercise over the clients, or subjects, of the system. Legislation that decreases discretion predicts resistance to the legislation.

Interorganizational power refers to the degree to which legislation "apportions power among the actors and their organizations." Teilmann and Klein have not yet arrived at an optimum definition of power, beyond the decision-making power that is discussed above as an aspect of discretion. Presumably, shifts in discretion from one justice system sector to the next would constitute a change in the interorganizational power distribution while a strict increase or decrease of discretion within a particular sector (without reallocating discretion to or from another sector) would not affect interorganizational power. While we do not want to get ahead of ourselves by delving into problems of operationalization, it suffices to say that legislation that contains interorganizational power implications is likely to face resistance from those sectors that incur a loss of interorganizational power.

The final component of control is diffusion. While precise specification of this term is lacking, its primary indicator is the degree to which a sector targeted from some legislative change is organized in a manner that is highly centralized (i.e., actors in a sector are held accountable to a central figure) rather than diffuse (actors exercise considerable autonomy). Low diffusion suggests that the provisions of the new law will be uniformly implemented. However, a highly centralized organization that opposes the new law can also effectively circumvent its implementation.

The foregoing paragraphs describe the Teilmann/Klein framework as it evolved from their research on the implementation of AB3121. In their research, the framework was found to be highly useful in predicting and understanding the ways in which practitioners (police, probation, private agencies, prosecutors, and judges) responded to the new legislation; major patterns of both compliance and circumvention were predicted successfully. This report primarily concerns another application of the framework, that of predicting corrective legislation.

Using the framework to predict new laws will complete a two-stage process which encompasses the legislative process. New legislation, AB3121, was passed and the Teilmann/Klein framework was developed to help predict its implementation in the juvenile justice sphere. The information that this investigation yielded on problems with implementation, and on forms of organizational conflict generated by the legislated changes, is utilized--in context of the framework--to predict the form of new, or corrective legislation.

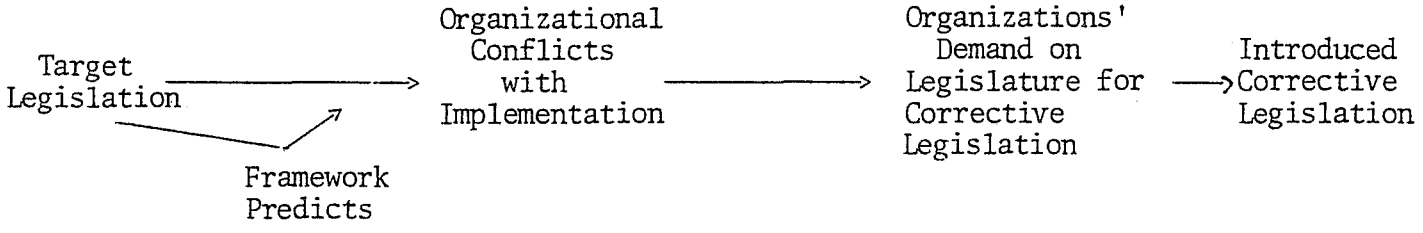

Figure 1. Initial Model for Prediction of Corrective Legislation

For the purposes of predicting corrective legislation, the utility of the implementation framework is expanded by recasting some of its elements into conflict terms. Rather than predicting high or low levels of implementation, the modified version of the framework predicts levels of organizational or interest group conflict (discord generated by opposing interests, organizational goals, or ideas). Organizational conflict is generated by the disturbance of the established equilibrium between the various sectors of a system, in this case the interorganizational network of the criminal justice system (e.g., shifts in interorganizational power). In addition to this structural conflict, philosophical conflict within an organization (e.g., conflict created by mandatory changes that are philosophically dissonant with the ideals of the practitioners) will also generate interests in legal change. However, it is not necessary for our purposes to enumerate different types of organizational conflict engendered by legislation.

The application of the conceptual framework involves the following method. First, all provisions of the legislation from which change is expected (in this case, AB3121) are enumerated. Each provision is then assessed, according to all eight components of the framework, as to its potential for producing organizational conflict. Some provisions predict low conflict and others, high. Potentially, each application of a component produces a score which is summed to yield an overall prediction for degree of conflict, or no conflict, for each provision. Those provisions predicted to generate a high degree of conflict are expected to undergo modification in a manner that mitigates conflict, thus returning the system to equilibrium. Subsequent legislation (e.g., all juvenile legislation that is introduced for two years subsequent to enactment of the original bill), is then reviewed to see if those provisions which received high conflict scores

were the ones that most often or most successfully yielded attempts at modification.

However, problems emerge in the systematic application of the framework to legislative provisions that preclude the degree of quantification originally anticipated. These difficulties will be detailed in a later section with consideration as to how the framework concepts might be refined and further specified in order to develop a framework that is more conducive to quantification. First, the application of the framework components to the provisions of AB3121 will be summarized. The relevant issues and type of change presented by the legislation will be described in conjunction with the framework. The resulting predictions to corrective legislation will be presented prior to the discussion of the emergent problems of operationalization.

2.2 The Framework as Applied To AB3121

Space limitations do not allow presentation of the in-depth analysis of each provision according to all elements of the framework. Accordingly, a brief description of the content of each provision will be followed by a summary of the results of the application of the framework elements to all provisions of AB3121.

2.2.1 Qualifications for referees and utilization of judges in juvenile court:

AB3121 increased the qualifications required of referees (non-judicial personnel empowered to hear juvenile court cases). The same standard of prejudice and criteria for self-disqualification from certain cases that applied to judges were applied to referees as well. Finally, legislative intent was stated that by January 1, 1979, half of all judicial officers hearing and disposing of juvenile cases would be judges. These changes illustrate increased legalization of procedures in juvenile court.

The provision that increased qualifications for referees and expressed legislative intent for increased utilization of juvenile court judges would not have been expected to generate corrective legislation. The presence of codifying trends, philosophical resonance, clarity, and mandate indicated little conflict within the affected sector, except perhaps for referees. While the increased costs associated with utilization of more judges potentially would have generated conflict, this provision was not mandated but merely "intended" by legislature. Most likely, it would not have been implemented to a great extent. Low conflict and therefore, little potential for corrective legislation was present in this provision.

2.2.2 Non-detention of status offenders in secure facilities: AB3121 stated that no minor could be detained in a secure facility solely on the basis of the commission of a non-criminal (status) offense. This provision affected three juvenile justice sectors: police and probation decisions regarding pretrial detention and court decisions concerning post-trial placement.

Some conflict among practitioners was expected to result from the detention provision. The presence of philosophical dissonance and loss of discretion suggested that attempts would have been made to modify this provision. Because probation, and to a lesser degree, law enforcement, were characterized by centralization of control, they would have been more likely to initiate corrective legislation than the judicial sector. The unequivocal mandate and clarity of the provision made it difficult to circumvent in informal ways. However marked savings and the codifying of trends have been expected to prevent the generation of substantial conflict.

2.2.3 Placement of curfew in WIC 601 rather than WIC 602: The provision that stated that violation of municipal curfew laws falls under the Welfare and Institutions Code Section 601 rather than 602 is straightforward.

Most elements predicted no conflict in the acceptance of the provision. The exceptions were some low philosophical resonance and the loss of some discretion over offenders. Of the three sectors affected by the provision, police would have been most likely to generate corrective legislation because they lost discretion in a manner that was philosophically dissonant, and they were somewhat centrally organized. However, any conflict generated by this situation was most likely to manifest itself in legislation that was corrective to the prohibition of secure detention of status offenders rather than returning curfew violators to a 602 status. Therefore, no change would have been expected to be suggested for this specific provision.

2.2.4 Easier criteria for detention: In this provision, the standards for secure detention were changed from "immediate and urgent" necessity to "reasonable" necessity. The justice sectors that participate in the detention decision are police, probation, District Attorney, and court.[6]

Slight conflict would have been expected from this provision. The increase in discretion, philosophical resonance (or at the very least, a lack of dissonance) and codification of trends indicated that this provision would have been easily accepted. Lack of clarity, low mandate, and slight cost projections were

6 The detention hearing is an adversarial proceeding and defense attroneys (most likely public) participate as well. In this provision and other provisions that involved adversarial proceedings (e.g., fitness proceedings), we exclude special consideration of defense attorneys. There are three reasons for this exclusion. First, AB3121 did not specifically target any changes in the defender's role. Second, in adversarial proceedings, it can be assumed that, by definition, the defense will oppose any changes that increase the prosecution's discretion over the client and will be opposed to any changes that are philosophically resonant with prosecution. Finally, defense attorneys are decentralized to the extreme. In essence, they are not organized while they participate in juvenile justice processing; they are often outside the interorganizational network.

not substantial enough to create conflict and therefore, to generate action toward legislative correction.

2.2.5 Program of home supervision as an alternative to detention: AB3121 required that each county probation department provide for intensive home supervision in lieu of juvenile hall detention pending court action.

Little conflict would have been expected from this provision. The slight increase in discretion, codification of trends, strong mandate, and some potentially substantial savings were indicators that little activity toward the generation of new legislation would occur despite the lack of clarity.

2.2.6 Criteria for remands to adult court: AB3121 expanded the criteria by which juvenile might be found unfit for juvenile court jurisdiction. Several felony offenses, if committed by a 16 or 17 year old, were specified as sufficient grounds for initiating fitness proceedings. The justice system actors directly affected by this provision were district attorneys and judges and, to a lesser extent, probation personnel.

The sector most affected by this provision, the district attorney, was unlikely to experience conflict. The disadvantage of low clarity may have been offset by the room for interpretation allowed by the provision's mandate. The provision coincided with a trend of public protection, which was philosophically resonant with the district attorney. It also included a slight increase in discretion. Costs emanating from this provision were likely to have been a hindrance, however.

2.2.7 Purpose for juvenile court: AB3121 added two purposes for the juvenile court: imposing a sense of responsibility for his own acts on a minor and protecting the public from criminal conduct by minors.

There was no basis on which to expect a negative response to or modification of the legislation. All framework elements indicated a lack of conflict for this provision.

2.2.8 Responsibility for filing a juvenile court petition; review of decision to apply for petition: Prior to enactment of AB3121, the probation officer was empowered to file petitions to commence juvenile court proceedings, generally at the request of police, school officials, or parents. If the probation officer elected not to file a petition, the applicant could appeal this decision to the juvenile court. AB3121 shifted the power to commence court proceedings from probation to prosecuting attorney. Probation continued to investigate petition applications, but had to take those applications on which it was decided to commence proceedings to the prosecuting attorney who had the discretionary authority to file the petition with juvenile court. The applicant could appeal the probation officer's decision to the district attorney for the final decision. Probation and the district attorney were the two sectors directly affected by this provision.

The district attorney's office would have been expected to experience no conflict from the provision. Their power relative to other sectors was increased substantially, in a manner that was philosophically resonant with their ideals. The changes were also consistent with present policy. On the other hand, there was potential conflict for probation personnel emanating from its relative loss of power. Whether this would have been sufficient for probation personnel to advocate corrective legislation, in opposition to prosecutor's interests, was problematic.

2.2.9 Role of probation officer regarding special programs for juveniles: AB3121 requires probation officers to make a diligent effort to divert minors to informal probation in lieu of filing a petition, when the interest of the minor and the community could be protected. The scope of informal supervision was greatly expanded by adding several alternatives. These included shelter care facilities, crisis resolution homes, and counseling and educational centers. In most cases, probation was authorized to maintain and operate these facilities, or to contract with private or public agencies to provide these alternative services.

This provision was unlikely to induce conflict in the probation sector. Philosophically resonant activities were clearly specified. The provision codified existing trends and increased probation officers' discretion. Fiscal implications would have been determined by the manner in which probation implemented the provision. Potential conflict was mitigated by the omission of an unequivocal mandate; probation officers were given authority and encouraged to use it, but were not absolutely mandated to incur costs.

2.2.10 Role of prosecuting attorney in juvenile court hearings: In previous sections, the district attorney's new role in filing juvenile court petitions and fitness motions to transfer a minor to adult court have been presented. In addition, AB3121 required, rather than permitted, the prosecuting attorney to be present and to represent the state in all WIC 602 (delinquency) court hearings. With the consent of the judge, the probation officer may request the district attorney to appear in WIC 601 (status offense) hearings as well, in order to assist in ascertaining and presenting evidence. Prior to AB3121 only the juvenile court judge could request the prosecuting attorney to be present at WIC 601 proceedings. Both probation and the prosecuting attorney were affected by this change.

The only potential conflict which could be predicted from this provision was in the event that the transfer of power from probation to district attorney was philosophically dissonant with probation. Codification of trends, increased discretion and philosophical resonance, coupled with clarity and unequivocal mandate predict to a lack of conflict for district attorneys. We would not have expected this legislative provision to produce efforts at correction.

2.2.11 Rules of evidence; specification of felony/misdemeanor: AB3121 required that adult-like standards of evidence (established by the Evidence Code and judicial decision) and proof beyond a reasonable doubt (in 602 cases) or a preponderance of evidence (in 300[7] or 601 cases) be applied to juvenile court proceedings. In addition, any 602 petition was required to specify whether charges were felonies or misdemeanors.

While a limit to discretion might have promoted conflict, in this case the limit was philosophically resonant with the ideological underpinnings of both the prosecutorial and judicial sectors. Furthermore, the presence of a clear, mandated codification of trends that cost no money would presumably have met no resistance. No legislative corrections of this provision were expected.

2.2.12 Terms of physical confinement; length of juvenile court and Youth Authority jurisdiction: AB3121 extended determinate sentencing to juveniles by specifying that minors could not be held in physical confinement, including facilities of the California Youth Authority (CYA), for a longer period than an adult convicted of the specified offense. Juvenile court jurisdiction for a person who was 16 years old and committed one of the felony offenses detailed under the new remand provision could have been extended from the typical 21 years of age until

[7]WIC Section 300 was the new designation for dependent and neglect cases (formerly Section 600).

the minor attained the age of 23 years if the person was committed to the Youth Authority.

Some conflict would have been expected from this provision. While a codification of trends was apparent, some mixed reactions in terms of philosophical resonance, lack of judicial discretion, lack of clarity, and possible costs would have suggested that this provision might undergo modification in future legislation. However, since both affected sectors (court and corrections) were characterized by low centralization of control, the probability of corrective activity was thereby lessened.

2.2.13 Alternative dispositions for 602 wards: AB3121 retained all dispositional options for 602 wards and, additionally, provided the alternatives of restitution, uncompensated work programs, shelter care facilities, and professional counseling.

Codification of trends and philosophical resonance, coupled with no change in discretion or power arrangements indicated that this provision would not have generated conflict. While costs would have resulted from implementation of the provision, the changes were not mandated. This potential source of conflict was not expected to generate activity toward corrective legislation.

2.2.14 Youth Authority return of commitments to court: AB3121 allowed the Youth Authority to return those commitments from adult court whom it deemed improper to be retained in CYA institutions or facilities. The court might then commit the offender to county jail or state prison. The bill deleted an additional provision which provided for the return of unsuitable juveniles to court (does not specify whether adult or juvenile), specified alternative dispositions, and prohibited the court from making a recommitment to the Youth Authority. Other provisions of the Welfare and Institutions Code that were not

amended allowed for CYA returns and empowered the court to modify its dispositions. Therefore, the significant change in this area was that the juvenile court might recommit a minor to the Youth Authority, after the Authority had found the minor unsuitable for placement.

The Youth Authority was likely to experience some conflict over this provision due to the loss of power to exercise some discretion over its clientele. Additionally, the lack of clarity in this provision was another factor likely to generate movement toward corrective legislation.

2.2.15 Informal probation only with minor's consent: The legislation modified sections concerning informal probation to require consent from both the minor and parent in order to provide alternative services.

The lack of clarity as to implications of minor's refusal to consent was the only potential problem in the provision. No attempt at corrective legislation was expected.

2.2.16 Lack of appropriations: AB3121 allocated no funds to cover costs incurred by the legislation.[8] Moreover, the legislation specifically stated that no reimbursement or appropriation was made because the savings and costs in the act did not, in the aggregate, result in additional net costs. This failure to allocate implementation funds is expected to be a source of conflict.

2.3 Predictions to Corrective Legislation

In the process of applying the framework elements to the AB3121 provisions, several provisions emerged as potentially conflictive for the sectors affected by the legislation. These provisions were expected to have been likely to generate efforts toward modification. The most conflictive provisions were:

[8]The reader should note that the absence of a provision for allocations does not mean that the issue was not pertinent. The Teilmann/Klein methodology correctly forces the investigator to consider this often non-explicated concern.

(a) the lack of appropriations, (b) the decarceration of status offenders, and (c) terms of physical confinement and the length of juvenile court and Youth Authority jurisdiction. On the other hand, several provisions were expected to generate almost no conflict among justice system organizations. These low conflict provisions were: (a) the program of home supervision as an alternative to detention, (b) the purpose of juvenile court, and (c) rules of evidence and specification of felony/misdemeanor.

The provisions may be ranked according to their respective potential for the generation of conflict and consequently, corrective legislation by assigning one point for each framework component predicting conflict for a justice system sector. Provisions are listed in Figure 2 from high to low potential in legislative modification, with respective framework scores.

Several methodological problems emerged in the application of the framework to the legislative provisions. A description of these problems is presented next.

2.4 Emergent Problems of Operationalization

In the process of operationalization, it became evident that the framework elements require refinement and further specification before quantification of the elements is possible. Considering that the framework was presented as an analytic tool rather than a developed method, the process of confronting these methodological problems is a prerequisite to further evolution. The problems may be grouped int two categories. First, inadequate definition of some components of the framework makes their operationalization difficult. It becomes necessary to refine these definitions to develop measurement-oriented interpretations--operational definitions--of the concepts. Second, the original presentation of the framework does not articulate how the components interact with each other. Few of the components can be conceived as

Figure 2. Framework Predictions for AB3121 Provisions[a]

Score	Provision
8	Lack of appropriations
5	Non-detention of status offenders in secure facilities
4	Terms of physical confinement; length of juvenile court and Youth Authority
3	Criteria for remands to adult court
3	Criteria for detention
2	Role of prosecuting attorney in juvenile court hearings
2	Qualifications for referees; utilization of judges in juvenile court
2	Placement of curfew in WIC 601 rather than WIC 602
2	Responsibility for filing juvenile court petition; review of decision to apply for petition
2	Youth Authority return of commitments to court
1	Informal probation only with minor's consent
.5[b]	Role of probation officer regarding special programs for juveniles
.5	Alternative dispositions for 602 wards
0	Home supervision program as an alternative to detention
0	Purpose of juvenile court
0	Rules of evidence; specification of felony/misdemeanor

[a]Brackets indicate provisions that rank equally with one another.

[b]One-half a point was assigned to two provisions to reflect slight conflict from non-mandated costs.

predictive alone, rather than in combination with each other. While Teilmann and Klein certainly contend that the elements work in concert, their presentation again lacked specificity as to how the amalgamation might occur.

2.4.1 The need for operational definitions

We shall now proceed to examples of the definitional dilemmas.

2.4.1.1 As previously stated, clarity involves the ease with which a practitioner may ascertain legislative intent. In the original exposition by Teilmann and Klein, it was stated that "intent presents signals which transcend the explicit provisions of a particular bill." In the form of legislative intent, clarity is a difficult concept to measure.[9] Unless there is an explicit statement within the legislation (e.g., AB3121 expressly stated the legislative intent to have judges constitute half the personnel hearing juvenile cases), which seems to be a rare event, some approximation is needed. One operational procedure is for the legislators sponsoring the bill to be questioned as to what they hoped the bill might achieve. Second, subsequent legal documents such as interpretations by legal experts may be used as indicators. The first depends on the availability and candor of legislators, the second on post-hoc interpretations. Neither are presumably available (or at least, not immediately available) to practitioners affected by the legislation. Finally, legislative intent may be inferred by simply reading the bill. This practice obviously has methodological limitations, such as inter-coder agreement and independent validation.

In lieu of legislative intent, clarity may be measured by certain characteristics of the legislation which vary in the specialized knowledge required. One such characteristic is the scope of the bill, indicated by the number of separate

[9]For extended discussion of this point, see Berk, Burstein, and Nagel (1980). This work is the only extant summary of issues in the evaluation of legislative impact, yet it omits all consideration of corrective legislation.

provisions or issues addressed by the bill. While contradictory provisions are indications of lack of clarity, it should be noted that the distinction between contradiction and compromise is often clarified by expertise. Second, terminology is the main index of clarity. Ambiguous, undefined, or vague terms can be identified, as can specificity, relative to either the target population or the implications and consequences of the legislation. A fourth measure of clarity is one's intuitive reaction to the bill as straightforward or "murky." Multiple indicators need to be employed and their utility assessed.

An additional approach to the measurement of clarity would involve questioning those practitioners most likely to be affected by the legislation as to their perceptions of the bill's meaning. As a framework component, clarity should influence implementation and, subsequently, the generation of corrective legislation. From this viewpoint, clarity as it is perceived by affected practitioners may be a more appropriate operationalization than either a legislator's or a trained researcher's interpretation of the legislation.

Finally, it should be noted that of all the framework components, clarity is perhaps most relevant to the overall bill rather than the individual provisions. It is the general picture that is projected by the legislation that is most apt to reflect clarity, or its absence. On the other hand, clarity may also be measured as a characteristic of provisions.

2.4.1.2 Legislative mandate is straightforward and well-defined by Teilmann and Klein as "the degree to which it requires its will to be carried out." Unequivocal mandate is indicated by terms such as "shall"; authorization by terms like "may." The values on the dimension that fall between mere authorization and unequivocal mandate require more interpretation. A bill's provisions vary considerably as to the degree that they are mandated; this component is applied more appropriately to specific provisions than to the entire bill.

2.4.1.3 Fiscal implications refers to adequate appropriations and may often be the most difficult component to operationalize. If no money is allocated, as in the case of AB3121, projected costs must be balanced by savings. For instance, the shifting of some responsibilities from the probation department to the district attorney, under AB3121, should present a saving to the former and a cost to the latter. The social researcher is often unqualified to assess the adequacy of appropriations, or to project costs and savings. Estimates of fiscal impact can be requested from appropriate agencies, such as the Department of Finance in California. These reports may be reviewed for their breadth if not their accuracy. If the investigator lacks expertise in this area, the best approach might be to look at all mandated changes in a bill and infer whether costs might be "washed out" either by savings or by appropriated funds. Secondarily, changes that are not mandated may be assessed generally as costly or not. In any case, use of cost implications to predict areas of corrective legislation may also be handled as a perceptual problem. If practitioners perceive an excess of costs over appropriations or savings, then correction may be attempted. Such perceptions are amenable to direct measurement via interview and questionnaire.

2.4.1.4 Codification of trends requires knowledge that can be demonstrated. While some trend data are available, many are not collected. The researcher faces collecting such data or substituting demonstrable trends with information more easily attainable. For instance, practitioners may be interviewed as to relevant policy and practice.

The trends addressed above refer to specific practices within the criminal justice field. Rates of arrest of certain types of offenders or criteria for petitioning a juvenile into court are two examples of this type of trend. More general trends within the justice arena might be addressed as well. For example, a trend toward increasing legalization in the juvenile court has been apparent

in recent years. Provisions of bills may codify such ideological trends or not. The overlap with philosophical resonance is an issue with this type of analysis, and we will return to this issue later.

2.4.1.5 Philosophic resonance may be assessed by questioning representative practitioners as to their ideological views in all areas pertinent to the legislation. While familiarity with the practitioner-world enhances the researcher's awareness, these data preferably will be collected in a systematic fashion.

2.4.1.6 The components of the framework under the control category require that the researcher have knowledge of the organizational and interorganizational character of the justice system. For instance, changes in discretion within a particular sector can only be assessed if the sphere of discretionary power prior to the legislation is known. If the researcher does not possess this information, it must be acquired by interviewing practitioners.

It should be noted that Teilmann and Klein originally presented discretion as dealing with "accommodation between major actors in the system to which the legislation refers" (their general definition of control). It is interpreted within this research as impact on decision-making power within a given justice system sector. Transfers or shifts of discretion between different sectors are dealt with most appropriately under the element of interorganizational power. Furthermore, discretion may be viewed in terms of (a) discretion over system clients (as articulated by Teilmann and Klein) and (b) discretion within the justice system (e.g., autonomy in petition filing or adult-court certification).

The application of the framework to the AB3121 provisions has required close scrutiny of all framework components' meanings. It is clear that the utility of some of the components of control, in particular, can be increased by expanding their definitions. For example, both discretion and interorganizational

power referred to decision-making processes between or within justice system sectors. However, changes in decision-making power could refer to the justice system in its entirety (in contrast to the adult system) or perhaps to power issues of the state versus counties. Expanding the notion of affected sectors from justice system suborganizations to include more encompassing systems is an example of how applying the framework in different legislative contexts would necessitate modifying components in an increasingly generalizable form.

2.4.1.7 Interorganizational power, as stated above, refers to shifts in discretion or reallocation of resources between sectors. As in the case of discretion, the pre-legislation power distribution must be compared to the post-legislation picture. Information from the relevant system actors again is a necessity.

2.4.1.8 The final component, diffusion of control, refers to the authority arrangements within a sector targeted for legislative change. A highly centralized structure promises "fast action" while a sector that is only loosely organized in a diffuse manner lacks coordination. Diffusion of control is a characteristic of a sector; all sectors potentially affected by legislation can be placed on a continuum from highly diffuse to highly centralized. One criterion by which centralization may be measured is accountability. Whether an actor's activity is reasonably public or open to surveillance by superiors is the issue. If most actors in a sector are accountable to superiors, the sector is rated as centralized. Another available criterion is the degree of decision-making autonomy in an organization. For instance, many large police departments are quasi-militaristic, with little autonomy below the top command levels. Large court systems, by contrast, are featured by considerable autonomy, despite the presence of a "presiding judge."

This component can be applied to two arenas, the first of which is most relevant to implementation and the second to corrective legislation predictions. First, in legislation which promotes an interorganizational transfer of power, activities can be shifted to a more or less centralized setting, thereby influencing their likelihood of implementation or perhaps circumvention (depending on how philosophically resonant the changes are with the practitioners in the organization). Second, diffusion of control can be used to predict whether a particular provision is likely to generate corrective legislation. For instance, a highly centralized organization that experiences philosophical dissonance is likely to have the capacity to translate its conflict (or dissatisfaction with legislation) into effective attempts to correct legislation. Thus, control centralization can increase the probability that organizational conflict will result in legislative correction.

2.4.2 The need for intercomponent clarification. A second type of problem that emerged in the application of the framework to AB3121 involves lack of specification of the relationships among components. Few of the framework characteristics predict directly to corrective legislation. Rather, the components interact in a manner that requires further exploration and specification. In this section, we shall present some observations about intercomponent relationships that have emerged from our first attempt to use the framework to predict corrective legislation to AB3121.

Philosophic resonance emerged as a primary predictor. When present, resonance seems to transcend conflict-generating aspects of other components (e.g., loss of discretion or interorganizational power, the lack of codifying trends). Philosophic resonance is the component most likely to predict presence of conflict; a philosophically resonant provision is unlikely to generate conflict while a philosophically dissonant provision makes conflict almost inevitable. It seems

that the other components, to varying degrees, predict more the magnitude of conflict or of acceptance than its presence.

Whether mandate predicts conflict depends on the presence of other factors. If a highly conflictive provision (i.e., one that is dissonant, for example, because it decreases discretion) is merely encouraged, it is likely to create less conflict than if it is mandated. In contrast, a non-conflictive provision that is resonant, codifies trends, etc., will be accepted whether or not a strong mandate is present or absent.

Mandate also interacts with clarity to a considerable extent. An ambiguous provision that is unequivocally mandated is likely to generate more conflict (in the presence of other factors such as philosophical dissonance or loss of power) than changes that are merely authorized. However, lack of ambiguity, when paired with a mandate, will also heighten conflict if the provision is problematic due to other factors. Finally, presence of clarity, strong mandate, and provision of funds allows little opportunity for circumvention of a conflict-generating provision. Yet the absence of any one or all of these factors can also generate conflict.

Mandate is also interwoven with fiscal implications. An unequivocally mandated provision that has no money allocated is likely to cause legal problems and provide a rationale for circumvention. In any case, allocation of funds generally increases the probability that a provision will be implemented. Therefore if funds are allocated, an already conflictive provision will become more so.

Codification of trends generally eases conflict rather than heightens it. For example, the implementation of a dissonant provision which codifies trends is less likely to generate conflict than if the same provision does not codify extant trends. Clarity, mandate or fiscal implications do not seem to interact

with codification of trends.

Holding philosophic resonance constant, decreased discretion will predict conflict and generation of corrective legislation while increased discretion suggests acceptance. The presence of philosophic resonance in the affected sector mitigates the conflict-producing aspects of loss of discretion. Loss of discretion from a philosophically dissonant provision is likely to generate substantial conflict.

Transfers of interorganizational power are similar to changes in discretion. Again holding philosophic resonance constant, sectors experiencing a loss of interorganizational power will experience conflict and subsequently attempt to modify legislation. In contrast, an increase in interorganizational power predicts a lack of conflict.

Diffusion of control interacts with shifts of interorganizational power. If power is transferred to a justice system sector with more centralization, the activities are more likely to be implemented if philosophically resonant and less likely to be implemented if philosophically dissonant. Furthermore, diffusion of control is relevant to predicting corrective legislation whenever "target" legislation specifies changes in a justice system's organization. Diffusion or centralization of control refers to a sector's capacity to mobilize its resources toward some activity. The presence of centralization of control in sectors that are negatively affected by legislative change (i.e., sectors that experience provisions as conflictive) will enhance the probability that conflict will be translated into action (i.e., corrective legislative). In this manner, diffusion of control affects whether conflictive legislation will be subjected to corrective attempts.

In this section we have described the Teilmann/Klein framework, presented the application of the framework to the provisions of AB3121, and derived certain

predictions for the legislative modification of certain provisions. Several methodological concerns that emerged during the course of the foregoing have also been presented.

Before the predictions to corrective legislation can be assessed, it is relevant to review the character of the juvenile legislation that was introduced subsequent to the enactment of AB3121.

2.5 Character of Juvenile Legislation (Post-AB3121)

2.5.1 Identification of relevance: During the 1977-1978 legislative session, 58 bills were introduced that proposed changes in juvenile court law or related areas. Of these bills, 21 were identified as relevant to the issues represented by the final enacted version of AB3121. Sixteen issues or main provisions constituted AB3121 in its entirety. In order to identify subsequent legislation that might be corrective to AB3121, all juvenile legislation that was introduced in the following legislative session was reviewed and assessed according to the 16 issues. If the legislation contained provisions that addressed any of the AB3121 issues, it was considered relevant.

A cautionary note on the issue of relevance is appropriate. Relevance does not necessarily mean corrective. An introduced bill may contain provisions which target changes in the same arena as did AB3121. New legislation that is relevant to AB3121 contains provisions that concern the same issues as AB3121. Newly introduced legislation may extend or institutionalize AB3121 provisions (as is the case of technical amendments which constitute legislative "cleanup" without making substantive changes). Additionally, many bills are reintroduced into the legislation in several consecutive sessions. Although such a bill might contain provisions that are similar to issues represented by AB3121, it would most likely not be corrective. There is no line that can be drawn which precisely separates legislation that is corrective from that which is relevant

but not corrective. In the purest case, corrective legislation would directly modify AB3121 provisions. A general guideline is suggested by asking the question: "Would this bill have come about if AB3121 had not been enacted?" A positive response would indicate relevance, but not necessarily correction. Further evidence that a bill is corrective may be gathered from legislative documents or interviews with legislators as to their intentions. Public perceptions could be tapped by reviewing opinion-expressive letters for reference to AB3121. While this issue will be addressed in subsequent sections on the in-depth analysis of three bills, the discussion of the AB3121-relevant introduced legislation will not attempt to differentiate corrective from relevant. The 16 issues are defined as the "domain" of AB3121; future legislation that incorporates these issues are relevant to and possibly corrective of AB3121.

2.5.2 Description of legislation: Inasmuch as the focus of this research is AB3121-relevant legislation, this section is concerned only with the juvenile legislation introduced during the 1977-1978 Legislative Session that contained provisions that were relevant to AB3121 domain issues. For the interested reader, a description of the introduced juvenile legislation that was not relevant to AB3121 can be found in Appendix C.

The data collection forms used to extract information for both the AB3121 relevant and non-relevant legislation can be found in Appendix D. Collection from all relevant bills and a sample of non-relevant bills was duplicated by a second coder to ascertain that the researcher did not select out specific types of information. A high degree of agreement was found between data compiled by the informed and the uninformed collectors.

The AB3121-relevant legislation will be described in conjunction with the AB3121 domain issues that they illustrate. The 16 domain issues in which the content of introduced legislation may be grouped are:

a. Qualifications for referees and utilization of judges in juvenile court

b. Non-detention of status offenders in secure facilities

c. Placement of curfew in WIC 601 rather than WIC 602

d. Criteria for detention

e. Program of home supervision as an alternative to detention

f. Criteria for remands to adult court

g. Purpose for juvenile court

h. Responsibility for filing a juvenile court petition; review of decision to apply for petition

i. Role of probation officer regarding special programs for juveniles

j. Role of prosecuting attorney in juvenile court hearings

k. Rules of evidence; specification of felony/misdemeanor

l. Terms of physical confinement; length of juvenile court and Youth Authority jurisdiction

m. Alternative dispositions for 602 wards

n. Youth Authority return of commitments to court

o. Informal probation only with minor's consent

p. Lack of appropriations

AB3121-relevant legislation may fall into one additional category--technical changes. Several of the bills introduced subsequent to the enactment of AB3121 contained no substantive changes. Rather, they reflected necessary modifications in the numbering of certain sections or deletions of redundant sections.

The 21 relevant bills contained 30 separate provisions that were related to the domain issues. There were no legislative attempts to modify the following four AB3121 provisions: the curfew designation as WIC 601 rather than WIC 602, the prosecuting attorney's role in juvenile court hearings, the application of adult standards to rules of evidence and specification of felony/misdemeanor, and, finally, the disposition of informal probation only with the consent of the

minor.[10] All the other issues represented by AB3121 were subject to attempts at modification, some successful and many others unsuccessful. The provisions of AB3121 and the attempts at modification will be presented according to the domain issues indicated by the introduced legislation in the order specified above.

2.5.2.1 Qualification for referees and utilization of judges in juvenile court: Two introduced bills suggested changes in the functions and roles fulfilled by referees in the juvenile court system. AB3121 increased qualifications for referees, applied judicial standards of prejudice and self-disqualification, and stated the legislative intent for increased use of judges in juvenile court cases. One bill specified that a referee's acts become operative only upon the approval of a judge.[11] This bill also delineated several functions of referees further refining the role that referees have in juvenile court. A second bill instituted the right to trial by jury for all accused juvenile criminal offenders but specified that referees could not be assigned to these cases. Neither of these bills concerning referees passed through the Legislature.

2.5.2.2 Non-detention of status offenders in secure detention: Three bills introduced into the legislature during the 1977-1978 Legislative Session attempted to modify the AB3121 prohibition of secure detention for status offenders. One bill, introduced shortly after the enactment of AB3121, would have authorized detention or commitment of status offenders in secure facilities. This bill was held in submission in committee and never emerged for a floor vote. Two other introduced bills suggested reinstituting secure detention for status offenders

[10] It is interesting to note that none of these provisions were the subject of extensive mention in the opinion expressive letters presented in Section 1.

[11] This circumvents the double jeopardy concern when a refereed case is contested and brought before a judge for a rehearing.

only under certain conditions. A bill that would have allowed for temporary secure detention (up to 72 hours) in order to locate the minor's parents was also held in committee without recommendation. It should be noted that this bill also contained other provisions concerning status offenders (provision of food and shelter to runaways was specified as criminal conduct proscribed by law; status offenders could not come into contact with criminal offenders in secure facilities) and their parents (set circumstances whereby parents may legally free themselves of legal responsibility of child over 12 years). The bill that was eventually enacted in this area (AB958) initially specified conditions under which status offenders could be detained temporarily and for extended periods in secure facilities. The conditions under which extended detention was allowed were when the minor had previously fled a non-secure facility, had previously failed to appear at a court hearing, or was in need of treatment (to prevent danger to self for a number of specified reasons). Ultimately, each of these conditions were deleted and the enacted bill contained provisions for temporary secure detention for specified time periods in order to locate and return status offenders to parents or to locate wants or warrants.

2.5.2.3 Placement of curfew in WIC 601 rather than WIC 602: There were no bills that suggested changes in this provision.

2.5.2.4 Criteria for detention: AB3121 eased the standards for secure detention from "immediate and urgent" necessity to "reasonable" necessity. Legislation introduced after this change was enacted would have added the criterion of protection of the public from the consequences of criminal activity to the conditions for which a minor can be removed from the physical custody of his parents. This change was consistent with two trends modified by AB3121: increased detention and making public protection a major purpose of the juvenile court

(see 2.5.2.7). This bill was held in committee with no further action taken.[12]

2.5.2.5 Program of home supervision as an alternative to detention: Two introduced bills authorized probation volunteers (in addition to probation officers and aides) to perform home supervision functions. The first of these, AB953, will be described in-depth in Section 3.3 of this report. Other provisions in this bill concerned probation's role vis-a-vis special programs for juveniles, standards for operation and maintenance of certain juvenile facilities, and residential zoning for juvenile group homes. AB953 was vetoed by the Governor in the Fall of 1977, but the following February, a new bill was introduced into the Assembly with very similar provisions. The second bill was signed into law and included the same changes in the home supervision program outlined above, but deleted the authorization for probation to maintain and operate shelter care facilities that was included in the ill-fated AB953.

2.5.2.6 Criteria for remands to adult court: AB3121 expanded the criteria by which a juvenile could be found unfit for juvenile court jurisdiction by specifying several felony offenses as sufficient grounds for initiating fitness proceedings (in the case of a 16 or 17 year old offender). There were two pieces of introduced legislation that related to the certification process. One bill would have added the offense of assault with a deadly weapon to the other felony offenses specified. This bill failed to move from the policy committee to which it was initially assigned. A second bill provided that any minor from 16 to 18 years of age who committed an offense involving great bodily injury against a person who is 60 years or older, blind, or a paraplegic or quadraplegic would be removed

[12]This bill incorporated several other AB3121 relevant issues as well. These will be presented under their respective domain headings.

from juvenile court jurisdiction. As introduced, these offenses constituted grounds for an automatic remand to adult court.[13] However, the bill provided for the superior (adult) court to certify the minor back to juvenile court jurisdiction. Later amendments simply added these offenses to the WIC 707(b) offense list referred to above. It was in this form that the bill was enacted.

2.5.2.7 Purpose for juvenile court: AB3121 added the purposes of imposing a sense of responsibility for his own acts upon a minor and protecting the public from criminal conduct by minors to the extant purpose of securing care and guidance for the minor. In the session following the enactment of these purposes, legislation was introduced that would have made public safety a paramount consideration in making a disposition for a minor who commits a violent or dangerous felony. This bill was not enacted.

2.5.2.8 Responsibility for filing a juvenile court petition; review of decision to apply for petition: An introduced bill contained two provisions that were relevant to the petitioning process. AB3121 shifted the responsibility for filing a WIC 602 (criminal offender) petition from probation to the prosecuting attorney. New legislation would have made a similar shift from probation to prosecution in the case of a minor convicted for a traffic violation. Previously, the court official could direct probation to file a WIC 300 (dependent) petition. This bill stipulated that the court official could direct probation to refer the citation to the prosecuting attorney. A second provision would have shortened the amount of time within which an applicant for a petition would proceed directly to the prosecuting attorney if the probation department did not request the petition. This bill did not pass and therefore neither provision was enacted.

[13] It should be noted that the automatic remand appeared in the earlier versions of AB3121, but would have applied to all 16 or 17 year old offenders committing certain felony offenses.

2.5.2.9 Role of the probation officer regarding special programs for juveniles: AB3121 authorized probation to maintain and operate crisis resolution homes and counseling education centers. Probation is authorized to contract with private or public agencies to provide these services and, in addition, shelter care facilities. AB953, mentioned previously in regard to the use of volunteers for home supervision, also contained a provision that would have extended to probation the authority to maintain and operate shelter care facilities. While AB953 did not pass, another bill which contained otherwise technical changes authorized probation to maintain and operate shelter care facilities. This bill, AB84, was enacted. Other legislation which was not enacted would have extended to probation the power to petition the juvenile court for a special hearing to order both the minor and parents to participate in counseling programs. Each of these bills would have extended the probation officer's role with respect to special programs for juveniles.

2.5.2.10 Role of prosecuting attorney in juvenile court hearings: No changes in this provision were introduced.

2.5.2.11 Rules of evidence; specification of felony/misdemeanor: There were no legislative changes suggested in either the requirement that adult-like standards of evidence be applied to juvenile proceedings or that petition charges must be specified as either felonies or misdemeanors.

2.5.2.12 Terms of physical confinement; length of juvenile court and Youth Authority jurisdiction: AB3121 specified the maximum term of physical confinement of juveniles as the adult maximum. Given this maximum, juvenile court jurisdiction may be extended from the typical 21 years to 23 years if the offender was 16 years old, committed one of 11 felony offenses specified under the WIC 707(b) remand provision, and was committed to the Youth Authority. Legislation

introduced after the enactment of AB3121 would have repealed the provision that extended Youth Authority jurisdiction until the 23rd birthday. Another provision in the same bill would have repealed the conditions under which juvenile court jurisdiction could be extended to the age of 23 years. Neither change became law. A bill which would have had quite the opposite effect also failed passage. This legislation would have increased the Youth Authority jurisdiction over youths committing specified violent or dangerous felonies from the maximum of until the youth's 23rd birthday to the maximum term that an adult might serve for the same crime. Later versions of this bill modified the limitation for Youth Authority jurisdiction from the adult maximum to the minimum term that an adult might serve.

Regarding the terms of physical confinement, a bill was introduced and successfully passed through the legislature that specified and defined "maximum term of imprisonment" as being the longest sentence possible under the charged offense plus enhancements (which are required to be pled and proven) without consideration of time subtracted for good behavior. A final bill which is pertinent to the maximum term set by adult standards concerned the possession of marijuana on school grounds. Although an adult would not be subject to imprisonment for this offense, introduced legislation would have allowed for the secure detention (for up to 10 days) of a minor made a ward of the juvenile court for this offense. This bill was not enacted.

2.5.2.13 Alternative dispositions for 602 wards: The dispositional alternatives of restitution, uncompensated work programs, shelter care, and professional counseling for 602 wards were provided by AB3121. Introduced legislation would require a juvenile court judge to consider restitution as a condition of probation and would require probation to include in their petition report a determination of whether a fine was appropriate and a recommendation as to whether the minor should

make restitution to the victim as a condition of probation. While this legislation was enacted, the sections pertaining to juvenile offenders were deleted from the final version. Other legislation in this area stipulated that if a WIC 602 ward violates conditions of wardship, new or modified conditions may be imposed including the removal of the ward from parental authority for up to 30 days with no other stipulation except the violation of wardship conditions. This bill did not pass.

2.5.2.14 Youth Authority return of commitments to court: According to AB3121 the Youth Authority may return those youths that it considers unsuitable placements to the committing court, but the court may then recommit these youths to the Authority. Introduced legislation that failed to be enacted confirmed the Youth Authority's prerogative to return youths to the committing court for a rehearing but expressly did not relieve the Authority of its responsibilities for the youth until the order is vacated.

2.5.2.15 Informal probation only with minor's consent: No changes were suggested to the AB3121 provision that required the minor's consent for informal probation.

2.5.2.16 Lack of appropriations: This facet of AB3121 was subject to several attempts at revision. In late 1976 the primary author of AB3121 introduced a bill that allocated reimbursement for AB3121 costs. The third amended version of this bill (AB90) incorporated a large-scale system of state subventions to counties for a variety of programs, some unrelated to AB3121. However, a separate allocation for the reimbursement of AB3121 costs was preserved until the final enacted version of the bill. The reimbursement provision of AB90 was transferred to legislation that was being discussed simultaneously. This bill, AB84, contained a series of purely technical amendments until the final version incorporated the reimbursement of AB3121 costs. AB84 was enacted and allocated $18 million in

reimbursement for AB3121 costs incurred from January 1977 through June 1978. Legislation that would have appropriated funds for AB3121 reimbursement beyond the June 1978 cutoff date for AB84 funds was not heard in committee at the request of the bill's author. While the direct reimbursement for AB3121 costs was transferred from AB90 to AB84, AB90 was clearly designed to fund AB3121-mandated programs (including alternative facilities and programs for status offenders as well as services and programs provided by the courts, district attorney, public defender, and probation department) on an ongoing basis.

Other legislation related to AB3121 financing changed the reimbursement procedure established by AB84. AB2091, which was enacted, and also authored by AB3121's primary author, stipulated that claims approved by the State Board of Control should be forwarded to the State Controller for reimbursement. While this modification was more technical than substantive in nature, other provisions referred to AB90 programs.

2.5.2.17 Technical changes: AB84 has already been mentioned above as legislation concerned with technical changes. An additional bill, introduced into the Senate and eventually enacted, made several other technical changes including the repeal of several WIC sections with identical counterparts. One final piece of legislation was considered technical because no substantive changes in AB3121 provisions were suggested. An Assembly Concurrent Resolution was adopted by both legislative bodies which acknowledged the good faith efforts of counties that had not been able to comply with the provisions of AB3121 and expressed the intention that full compliance should be achieved no later than July 1, 1977.

To summarize, all the legislation that was introduced in the legislative session subsequent to the enactment of AB3121 has been described. The legislation that is relevant to AB3121 domain issues has been identified. Armed with this information, it is now possible to assess the predictions to the corrective

legislation that resulted from the application of the Teilmann/Klein framework to the provisions of AB3121.

2.6 Assessment of the Predictions to Corrective Legislation

Three provisions were predicted as most likely to undergo attempts at legislative modification: lack of appropriations, non-detention of status offenders, and the terms of physical confinement/length of juvenile court and Youth Authority jurisdiction. The description of the AB3121-relevant legislation indicated that these three provisions generated the greatest amount of legislative activity. Five introduced provisions (in four bills) referred to either the issue of physical confinement or length of jurisdiction. Four pieces of introduced legislation involved the lack of appropriations in AB3121. Three bills were introduced that suggested changes in the AB3121 provision that prohibited the secure detention of status offenders. The framework correctly predicted the lack of appropriations feature of AB3121 as the most conflictive, followed by the status offender provision and then the physical confinement and jurisdictional limitations; overall, predictions from the framework to the generation of legislative change were quite successful.

A second avenue of inquiry involved predicting which provisions of AB3121 were least likely to be subject to alteration. The framework predictions listed in Section 2.3 identified three provisions that were expected to generate no conflict: the home supervision program, purpose of the juvenile court, and the evidentiary rule and specification of felony/misdemeanor.

The review of the introduced legislation in the prior section indicated that there were no attempts to modify four provisions of AB3121: the specification of curfew as WIC 601, the role of the prosecuting attorney in juvenile court, the requisite of the minor's consent for informal probation, and the rules of evidence and felony/misdemeanor specification. Thus, only the last provision

indicates success of the framework in predicting no change. The three other provisions which generated no attempts at modification were predicted as conflict-generating provisions, although to a much lesser degree than the highly conflict-producing provisions discussed above.

Table 3 lists the AB3121 provisions with their rank order predictions for modification based on the application of the framework from high (8) to low (1) and the number of provisions introduced during the next legislative session that attempted to modify some facet of the AB3121 provision.

In summary, the framework appears to be reasonable successful at predicting legislative provisions that are most likely to undergo modification, but somewhat less successful at the opposite end of the continuum--the prediction of no change. However, a major limitation of this analysis is the failure to look at magnitude of change. The indicator of legislative change in this analysis was a simple count of the number of introduced provisions which referred to the AB3121 domain issue in some way. A more sensitive indicator which took into account the magnitude and type (whether the provision introduced changes that were truly corrective to AB3121) of change suggested would likely yield a better test of the predictive utility of the Teilmann/Klein framework.

Table 3

AB3121 Provisions with Framework Rankings and Attempts at Modification

AB3121 Provision	Framework Prediction Rank	No. of Attempts to Modify
Lack of appropriations	8	4
No secure detention for status offenders	7	3
Limits on physical confinement & jurisdiction	6	5
Criteria for detention	5	1
Criteria for remands to adult court	5	2
Qualifications for referees; judges in juvenile court	4	2
Curfew as WIC 602	4	0
Petition filing; review of decision	4	2
Prosecuting attorney & juvenile hearings	4	0
C Y A return of commitments	4	1
Minor's consent for informal probation	3	0
Probation officers and special programs	2	3
Dispositional alternatives - 602 wards	2	2
Program of home supervision	1	2
Purpose for juvenile court	1	1
Evidentiary rules; felony specification	1	0
Technical	-	3

3. Legislative Corrections

This section of the report further investigates the process of correcting legislation by describing the development and modification of three bills that attempted to change different provisions of AB3121. In an earlier section, it was concluded that the public input in the form of opinion expressive letters did not substantially influence changes in the content and the final form of AB3121. However, predictions of attempts by legislators to correct AB3121 were based on the Teilmann/Klein framework with the assumption that conflict generated within justice system sectors would result in attempts to modify the conflict-producing provisions of the bill. The framework was somewhat successful in predicting corrective attempts related to the most conflict-producing provisions. In this section, the content of opinion expressive letters will be examined in order to assess the effect of this form of input into legislative modification.

Three post-AB3121 bills will be used as case studies in the corrective process. Two of these bills were selected because they represented attempts to correct provisions of AB3121 that were among the most conflict-producing sections identified by the framework. AB958 concerns the prohibition of the secure detention of status offenders. Focused on the more pragmatic than substantive issues of financing, AB90 was introduced in order to provide reimbursement of AB3121 costs to county governments. The third bill, AB953, was selected because it attempted to correct a provision that appeared unlikely to produce conflict--the role of probation officers regarding special programs for juveniles. Thus, the three bills range in content as well as in the degree to which they are likely to elicit controversy.

Our procedure here is similar to that in the prior section of the AB3121 legislative process (Section 1). The public input which preceded the introduction of the bill will be described prior to the presentation of the content of the introduced versions. The character of the opinion-expressive letters and subsequent modifications of the content of each bill will be used to assess the effect of this form of input on the corrective process.

The content of the letters will be explored for one further purpose. Our framework predictions (Section 2) were based in part on the characteristics of the legislation and projections of its reception by practioners. The contents of the letters will be reviewed for verification of framework elements. For example, philosophic resonance of practitioners appeared to be an important factor in predicting corrective legislation by applying framework elements to AB3121. Opinion-expressive letters offer an opportunity for practitioners to communicate philosophic resonance or dissonance to legislators. Position statements in the letters could provide an independent source of verification for the framework predictions.

3.1 The Development of AB958

The presentation of the legislative processing of AB3121 (Section 1) indicated that the status offender sections were controversial. The bill was amended from the Juvenile Conciliation Court which would have provided a more informal atmosphere for the processing of status offenders to the Youth Status and Services Act which essentially decriminalized status offenses and mandated the provisions of various services to non-criminal offenders. Eventually, both the Youth Status and Services Act and the Juvenile Conciliation Court concepts were displaced by the prohibition of secure detention of status offenders. This provision of

AB3121 took its final form on the virtual eve of its passage.[14] There was little time for system actors to react to the final version. The final decision point was the Governor's office. However, the few letters that were addressed to the Governor requested his signature.[15] The Governor signed AB3121 into law on September 20, 1976; the bill went into effect on January 1, 1977.

Within the first few months of the bill's enactment, the status offender provision generated a great deal of controversy. Several law enforcement officials contacted legislators with copies of police reports documenting their frustration at being unable to detain runaways in secure facilities. A juvenile court referee detailed the case of runaways from non-secure facilities within the first month of AB3121's enactment and inserted the plea: "Won't you come to the aid of these children?"

On January 19, 1977, Dixon wrote the Governor's Legal Affairs aide, Anthony Kline, regarding the political pressure to change the status offender section of AB3121. He enclosed several new articles documenting adverse public opinion and referred to pressure experienced by other legislators as well. Dixon identified law enforcement personnel as the source of the negative reaction:

> Much of this is a result of the way the law is being implemented and explained by law enforcement personnel. As you know, there are many in law enforcement who don't care for this section of the bill, and in some cases, I understand that they are telling concerned parents and other community people that they don't bother to pick up runaways because there is nothing they can do with them under the new law. That people should contact their legislators since they are the ones who passed the law. In some cases law enforcement is trying to skirt an issue that they philosophically oppose. . .

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[14]The Conference Committee adopted the version containing the non-detention provision on August 30; the bill was passed by both houses on August 31.

[15]On the other hand, there was little doubt that Governor Brown would sign the bill as one of his aides had been instrumental in hammering out the final version.

Dixon indicated that he was considering adjustments to the bill and suggested a meeting with the Governor's aide, the Director of the Youth Authority (Pearl West), Assemblyman Sieroty, and the Los Angeles District Attorney. At the end of January, Dixon wrote his colleagues with a "sample constituent letter" to aid in answering constituent and communities' inquiries. In his letter, Dixon outlined some misconceptions about the bill, the purpose of the bill, what the status offender section does and does not do as well as several problem areas. He also mentioned that he was involved in discussions regarding changes in the status offender sections.

Within the next few weeks, Dixon wrote another letter to 18 of his colleagues listing several problem areas not adequately handled by AB3121. Dixon stated that he was planning to submit a bill to deal with status offenders. During this period, Dixon also contacted a variety of justice system actors with the same list of problem areas, soliciting suggestions.[16]

The first area was that of chronic runaways. Juveniles who had previously fled court placements or non-secure facilities required secure detention until otherwise placed. Second, temporary secure detention was necessary for warrant searches and the location and return to parents. Third, several types of status offenders required special attention and secure detention was necessary in order to provide treatment. These "special 601" included juveniles with drug-related or mental health problems, potential suicides, and victims of sexual exploitation. Finally, detention facilities would have to be modified or constructed to house status offenders separately from criminal offenders.

On March 1, 1977, Dixon sent the amendments to AB3121 to all members of the Assembly Criminal Justice Committee for their review. These amendments included

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[16]Recipients of these solicitations included a juvenile court referee, a legal services advocate, and several juvenile court judges and probation personnel.

solutions to each of the above problem areas and will be discussed in detail as the first version of AB958. The above information indicates that Dixon made extensive overtures to involve both legislators and justice system practitioners in the initial content and development of AB958. Accordingly, he also attempted to influence the outcome of rival bills. Shortly after AB3121 went into effect Assemblyman McAlister introduced AB706, which allowed for unlimited secure detention of status offenders. In early March, Dixon wrote to Assemblyman Maddy, Chairman of the Criminal Justice Committee regarding McAlister's bill, charging that it would endanger federal funds through lack of compliance with the Juvenile Justice and Delinquency Prevention Act of 1974.[17] Dixon indicated that he was already discussing amendments to the status offender section of AB3121 that were ". . . practical as opposed to simply attitudinal." This letter also was sent to all members of the Assembly Criminal Justice Committee with some apparent success; AB706 never passed through the Criminal Justice Committee. In a letter written several months later to the ex-director of the CYA, Alan Breed, Dixon expressed his motives in introducing AB958:

> While I would prefer to let the new law work a while longer before contemplating any changes, circumstances show that if I do not take what I consider to be a rational approach to the amending of AB3121, another member or members will do something more drastic. Much pressure has been placed on them by their constituencies, and I believe that only my word that I would try to work something out has kept the more severe amending of the law, including full repeal, from happening.[18]

Dixon introduced AB958 into the Assembly on March 16, 1977, a mere ten weeks after AB3121 went into affect. The bill targeted three types of status offenders for secure detention for varying time periods, prohibited contact between status

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[17]The Juvenile Justice Act set a standard of a maximum time of 24 hours of secure detention for status offenders.

[18]It is interesting to note that during this period, Dixcn was heard to say that amendments of the status offenders section of AB3121 were anticipated prior to its passage.

and criminal offenders in secure facilities, and appropriated an unspecified amount of money to cover costs. The types of status offenders and respective detention periods are detailed in Table 4 which also documents the changes that occurred in the content of AB958 prior to its passage. According to the introduced version, 48 hours temporary secure detention was allowed for warrant checks and for the return of status offenders to their parents. If the minor had previously fled a non-secure facility, secure detention was allowed until the minor was otherwise placed. Finally, if the probation officer determined that the minor was a danger to self due to drugs, alcohol, or school-related problems, or was potentially suicidal, secure detention was allowed until the detention hearing. Following a similar determination by the court, danger-to-self minors could be detained securely with no time limitation specified.

Table 4 indicates that, unlike AB3121, AB958 did not undergo massive changes in content. With the exception of the final amended version, AB958 remained intact, with the amendments adding more specificity to time limits and recordkeeping. The bill was passed by the Assembly Criminal Justice Committee on May 3 by a 6-1 margin with only one change. Version 2 differed from the introduced version only insofar as it allowed secure detention until the court ruling on a WIC 601 petition, if the minor had previously failed to appear at a court hearing. The bill was then referred to the Assembly Committee on Ways and Means and passed with a 14-1 margin, requiring no further modification.[19] On May 27, the Assembly voted 62 to 9 in favor of AB958.

[19] All introduced bills are subject to consideration by a policy committee and a finance committee in each house. Characteristically, an Assembly bill concerning criminal justice matters will be assigned to the Criminal Justice Committee and the Committee on Ways and Means. If the bill passes successfully through both Assembly committees and is passed by the entire Assembly, it is referred for consideration to the Senate Judiciary Committee and the Finance Committee before it is considered by the full Senate. If amendments have occurred in the Senate, the bill returns to the Assembly for a concurrence vote. The process is similar for Senate bills. If the house of origin fails to concur with the amendments, a Conference Committee composed of members of both houses is appointed in an attempt to reach agreement on the bill's content. Finally, the version is returned to both houses for a final vote.

Table 4

The Content of Each Version of AB958

	Version 1	Version 2	Version 3	Version 4	Version 5
Specified circumstances and time limitations for secure detention of status offenders	Up to 48 hours for warrant search.	No change	Up to 12 hours for warrants.	No change	No change
	Up to 48 hours for return to parents.	No change	Up to 24 hours for return of county residents; up to 48 hours for return of non-county residents.	No change	Up to 24 hours for return to parents; up 72 hours for return due to great distance, difficulty in locating parents or resources.
	Until other placement, if minor has previously fled non-secure facility.	No change	Maximum of 45 days (in 15 day intervals) for previously fled minors.	No change	Deleted
	Until detention hearing, if minor is danger to self due to drug, alcohol, or school-related problems, or is potentially suicidal.	No change	Same, but adds that detention should be in appropriate medical or mental health facility, if available.	No change	Deleted
	(No limit specified), if court determines minor is danger to self due to drug, alcohol, or school-related problems, or is potentially suicidal.	No change	Maximum detention period of 60 days (in 30 day intervals).	Minor change in procedure - same time limits and circumstances.	Deleted
		Until court ruling on petition if minor previously failed to appear at hearings.	Change to: until detention hearing. Same circumstance.	No change	Deleted
No mingling of 601s & 602 in facilities	Prohibits contact between status offenders (WIC 601) and criminal offenders (WIC 602) in secure facilities.	No change	No change	Changes "secure facility" to "juvenile hall."	No change
Records			Requires counties to keep and report to Youth Authority on detention place, length & cause. detention.	Adds prohibition for YA to disclose personally identifying information about retention.	No change
Allocation	Appropriates unspecified amount.	No change	No change	$8,700,000 is appropriated to the State Controller but expenditures must be approved by Youth Authority.	Allocation reduced to $1,500,000 appropriated to Youth Authority for capital costs.
Legislative Intent				States legislative intent to establish statutory jurisdictional basis for secure detention of status offenders. Purpose is to provide court with alternatives for responding to adults.	Deleted; add legislative intent that 1) appropriations are one-time grant and not reimbursement for costs, 2) implementation is at option of local entity and is therefore ineligible for reimbursement and 3) this act restores to local entities the ability to provide secure detention under specified conditions for WIC 601s.

The bill was then read in the Senate and referred to the Judiciary Committee where it was amended on August 16. (See Version 3 on Table 4). These modifications involved further specificity in the time limitations on secure detention for various circumstances. Temporary detention was limited to 12 hours for a warrant search, to 24 hours for location and return to parents of a county resident and for 48 hours for the return of an out-of-county resident. A maximum of 45 days (with a court review every 15 days) was established for minors who had previously fled non-secure facilities. Whereas a minor who was determined by a probation officer to be a danger to self could still be detained until the detention hearing, the third version added the directive that detention should be in an appropriate medical or mental health facility if available. A court determination of such a minor as a danger to self would allow detention up to a maximum of 60 days (in 30-day intervals). Secure detention on the basis of a previous failure to appear at a court hearing was limited to the detention hearing. The only modification made at this time which did not increase the specificity of time limitations required counties to keep and report to the Youth Authority records on each minor detained, including the place of detention, length of time detained, and cause for detention. This version passed the Senate Judiciary Committee (5 ayes; 1 nay) and subsequently was referred to the Senate Finance Committee.

AB958 was heard in the Finance Committee on August 31 and failed passage. As is customary, reconsideration was granted to Dixon. Within a week, Dixon modified the bill. Table 4 shows that there were no changes in the time limitations for secure detention. The prohibition of comingling status with criminal offenders in secure facilities was modified only slightly by replacing "secure facility" with "juvenile hall." The Youth Authority was prohibited from disclosing any personally identifying information from the detention records. Over eight and one-half million dollars ($8,700,000) were appropriated to cover the

costs of implementing the legislation (a description of the legislative cost analyses appears shortly). The final modification includes the addition to the bill of a statement of legislative intent to establish the statutory jurisdictional basis for secure detention of status offenders. The stated purpose was to provide the court and other authorities with alternatives for "responding to circumstances created by the actions of a minor that are, to the extent appropriate, comparable to alternatives for responding to like circumstances created by the actions of an adult." This statement indicates that the bill's purpose was to return to legal codes that were somewhat similar to pre-3121 law; the bill allowed for more than temporary secure detention albeit with time and circumstantial limitations. It is interesting to note that the AB3121 modifications to the status offender provisions focused on delivery of services to non-criminal offenders and the appropriate context for that service delivery (i.e., a conciliation court or non-secure runaway houses). AB958 and its modifications were concerned solely with the issue of control of status offenders in secure facilities and not at all with the delivery of services or treatment to these youths.

In Section 1 concerning the development and response to the versions of AB3121, a description of each version was followed by a presentation of the nature of the public input as represented by opinion-expressive letters written in response to that particular version. In this section, we have deviated from this procedure for a number of reasons. Table 4 and the above description indicates that the content of AB958 did not vary substantially from one version to the next. The group of letters that expressed opinions on AB958 focused on the issue of secure detention of status offenders in general, or detention under specific circumstances, but these issues did not vary from one version of the bill to the next. Potentially, the nature of the changes of AB3121 could have

produced sharp swings in position within the different practitioner or governmental sectors between different versions. As the content changed from one version to the next, it was expected that the issues as well as the positions expressed would change accordingly. Since the changes made in AB958 were not issue-oriented, reviewing the content of opinion-expressive letters by version appears inappropriate. We will, however, analyze them in aggregate.

A brief analysis of the organizational affiliation of the author and the date the letter was written (shown on Table 5) establishes that the overall positions of the sectors remains constant over the different versions. The number of letters written during each time period increased for each period with the exception of a sharp drop in letters during the Version 3 time period. For the first two time periods, the letters were running about two to one in opposition to the bill, but a large influx of supporting letters from the educational arena during the last period increased the overall percentage of supportive letters to 46 percent (versus 54 percent largely negative letters).

Table 5 also indicates that social service agencies were responsible for the highest proportion of letters written in response to AB958; these letters were, with one exception, uniformly negative. These agencies tended to oppose secure detention for status offenders under any conditions and support the provision of alternative services and treatment for 601's. The arena with the second highest proportion of letters was county government; these letters were evenly split between support and opposition, with opposition stemming from a concern for potential costs incurred because of increased detention as well as construction costs mandated by the separation directive. The supportive letters identified positive aspects of secure detention for status offenders. The third group that wrote a relatively high volume of letters came from the educational arena; these letters were largely positive and particularly supportive of secure detention for minors who created problems in school. The justice system sectors

Table 5

Overall Position by Organizational Affiliation of Authors for Each Version of AB958 (from Letters)*

	Version 1			Version 2			Version 3			Version 4			
	+	-	Total	+	-	Total	+	-	Total	+	-	Total	
Law Enforcement	2	-	2	-	-	0	-	-	0	1	-	1	3
Probation	-	1	1	-	-	0	-	-	0	-	1	1	2
Attorney	1	1	2	1	1	2	-	-	0	1	1	2	6
Court	-	-	0	-	-	0	-	-	0	-	-	0	0
Social Service	-	4	4	-	4	4	-	1	1	1	5	6	15
Educational	1	0	1	-	-	0	-	-	0	9	1	10	11
Citizen Group	-	2	2	1	1	2	-	-	0	-	-	0	4
City Government	-	-	0	1	-	1	-	-	0	-	-	0	1
County Government	-	1	1	3	5	8	1	-	1	2	1	3	13
Other	-	-	0	1	2	3	1	1	2	-	1	1	6
	4	9	13	7	13	20	2	2	4	14	10	24	61

* Each version represents the time period for letters received from the date the change was made until the date of the subsequent modification

of law enforcement and probation wrote relatively few letters (law enforcement was supportive, probation in opposition). The six letters from attorneys or representing attorney organizations split on the issue.

Taking all the letters together, the most commonly raised issue was secure detention for status offenders, under specific conditions. The letters were slightly more likely to be supportive rather than in opposition to conditional detention. On the other hand, the letters were much more likely to express negative rather than positive opinions about secure detention of status offenders in general and to support shorter periods of secure detention. There was a substantial concern for the impact of AB958's provisions on the target population (status offenders); the letters were twice as likely to perceive a negative impact rather than a positive impact on offenders. Finally, the provision of alternative services to WIC 601's was supported with only one exception.

These letters, 61 in number, were written in response to any one of the first four versions of the AB958. There was a fifth and final version that was presented by Dixon to the Senate Finance Committee for reconsideration on August 23, 1978, almost one year after the Committee had failed to pass the bill. One of the issues that was instrumental in the Senate Finance Committee's negative approval of AB958 was cost. The first cost analysis conducted by the Department of Finance in May of 1977 projected a $1.4 million cost to counties for capital construction of separate detention facilities and $560,000 annual cost of maintaining 601 juveniles in secure facilities. On August 26, 1977 (prior to the Senate Finance Committee's vote to fail passage) the Department of Finance issued another cost analysis with figures updated by additional information from a survey of 37 counties. This analysis projected a $10,674,000 cost for 1977-78 (roughly $7.9 million for capital outlay), $5,210,000 for 1978-79, and $7,822,000 for $1979-80. The projected costs over the first three years of

enactment summed to almost $14 million, a significant increase over the prior analysis. There was also a growing concern over the potential loss of federal funds due to AB958. With the elimination of the secure detention of 601 minors by AB3121, California became eligible for federal funds ($3.4 million in 1977) under the 1974 Juvenile Justice Act. Inquiries to LEAA on this matter were met with the response that passage of AB958 could cause non-compliance with the federal legislation and guidelines, and would jeopardize these funds.

In addition to the loss of federal funds, legislators also expressed concern for AB958 provisions that included long or unlimited detention.[20] In the early part of 1978, Dixon began working with OCJP (Office of Criminal Justice Planning) to draft amendments that would bring AB958 more in line with federal law and shorten time limits in the bill.

In August of 1978, Dixon scheduled AB958 to be heard in the Senate Finance Committee. It is not clear why Dixon waited until the last minute (committees must defeat or pass out bills to be decided on by an August 31 deadline) to revive AB958. One knowledgeable source advanced the opinion that Dixon had simply lost interest. In June, he had won a tough primary campaign for a West Los Angeles Congressional seat and he was assured of victory in November. It appeared as if Dixon decided, at the final hour, to reshape AB958 to accommodate his view of the interests that needed to be served. Dixon's final position on AB958 undoubtedly was influenced by the information from Anthony Kline (referred to in prior sections as Governor Brown's Legal Affairs Aide) that the Governor would resist a detention bill with an $8.7 million price tag that would also terminate $6 million in federal funds.[21] Kline, the California Youth Authority, and the

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[20]This information is from a letter Dixon wrote to the President of the Peace Officer's Association in response to a letter of support for AB958.

[21]Amounts differ due to the different sources from which information is derived.

Office of Criminal Justice Planning persuaded Dixon to bring the bill into compliance with the federal 24-hour detention standard. According to one source, the legislative advocate for the Los Angeles District Attorney, Doug McKee, "walked out of the meeting where the compromise was reached; all he wanted, he had said, was a nice long period to hold kids for running away from home, something like 45 days."

The final modifications to AB958 permitted up to 24 hours for return to parents (or up to 72 hours under special circumstances of particular difficulty to locate or return cases). The 12-hour limit for warrant searches was preserved from earlier versions. All other circumstances for detention, including the danger to self condition and reference to those minors who had previously fled or failed to appear, were deleted.

The Senate Finance Committee reconsidered AB958 in the above form on August 21, 1978. Several representatives of youth coalitions, advocates, and social service agencies still opposed a bill that contained provisions for secure detention for any period. Also in attendance at the Finance Committee hearing were the proponents of long-term detention, including Judge Peter Smith, a juvenile court judge from Los Angeles, Doug McKee, and Rod Blonien, a lobbyist for the California Peace Officer's Association. Several of these individuals had drafted their own amendments to AB958, an option that any advocate has; if the author will not incorporate the amendment into his bill, the advocate may ask the Committee to impose the amendment on the bill.

Dixon presented his amendments to the Committee around 10:00 PM stating his neutral position on any amendments offered in addition to his own. After some discussion by Committee members (including complaints about the lack of a cost analysis on the new form of the bill) the Committee chair, Albert Rodda, ruled that the Committee would accept no amendments other than the author's

and that testimony would be limited to one speaker on each side. The Director of the National Center for Youth Law, Peter Bull, delivered the opposition statement while Blonien made the proponents' statement. The committee then voted seven-to-five in favor of the bill.[20]

Four days later, on September 1, the Senate, working beyond the constitutional deadline, voted on AB958. There was still a lot of controversy about even this limited version of the bill, including challenges on the 12-hour hold for warrant checks. The final vote was close--a bare two-thirds majority with no votes to spare. On the same night, the Assembly voted unanimously to concur with the Senate's amendments.

In summary, the changes in the content of AB958 from the introduced version to its final form appear to reflect the positions and concerns expressed in public letters as well as the input from the legislative sphere. The opinion-expressive letters indicated support for secure detention under limited circumstances for short periods; AB958 was revised to allow detention only in very specific circumstances for increasingly limited time periods. The legislative concern for potential loss of federal funds was obviated by decreased detention periods.

3.2. The development of AB90

The second bill selected for an in-depth analysis of corrective legislation was AB90. Cost was a consideration in the final stages of the amending of AB3121, but its final form stated that costs incurred by implementation of the bill did not exceed savings, thereby requiring neither an allocation nor reimbursement to counties. Long before the January 1, 1977 implementation date for AB3121, county governments began expressing their concern over incurring substantial costs from

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[22] Seven votes were needed to pass the bill out of committee. Senator Rodda cast the deciding vote.

the bill's programs. By mid-November of 1976, Dixon received input that several counties' Boards of Supervisors were considering legal action. Copies of several county resolutions to this effect began reaching Dixon's office by early December. Counties also requested that implementation be deferred for six to nine months to allow for further preparation. In addition, the Department of Finance issued its estimate of the costs mandated by AB3121 at the end of November. According to this estimate, local government entities would incur costs of approximately $1,329,000 in fiscal year 1976-77 and $2,658,000 annually thereafter.[23]

Dixon requested a meeting with Anthony Kline to discuss the financial implications of AB3121 and on December 20, 1976, he introduced AB90 into the Assembly. Thus, long before AB3121 went into effect, efforts were being made to correct at least one of its perceived shortcomings (i.e., the failure to finance its implementation adequately.).

The introduced version of AB90 authorized the reimbursement to counties for costs (net of savings) incurred between January 7 and June 30, 1977 for the implementation of AB3121-mandated programs (refer to Table 6). The amount of money targeted for reimbursement was not specified in the first version. The bill was referred to the Assembly Committee on Revenue and Taxation and considered on January 21, 1977. On this date, AB90 was amended to allocate $1,329,000 for the reimbursement of AB3121 costs. The Department of Finance issued a cost analysis

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[23]The sources of costs were for district attorney's filing 602 petitions and court appearance, fitness hearings (district attorney, public defender, plus general court costs), increased adult court trials (jail detention, juries, plus general court costs), and annual follow-up reports for minors on informal probation. Sources of savings were in probation due to district attorney filing and appearing in 602 hearings and from home supervision program replacement of juvenile hall detention. The analysis also projected a $300,000 annual savings due to the prohibition of secure detention of 601's, but assumed this figure could be easily offset by the need to establish alternative facilities and programs for their care.

Table 6

The Content of Each Version of AB90

	Version 1	Version 2	Version 3	Version 4	Version 5	Version 6	Version 7	Version 8
AB3121 Reimbursement	Authorizes the reimbursement to counties of AB3121 costs (net of savings) 1/1/77 & 6/30/77 (amt. unspecified).	Same as V1; Allocates $1,329,000 for reimbursement.	Extends time period from 6/30/77 to 6/30/78; increases Allocation to $18 million.	Same as V3, adds specification of 601 alternative programs (previously securely detained) as potential losts	Same as V4	Same as V4	Same as V4	Delete reimbursement.
Subvention Program			Repeal probation subsidy; replace with subvention program tied to base commitment rate covering: a) delinquency prevention b) various detention/treatment facilities, group homes and c) administering JJS. YA to administer subventions, inspect facilities. Subventions include non-secure facilities, alternative treatment facilities and home supervision programs encouraged by AB3121. Total allocation becomes unspecified.	Same as V3; creates a County Justice System Advisory Group to recommend to Board of Supervisor funding and specifies composition; requires evaluation.	Same as V4; total Allocation is $64,538,000.	Deletes administration of JJS as an activity covered by subvention program; amount allocation raised to $73 million; expand to adult correctional programs; rest is same as V5.	Requires annual report to legislature; adds specification that subvention should cover AB3121 programs by providing courts, D.A., P.D. and probation; rest same as V6.	Appropriation reduced to $55 million.

on February 14 that supported the bill, and suggested only minor changes.

Passage of the bill appeared assured, but no further action was taken until the end of April, when the bill was withdrawn from the Revenue and Taxation Committee. By May 2, major modifications in the bill had taken place and it was referred to the Assembly Criminal Justice Committee. The third version retained the provision for AB3121 reimbursement with some modification. These changes included the extension of the time period for reimbursement from June 30, 1977 to June 30, 1978 and increased the allocation to $18 million. The character of AB90 had changed so radically that the reimbursement feature became a relatively minor part of the bill. The most substantial revision in the May 2 version concerned the repeal of the probation subsidy program.[24] In addition, AB90 repealed the provisions for the state subsidy or assistance in the costs of maintaining and constructing juvenile homes, ranches, and camps. Both subsidy programs were replaced by a county justice system subvention program. Rather than state funds going to intensive supervision programs within probation departments, subvention funds, administered by the California Youth Authority, could be spent on a variety of activities and/or programs. These included (1) improving the community justice system services offered by probation, law enforcement, and public and private agencies, (2) operation of delinquency prevention programs and providing public education regarding delinquency prevention, (3) operating youth facilities (non-secure detention facilities, shelter care, and crisis resolution homes, counseling

[24] A bill analysis by the Assembly Committee on Criminal Justice provides a succinct description of the probation subsidy program: "Probation subsidy provided state funds (approximately $19 million) to counties for the development and implementation of intensive supervision programs. The original theory behind the program was an attempt to induce counties to develop local programs for some juvenile and adult offenders rather than the commitment of these offenders to state institutions. The state cost savings would be passed to the counties to pay for the new programs. The funds for these programs are dispersed to probation departments according to their level of commitment reduction to state institutions based upon commitment performance levels."

and educational centers, and juvenile home supervision programs) contemplated by AB3121, (4) maintaining county juvenile homes, ranches, camps, or alternatives for juvenile court, and (5) administering the juvenile justice system. Receipt of subvention funds was based on a performance standard.[25] In order to qualify for funds, the county was required to keep its state commitments within its average commitment rate of 1973-76. The counties' Boards of Supervisors were charged with the determination of how funds were spent, after "seeking advice" from the presiding superior court judge. At this time, the additional allocation for subventions program portions of the bill was unspecified (refer to Table 6 for the content of each version).

The question as to why Dixon took on the major revamping of the massive state subsidy program, attaching it to the AB3121 reimbursement bill at some risk, was answered by a legislative official. Apparently, Governor Brown was "locked in a meeting with law enforcement officials" in early Spring of 1977 and subsequently, told the Youth Authority to draft legislation to "get rid of probation subsidy." The program was criticized on the basis that (1) the funding was based upon early 1960 criteria that were inadequate to meet more current costs, (2) the funding was unstable because it was based upon an annual performance factor, and (3) funding should not be related to a decrease in court commitments to state institutions. Furthermore, the program was attacked for trading "the welfare and safety of its citizens for financial gain to local jurisdictions." The Governor and his aide persuaded Dixon to carry the probation subsidy revision as part of the AB3121 reimbursement bill.

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[25] State institution commitments of the previous three years as compared with commitments of the current year were to provide the base for the performance factor. Calculation of the standard excluded commitments for specified felony violent crimes.

The subvention/reimbursement bill was modified further in the Assembly Criminal Justice Committee. The provision of alternative services for previously detained status offenders was specified as a potential cost that was reimbursable by AB90. This version also created a County Justice System Advisory Group to make recommendations to the County Board of Supervisors regarding the funding of local programs. In addition, an evaluation of program effectiveness was mandated. The Criminal Justice Committee unanimously passed the bill on June 6 and referred it to Ways and Means. An allocation of $46,558,000 for the probation subsidy portions was set while the AB3121 reimbursement remained $18 million for the 18-month period specified in the third version (AB3121 costs incurred after June 30, 1978 would be reimbursed as part of the proposed subvention program). This fifth version of AB90 was passed by the committee (17 Ayes; 1 Nay) on June 22. Two days later, the Assembly voted 73 to 4 in favor of passage. The Senate Judiciary Committee passed the bill (6 Ayes; 1 Nay).

The bill was amended for the sixth time on August 17. The reimbursement sections were retained without modification, but several changes were made in the subvention program. The administration of the juvenile justice system was no longer an activity covered by the subvention program, but adult correctional programs were now included. Finally, the allocation for the subvention program was raised to $55 million. These amendments were passed by the Senate Finance Committee on September 6, 1977.

The September 7 version (number 7) made several technical changes related to clarifying and eliminating incorrect reference. An annual report to the legislature on county expenditure of subvention funds was required. One of the clarifying changes involved the specification that subventions would cover AB3121-mandated programs provided by the district attorney, public defenders, the court, and probation. These changes resulted from hearings in the Senate Finance Committee.

Before the bill went to the entire Senate for a vote, the AB3121 reimbursement sections were deleted. According to a statement by Dixon, the need to free the $18 million from the total AB90 allocation so that counties could receive reimbursement for state-mandated programs made it necessary to amend the $18 million into another bill. This bill (AB84) subsequently passed on September 15 and was signed into law as Chapter 1241 of the 1977 statutes.

The final amended version of AB90 surfaced on February 2, 1978. This version reflected the deletion of the reimbursement section and set the total AB90 annual allocation at $55 million. The Senate passed AB90 in this form on March 9 (27 Ayes; 1 Nay). The bill was returned to the Assembly where concurrence in the Senate amendments was pending consideration by the Assembly Criminal Justice Committee. This committee voted five-to-one to recommend that the Senate amendments be accepted. On April 27, the Assembly voted to concur (72 Ayes; 1 Nay). The Governor approved AB90 on July 6, 1978 and the subvention program was enacted immediately.

AB90 was selected as corrective legislation due to its provision of reimbursement of AB3121 costs. The content or intent of AB3121 was never at issue over AB90. Prior to the inclusion of the subvention sections, AB90 was a reimbursement bill only. In the final stages, this reimbursement had to be transferred to another bill in order for counties to be reimbursed more quickly than seemed viable in conjunction with the subvention concept. The subvention program has relevance to AB3121 in that it provided for ongoing funding of programs mandated or encouraged by AB3121 (of course it also provided funding for activities and programs not relevant to AB3121). However, our primary interest in AB90 was as a reimbursement bill; the inclusion of the subvention program into AB90 was not in reaction to AB3121 but at the request of the Governor.

With this in mind, the letters written expressing opinions about AB90 will be described briefly. Of the 39 opinion-expressive letters written over the entire processing period, only four were written prior to the inclusion of the subvention program. Three of these were from county government officials; all were in support of the bill.

Forty percent of all AB90 letters were written directly following the inclusion of the subvention program. One-third of these letters were from county government officials and another one-third were from probation officials. With one exception, the overall position stated by these letters was in opposition to the bill. Most of the letters written subsequent to this group were also negative; in fact, three-fourths of all the letters expressing opinions about AB90 were in opposition. County officials were most likely to express opinions about AB90; almost half of all the letters were written by county representatives.

Not surprisingly, the issue raised most often in the letters was the monetary considerations implied by AB90; 23 of the 24 letters mentioning this issue expressed opposition to the fiscal implications. Most of the letters received after the inclusion of the subvention program responded to characteristics of those sections rather than the reimbursement of AB3121 costs. All letters mentioning reimbursement were supportive of those sections; negative comments stemmed from the concept of submerging reimbursement within a general revenue-sharing program. On the other hand, most of the letters mentioning various aspects of the subvention program were critical.

In the Senate Floor statement, the point was made that AB90 was developed with the cooperation and input from many organizations and individuals, including the Governor's office, CYA personnel, probation officers and personnel, law enforcement representatives, attorneys, judges, representatives from state corrections, the Department of Finance, and various representatives from public

and private agencies working with juvenile and criminal justice programs. With the exception of probation, the above organizations did not often select the avenue of opinion-expressive letters as a means of public input.[26] On the other hand, the opinions toward the subvention programs reflected by the letters were generally negative. The total number of letters generated by AB90 was limited, and we therefore hesitate to draw conclusions. However, it seems unlikely that opinion-expressive letters were a potent mechanism for manipulating this legislative outcome.

3.3 The Development of AB953

The introduction of both AB90 and AB958 were anticipated insofar as they represented attempted modification of some of AB3121's more conflictive provisions. In contrast, AB953 concerned changes in an AB3121 provision that the framework predicted would generate little dissent--the role of the probation officer regarding the provision of services to juvenile offenders. The scope of an investigation into the process of correcting legislation is broadened by reviewing widely accepted changes as well as the more controversial ones.

AB953 was introduced by Assemblyman Torres on March 16, 1977, at the request of the California Probation, Parole, and Correction Association. The first version (refer to Table 7) contained two provisions that directly altered legal statutes enacted by AB3121. The first of these allowed probation to maintain and operate shelter care facilities as well as to contract with private or public agencies to provide this service. AB3121 expanded the treatment alternatives for informal probation by authorizing probation to maintain and operate or to contract with agencies to provide crisis resolution homes, and counseling and educational centers. In the case of shelter care facilities, probation was

[26] While letters were received from these organizations, no one sector was responsible for more than a few letters.

Table 7

The Content of Each Version of AB953

	Version 1	Version 2	Version 3	Version 4	Version 5	Version 6
Standards for Residential Facilities	YA to adopt standards for the operation and maintenance of non-secure shelter care facilities, crisis resolution homes and counseling and education centers for juveniles.	Changed to non-secure placement facilities; requires annual inspection.	Same as V2	Same as V2	Same as V2	Same as V2
Operation of Shelter Care Facilities	Authorize probation to maintain and operate shelter care facilities as well as to contract private or public agencies for such centers.	Same as V1	Same as V1	Same as V1	Same as V1	Same as V1
Volunteers as Home Supervisors	Provides that probation volunteer, rather than probation aide, shall supervise juveniles on home supervision, in addition to probation officer (same change re duty specification). Defines volunteer.	Same as V1	Provides that home supervision functions may be performed by volunteers as well as aides. Defines aide also.	Same as V3	Same as V3	Same as V3
Zoning of Residential Care Facilities	Provides that a licensed family care home shall be considered a residential use of property for purpose of zoning.	Same as V1	Same as V1	Same as V1	Same as V1	Same as V1

authorized to contract to provide services but not to operate and maintain shelter care facilities. Thus, AB953 provided probation with this authority. According to Torres, this authorization was "unintentionally omitted" from AB3121. In Section 1, it was stated that these provisions of AB3121 were derived from an earlier Torres bill (AB2672). Even this predecessor authorized probation to maintain and operate as well as to contract for non-secure detention facilities, crisis resolution homes, and counseling and education centers. In contrast, shelter care facilities were to be provided by public or private agencies on contract to probation rather than maintained and operated by probation. Presumably, when this section of AB2672 was amended into AB3121, the omission of the authority to maintain and operate shelter care facilities was carried over to AB3121 and enacted before the error was detected.

The second AB3121-relevant provision of AB953 concerned the home supervision program. AB3121 provided that persons who would otherwise be detained in juvenile hall would be permitted to remain in their homes pending court disposition of their cases under the supervision of a probation officer or probation aide. AB953 replaced probation aide with probation volunteer. Presumably, the intention of this provision was to save money by allowing unpaid volunteers to fulfill the duties of home supervision.

Other provisions of AB953 included requiring the Youth Authority to adopt minimum standards for the operation and maintenance of non-secure shelter care facilities, crisis resolution homes, and counseling and educational centers for juveniles. Additionally, AB953 stipulated that a licensed family care home, foster home, or group home providing 24-hour a day care and serving juvenile court wards (either status or criminal offenders) should be considered a residential use of property for zoning purposes. In summary, AB953 focused on facilities and programs that represented alternatives to juvenile detention.

Subsequent to its introduction, AB953 was referred to the Assembly Committee on Criminal Justice which passed the bill (Ayes 7; Nays 2) without amendments. On May 26, the provision which required the Youth Authority to adopt certain standards was modified slightly. The first version required standards to be adopted for non-secure shelter care facilities, crisis resolution homes, and counseling and educational centers while the second amended version referred to "non-secure placement facilities for persons alleged or found to be persons coming within the terms of Section 601 or 602." Furthermore, the Youth Authority was required to conduct an annual inspection of each facility regarding their compliance with the adopted standards. Early cost projections balanced savings realized by using volunteers instead of aides for home supervision against the costs to the Youth Authority for inspections.

This version of the bill was passed unanimously by the Assembly Committee on Ways and Means. A third version of AB953 was passed unanimously by the Assembly on June 6. Apparently, the Department of Finance opposed AB953 due to its determination that the bill mandated a local cost by deleting the term "aide" and inserting unpaid volunteers as home supervisors. According to this cost analysis, if volunteers were unavailable to fulfill home supervision functions, probation officers rather than aides would have to be hired to conduct home supervision. Since probation officers are paid more than probation aides, AB953 would create a mandated local cost and therefore, would have to provide an allocation to cover this cost. The version passed by the Assembly was amended to include probation volunteers as well as probation aides as home supervisors.

AB953 met with little opposition within the Senate. It was passed by the Committees on Judiciary and Finance and, on September 9, by the entire Senate with a unanimous vote. The bill had been amended several more times during its consideration by the Senate committees, but these changes were technical and did

not modify the basic content of the bill. On September 12, the Assembly voted unanimously to concur in all Senate amendments. In a September 9 letter to Governor Brown requesting "favorable consideration," Torres referred to support for AB953 from the sponsoring California Probation, Parole, and Correction Association, attorneys for Criminal Justice, and the Governor's Citizens Advisory Commission on Mental Health. He also indicated that no opposition had been expressed.

AB953 did not generate much letter-writing activity; only six letters expressing opinions about the bill could be located and two of these were from the same representative expressing the support of an attorney's association. A representative for the city of San Francisco expressed concern about the lack of funding in the bill. One author perceived AB953 as an overreaction, suggesting giving more time to AB3121 and more thought as to who should be "responsible for social services which follow the plight of status offenders." A citizens' council supported the provision that would allow family care homes to be considered residential use of property. This is also the issue that stimulated a legislative representative for Los Angeles City Council to write Governor Brown urging his veto. This group opposed the loss of zoning control by local entities over the zoning of residential care facilities.

To summarize, there was very little public input or reaction to the various forms of AB953. A few letters voiced support and others, opposition, but no patterns are discernible from these few cases. The most noteworthy feature of this group of letters is in fact, their small number. Clearly, this legislation did not generate much interest or controversy.

A bill authored by Assemblyman Dixon, AB84, contained the two provisions of AB953 that are AB3121-relevant. AB84 was mentioned previously as the bill which eventually legislated the AB3121 cost reimbursement. It authorized probation

to maintain and operate shelter care facilities in the version introduced by Dixon in December of 1976. One of the last versions of AB84 specified that home supervision functions could be fulfilled by a probation officer, aide, or volunteer. AB84 was passed by both the Assembly and the Senate and signed by the Governor on October 1, 1977. In contrast, AB953 was vetoed by Governor Brown on September 27. His opposition to the bill centered on the sections involving Youth Authority standards for facilities rather than either the role of probation regarding the operation of shelter-care facilities or the appropriate probation personnel to conduct home supervision. Governor Brown's position is reflected in this veto statement: "I believe the imposition of state standards for the operation and maintenance of non-secure placement facilities is an unnecessary and inappropriate intrusion on local flexibility."

The two alterations of AB3121 provisions contained in AB953 were eventually enacted as part of Dixon's AB84. The AB953 sections regarding standards for non-secure facilities and zoning of family care homes resurfaced in another Torres bill, AB2397. This bill was introduced on February 1, 1978 and also contained a section which defined probation volunteers and aides and specified the duties of probation personnel assigned to home supervision. Eventually, the Youth Authority requirement to adopt the standards was replaced by a requirement that it develop guidelines for the operation and maintenance of shelter care facilities; the zoning provision was deleted before AB2397 was approved by the Governor in September of 1978.

3.4 Framework Elements in Opinion-Expressive Letters

In Section 2, the elements of the Teilmann/Klein framework were applied to AB3121 in order to identify the provisions most likely to be altered as well as those that would likely be retained. The elements are a cue to conflict that might be generated by the nature of the legislation, the environment in which it

is implemented, and the character of justice system organizations and their interrelationships that could influence implementation. Heretofore, the opinion-expressive letters have been utilized as indicators of public input into the legislative process; the issues articulated, positions taken, and the organizational affiliation of the author have been useful in this regard.

It is of interest whether the contents of the letters reflect the framework elements. Our predictions were based on the projected reception of the bill among the justice system implementors; the contents of the letters permit corroboration of the projections. The letters are also a potential source of additional information about how justice system organizations might perceive legislation within framework terms.

The content of the letters was surveyed for mentions of framework elements.[27] Guidelines were specified as to the proper interpretation and appropriate application of the elements to particular bills. Previously, the letters have been discussed in the context of separate bills. Our focus here is in the use of the framework elements in the letters in general rather than how they appear in specific bills. When the nature of the bill is relevant to the interpretation of the use of a framework element, it is mentioned in context. For example, many of the AB3121 letters contained mentions of a transfer of interorganizational power. There were two instances of transfers of interorganizational power or authority that were referenced in the AB3121 letters: first, the transfer of petitioning responsibility from probation to the district attorney and second, the transfer of jurisdiction over older, repeat serious offenders from the juvenile system to the adult system. The 43 mentions of a transfer of

[27] Refer to Appendix A for a description of the opinion-expressive letter data collection methodology and to Appendix B for a copy of the collection instrument and coding manual. Also, it should be noted that the element of diffusion of control does not appear in Table 8. As it is characteristic of an organization which only indirectly influences implementation, it appeared unlikely that diffusion would be mentioned in the letters.

interorganizational power in the AB3121 letters shown in Table 8 could refer to either feature of AB3121.

Table 8 shows the number of mentions of framework elements in the opinion-expressive letters. Of all the framework elements, fiscal implications was mentioned most often. The AB958 and AB90 letters seemed to express concern about funding issues (mention of fiscal implication was associated with an overall negative rather than supportive position) more frequently than was apparent in the AB3121 letters. This is probably attributable to the fact that the content of AB3121 and its lack of an allocation was not clear until the final stages of legislative processing while the other letters were often as much in response to these features of AB3121 as the other bills.[28] Codification of trends, which included references like "makes changes that have already been implemented," was mentioned only twice out of 227 letters. How a bill deviates from or incorporates past practices did not appear to be a relevant issue among the authors of these letters.

Surprisingly, statements of philosophical stances were infrequent among all the letters. It was expected that the changes in juvenile law proposed by these bills would generate more comment about the special needs of children (e.g., "protection") or the treatment that children should receive. Generally, the letters contained statements of positions on suggested changes in this treatment or related matters, but rarely did they reference the underlying philosophical issues of the juvenile justice system. Our original goal to develop categories of philosophical statements was discarded due to the lack of response in this area. The few philosophical statements that appeared most often referred to the issue of secure detention of status offenders in the AB958 letters. In

[28]There were so few letters written in response to AB953, they will not be singled out for mention in this discussion.

Table 8

Mentions of Framework Elements in Opinion-Expressive Letters

	AB3121 N=102	AB958[a] N=73	AB90[b] N=46	AB953 N=6	Total N=227
Clarity	7	6	8	0	21
Mandate	18	5	1	1	25
Fiscal implications	19	21	32	1	73
Codification of trends	2	0	0	0	2
Change in discretion	34	5	13	0	52
Transfer of power	43	7	3	2	55
Philosophic resonance	4	13	1	0	18

[a]Contains results from 6 letters that referred to the basic content of AB958 but were written before it was introduced.

[b]Contains results from 7 letters that referred to the basic content of AB90 but were written before it was introduced.

contrast to most mentions of other framework elements, philosophical statements were more likely to be associated with a generally supportive rather than opposing position on the bill, indicating philosophical resonance rather than dissonance.

The elements of clarity and legislative mandate received only scant attention among these letters. Statements regarding clarity included reference to vague language, inconsistent provisions, or the need for more specificity. An example of a reference to legislative mandate is "provision of alternative service should be required."

The remaining framework elements to be discussed are changes in discretion and the transfer of interorganizational power. These elements received more attention in the letters than any of the others with the exception of fiscal implications. Both elements were mentioned more among AB3121 letters than responses to the other bills. Examples of mention of interorganizational power transfers have already been presented. Reference to changes in discretion among AB3121 letters often involved the district attorney's authority to "charge juveniles into adult court," their mandated appearance in juvenile proceedings, or other reference to an increase in the district attorney's authority. Mentions of these elements were slightly more likely to be associated with generally negative rather than positive responses to the bill, but not to a substantial degree.

We have mentioned previously that references to framework elements (with the exception of philosophic resonance), were most likely to be associated with opposition views on particular legislation. This finding is of interest as it indicates that the framework elements seemed to be linked with conflictive reactions to legislation. Our findings from the application of the framework to predict legislative changes discussed in Section 2 indicated that the framework was most successful at predicting the legislative provisions

most likely to undergo modification and less successful at the prediction of no change. Thus, two sources of data suggest that the framework's strength lies as an indicator of conflict and change rather than the absence of conflict and change; that is, the framework predicts to one end of the conflict dimension better than to the other.

Summary

While the descriptive data in this report are not amenable to overarching conclusions, a few observations are relevant in closing. The examination of the process wherein legislation is devised and modified could be a valuable asset to any legislative impact study. Issues that arise in the development process and controversy articulated in such forms of public input as opinion-expressive letters signal areas of conflict in implementation and potential non-compliance. Awareness of the political context in which legislation is enacted should be an integral part of an informed impact assessment.

For instance, preliminary information from justice system practitioners in the early months of AB3121's enactment indicated that many implementors were unaware of the legislation until its passage and identified it as a political compromise between legislators. In contrast, this research reveals that the content of many AB3121 provisions had been discussed in the legislature for several years prior to passage (or even its introduction, in the form of prior bills). There was a substantial degree of public input regarding many of the provisions. Only the status offender section differed markedly in its final form from previous versions; yet, the earlier versions specified changes in the treatment of status offenders such as decriminalization and emancipation that were more comprehensive, radical, and controversial than the eventually-enacted prohibition of secure detention for status offenders.

While the changes in the general content of AB3121 appeared to be less the result of the public opinion letters than of legislators' input, the final content of the bill was, to a substantial degree, in accord with the earlier public input. The changes in the content of AB958 appeared to reflect public views;

these changes were also in accord with legislative opinion. The AB90 opinion-expressive letters did not appear to be a persuasive factor in influencing the bill's outcome or form. AB953 did not generate attempts to manipulate legislative outcome through opinion-expressive letters. In summary, public opinion in the form of opinion-expressive letters may have a limited effect on legislative outcomes, and this impact is most likely secondary to internal legislative processes.

The Teilmann/Klein conceptual framework was quite successful at predicting attempts to modify legislation but less useful as an indication of the absence of conflict. The appearance of the framework elements in opinion-expressive letters corroborates this finding; the framework characteristics are more likely to be associated with conflictive rather than supportive reactions to legislation. We have also indicated where new research might be helpful in the further development of the framework as a predictive device; clarification of inter-component relations and definitional specificity is requisite to the development of more refined operational measures of the framework concepts.

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APPENDIX A

Methodology for Data Collection from Opinion-Expressive Letters

All communications (letters, telegrams, mailgrams, and resolutions) that expressed opinions about AB3121, AB958, AB90, and AB953 and were located in the bill files retained by the primary author of each bill were included in this research. The bill files also contain a variety of other bill-related documents such as proposed amendments, committee statements, and correspondence from the author to other legislative actors and concerned parties. While we cannot be sure that all opinion-expressive letters that came to the attention of the bills' authors were placed in the files, it was the practice to do so. Moreover, parties in support or opposition were often reported in committee proceedings; a separate file designated "letters in support and opposition" provided further indication that these letters had been retained for possible future reference. In addition to the designated letter file, all other files that contained information and correspondence concerning the bill were perused for opinion-expressive letters. With few exceptions, the letters were centrally located in the designated file.

In some cases, judgement was required as to whether a letter was "opinion-expressive." Letters that were technical in nature (suggestions of word changes or legal advice without substantive content) were not included unless they also expressed opinions about the bill's content. Forwarded letters also were problematic insofar as these letters were really two letters--the original letter expressing a position on the bill and a second cover letter written to the bill's author. It was decided to include only the second type of letter (i.e., the letter addressed to the bill's author) because this was the action that presented information to the bill's author. If opinions were stated in this letter that referenced the original (e.g., "I think so-and-so has a good point"), this material was also included. Often, however, the cover letter advanced no position, but was merely a conduit for information transmission to the bill's author. In these cases, positions were designated "unclear" in the appropriate content categories.

More than three-fourths of the letters that were collected were addressed to the bill's primary author and most of the others were sent as a copy; less than five percent were forwarded in the above manner. While the authors of opinion-expressive letters most often wrote to the primary author of the bill, other addressees included members of the appropriate Senate and Assembly committees that considered the bill (11% of all letters) or other legislators (4%). To summarize, only those letters that expressed opinions about the legislation in question and that came to the attention of the primary authors of the bills were included in this research. Accordingly, we have excluded consideration of letters written to legislators and others that were not referred to the primary author.

Almost half (45% or 102 letters) of the 227 letters responded to preliminary versions of AB3121. While 67 letters (30%) were written in response to AB958, an additional 6 letters responded to AB958 issues (non-detention of status offenders) prior to the actual introduction of AB958.* These six letters were not considered as AB958 letters except in Section 3.4, which explored the framework elements in the letters. The basis for this exclusion was that these letters were: (a) directly solicited and could therefore be expected to be quite different from unsolicited letters, and (b) responding to a version (unintroduced) of AB958 that was never open to public scrutiny. However, these "pre-AB958" letters were collected and included in the research because, as responses to the content of AB3121, they represented attempts to generate corrective legislation.

In a similar vein, 7 letters (mostly city resolutions) that centered on the issue of the reimbursement of AB3121 costs were written after AB3121's passage, but prior to the introduction of AB90. These letters were not considered to be AB90 letters (except in Section 3.4) for the same reasons described above. Finally, the 6 letters responding to AB953 constituted less than 3% of the sample.

*As we mentioned in Section 3.1, Assemblyman Dixon solicited comments on his earliest proposal for AB958.

Information regarding the letters' authors, content, and influencing strategies was retrieved from the 227 letters utilizing the data collection form included in Appendix B. Only the principal researcher collected data directly from the letters in the files. The part of the data collection form devoted to listing the issues presented in the letters (Page 4) was not useful and it was therefore necessary to list the opinion-expressive content of the letters in full. Prior to the coding process, emergent categories for the letters' content were developed. The data collection form also lists categories for ideological rationales to be coded for each issue. As previously mentioned, the letters were nearly devoid of ideological statements; these categories were discarded.

The coding manual and coding form that were utilized to extract the information from the Opinion-Expressive Letter Data Collection Form are also included in Appendix B. Opinion-expressive statements were coded into emergent categories with positional values (positive/mostly positive/predominance unclear/mostly negative/negative). These categories were developed from the content of the letters by a trained coder who was responsible for all coding.

A reliability check was attempted by a second coder on a randomly selected sample of one-fourth of the letters. The discrepancy rate between the two coders was very high. Resolution of the discrepancies by the researcher was invariably in favor of the first coder. This coder was intimately involved with the development of the coding manual and the categories and engaged in numerous discussions and problem-solving sessions with the principal researcher. On the other hand, the second coder, although familiar with legal practice, received only a minimum of training and was uncomfortable with the degree of individual judgment required by the coding process. The implications of the reliability check were that the first, more involved coder, did make consistent judgments that were repeatedly in accord with the principal researcher and second, a great deal of judgment is involved in reducing these data to a manageable form. Unquestionably, the

utilization of very general categories would have produced higher inter-coder reliability, but the type and diversity of the information obtained would have been lost. While this type of data collection was exploratory in nature, it appears to be promising for future data collection efforts. More rigorous training of reliability coders likely would yield lower discrepancy rates.

APPENDIX B

Opinion-Expressive Letter
Data Collection Form,

Coding Manual,
and
Coding Form

OPINION-EXPRESSIVE LETTER DATA COLLECTION FORM

Date of Collection _____

Data Collector _____

1. Bill number _____

2. House of origin

   1 - Assembly

   2 - Senate

3. To be filled out in office: what are the 3121-relevant issues represented by the bill? _____

4. Date the letter was written: _____

5. Name and Title or Organization of author: _____

   _____

6. Is the author an individual(s) or organization?

   1 - Individual (private party, concerned citizen)

   2 - Individual, mentions title with organizational implications, though not officially representative

   3 - Individual acting as representative for organization (i.e., lobbyist)

   4 - Individual, elected official

   5 - Organization

   6 - Other, specify _____

   8 - NA

   9 - MV

7. Organizational affiliation:

1 - Youth advocacy or children's rights organization
2 - Youth agency (community, counseling, etc. exclusive of advocacy or children's rights organization)
3 - Justice system: law enforcement
4 - Justice system: probation
5 - Justice system: public defender
6 - Justice system: district attorney
7 - Justice system: judge
8 - Justice system: Youth Authority
9 - County government (e.g., Board of Supervisors, exclusive of actors in education arena)
10 - State government (e.g., congressman, governor)
11 - Educational arena
12 - Other, specify _____
98 - NA
99 - MV

8. Is the organization a political practitioner (professional) group?

1 - Yes
2 - No

9. City, county of letter's origin _____

10. To whom was this letter addressed? _____

11. If copies of the letter were sent elsewhere, to whom were they sent? _____

_____

12. What was the overall position stated in the letter in regards to the bill?

1 - Unqualified support
2 - Support, with conditions
3 - Both supportive and opposing (unclear which is stronger)
4 - Oppose, with conditions
5 - Unqualified opposition
6 - Other, specify
8 - NA
9 - MV

If conditions, describe: _____

_____

13. Are amendments to the bill suggested in the letter?

1 - Yes
2 - No

If yes, briefly summarize the suggested amendments: _____

_____

_____

NOTE: QUESTIONS 13-15 STATE A LIST OF ISSUES THAT MAY BE PRESENTED IN THE LETTER. CHECK ANY OF THE APPLICABLE ISSUES (GIVING MORE INFORMATION WHENEVER APPROPRIATE) AND ALSO LIST THE NUMBER OF THE CATEGORY OF THE SPECIFIC POSITION AND IDEOLOGICAL RATIONALE WHICH BEST EXPRESSES THE CONTENT OF THE LETTER. WRITE ADDITIONAL COMMENTS TO CLARIFY. THE CATEGORIES FOR POSITION AND IDEOLOGICAL RATIONALES ARE LISTED BELOW:

CATEGORIES FOR POSITION:

1 - Unqualified support
2 - Support, with conditions
3 - Both supportive and opposing (unclear which is stronger)
4 - Oppose, with conditions
5 - Unqualified opposition
6 - Other, specify
8 - NA
9 - MV

CATEGORIES FOR IDEOLOGICAL RATIONALE:

1 - "Enforcement-control" (need to have "clout" with offenders, protect public, or punishment)
2 - "Rehabilitative-control" (need to retain control over offenders in order to provide them with services)
3 - "Rehabilitative-liberation" (need to provide services voluntarily to offenders)
4 - "Liberation-advocacy" (need to extend more rights to adolescents and to recognize their competence)
5 - Other, specify
8 - NA
9 - MV

14. What issues are presented regarding status offenders?

ISSUE	POSITION	RATIONALE
1 - Secure detention until returned to parents	_____	_____
2 - Secure placement	_____	_____
3 - Other conditions for secure detention (beyond those mentioned in 1 or 2)	_____	_____
Specify _____		
4 - Separation of status offenders from criminal offenders in secure facilities	_____	_____
5 - Financial considerations imposed by separation of status and criminal offenders	_____	_____
6 - Technical considerations (e.g., length of time for temporary secure detention)	_____	_____
7 - Legal protection for parents	_____	_____
8 - Emancipation	_____	_____
9 - Other, specify _____		
98 - NA		
99 - MV		

15. What issues are presented regarding the remand of criminal offenders to adult court?

ISSUE	POSITION	RATIONALE
1 - Categories of youths to be remanded	_____	_____
2 - Procedures for remand (fitness hearing)	_____	_____
3 - Role of district attorney in remand process	_____	_____
4 - Providing public defenders for minor offenders	_____	_____
5 - Other, specify _____		
8 - NA		
9 - MV		

16. What other issues are presented (for instance, giving AB3121 more time to work before modifying its provisions at all). State issue, position and ideological rationale. _____

17. What types of influencing strategies are discernable in the letter (e.g. emotional appeal, letterhead, provision of information, etc.)? _____

18. Is there specific mention of AB3121? Its provisions? _____

19. Is there additional information in regards to framework characteristics (clarity, mandate, fiscal implications, philosophical resonance, codification of trends, transfer of discretion, interorganizational power, resource allocation, etc.)? _____

CODING MANUAL
Expressive Letter Collection Form

General Coding Instructions:

Not applicable is always coded as "8" or "88" (in the case of a two-column variable). Missing is always coded as "9" or "99" (in a 2 column variable). "Other" is always coded as "7" or "77" (in a 2 column variable). Enter all "others" (with letter ID) in the "other" log provided for each variable. If there is any question about which code to use for any of the variables, enter in the problems log, providing all relevant information.

ariable#	Col.#	Variable Label	Instructions/Codes
01	1	Bill Number	1 = AB3121 2 = AB958 3 = AB90 4 = AB953 9 = M/V
02	2-4	Letter I.D.	
03	5-16	Date of Collection	Enter date in year, month, day order
04	11	Data Collector	1 = Cheryl Masxon
05	12-17	Date of letter writing	Enter date in year, month, day order
06	18	Identity of Author	1 = Individual (private party, concerned citizen) 2 = Individual mentioning title with organizational implications, but not officially representative 3 = Individual in representative capacity for organization (eg. president, city clerk etc., but not lobbyist) 4 = Individual in representative capacity as lobbyist 5 = Elected official 7 = Other, specify _____ 8 = N/A 9 = M/V
07	19-20	Organizational Affiliation	01 = Social Service Agency 02 = Justice System: law enforcement 03 = Justice System: attorney 04 = Justice System: probation 05 = Justice System: courts 06 = City Government 07 = County Government (not education) 08 = Educational Arena 09 = Citizen Group 77 = Other, specify _____ 88 = N/A 99 = M/V
08	21-22	County of letter's origin	See county list for appropriate codes
09	23	Addressee of letter	Consult committee roster for appropriate committee membership codes 1 = Primary authors of bill: (AB3121, and AB90= Dixon, AB953=Torres, AB958=Dixon and Gualco) 2 = Member, Assembly Criminal Justice Committee 3 = Member, Assembly Committee on Ways & Means 4 = Member, Senate Judiciary Committee 5 = Member, Senate Finance Committee 6 = Other legislator 7 = Other - not mentioned elsewhere 8 = N/A 9 = M/V

COUNTY LIST - VARIABLE 08

Value		County	Value		County
01	=	Alameda	31	=	Placer
02	=	Alpine	32	=	Plumas
03	=	Amador	33	=	Riverside
04	=	Butte	34	=	Sacramento
05	=	Calaveras	35	=	San Benito
06	=	Colusa	36	=	San Bernandino
07	=	Contra Costa	37	=	San Diego
08	=	Del Norte	38	=	San Francisco
09	=	El Dorado	39	=	San Joaquin
10	=	Fresno	40	=	San Luis Obispo
11	=	Glenn	41	=	San Mateo
12	=	Humboldt	42	=	Santa Barbara
13	=	Imperial	43	=	Santa Clara
14	=	Inyo	44	=	Santa Cruz
15	=	Kern	45	=	Shasta
16	=	Kings	46	=	Sierra
17	=	Lake	47	=	Siskiyou
18	=	Lassen	48	=	Solano
19	=	Los Angeles	49	=	Sonoma
20	=	Madera	50	=	Stanislaus
21	=	Marin	51	=	Sutter
22	=	Mariposa	52	=	Tehama
23	=	Mendocino	53	=	Trinity
24	=	Merced	54	=	Tulare
25	=	Modoc	55	=	Tuolumne
26	=	Mono	56	=	Ventura
27	=	Monterey	57	=	Yolo
28	=	Napa	58	=	Yuba
29	=	Nevada	77	=	Other
30	=	Orange			

Variable#	Col.#	Variable Label	Instructions/Codes
10	24-25	Number of copies sent elsewhere	Values 00-97 98 = N/A 99 = M/V
11	26	Number of types of persons to which copies are sent	Count the number of categories in variable 9 to which copies were sent. Values 1-7 8 = N/A 9 = M/V

Content Statements For Issues Addressed In Letter

Special Coding Instructions: Variables 12 through 71 represent issues that may be presented in letters and suggested revisions to the bill. For each content statement, code the position expressed (see categories below, under heading "Content Statement Position"). If the content statement is not expressed in letter, code "6" - no mention. Secondly, changes or alternatives may be suggested for each content statement (e.g. author uses "should be..."). The categories for proposed amendments (see list below, under heading "Proposed Amendment Action") should be coded immediately following the content statement. If no alternatives or revisions are proposed code "0" - no amendment suggested. Note that if the content statement is coded "6" - no mention the proposed amendment should be coded "8" - not applicable.

Content Statement Position Categories

1=Positive (only support statements)
2=Mostly positive (more support than opposition statements
3=Predominance unclear (an equal number of support and opposition statements)
4=Mostly negative (more opposition than support statements)
5=Negative (only opposition statements)
6=No mention
8=N/A
9=M/V

Proposed Amendment Action Categories

0=No amendment suggested
1=Delete or separate the provision
2=Amend to earlier version or leave existant provision unaltered
3=Technical revision
4=Limit the provision
5=Expand the provision
6=Provide more or continuing funds
7=Other, specify_____
8=N/A
9=M/V or uncodeable

VARIABLES GERMANE TO ALL BILLS-POSITIONAL STATEMENTS

Var.#	Col.#	Variable Label
12	27	Desirability or effectiveness of proposed legislation
13	28	Alternative Proposed to VAR 12
14	29	Preferability of proposed legislation as opposed to existant legislation or earlier version of bill
15	30	Alternative Proposed to VAR 14
16	31	Nature of and/or effect of proposed changes (in treatment of 601s)
17	32	Alternative Proposed to VAR 16
18	33	Secure detention of 601s
19	34	Alternative Proposed to VAR 18
20	35	Provision of alternative services and programs for 601s
21	36	Alternative Proposed to VAR 20
22	37	Nature of and/or impact on target population
23	38	Alternative Proposed to VAR 22
24	39	Nature of impact on the judicial system or its components
25	40	Alternative Proposed to VAR 24
26	41	Nature of the shift in discretionary power
27	42	Alternative Proposed to VAR 26
28	43	Nature of the bills impact on local programs or agencies
29	44	Alternative Proposed to VAR 28
30	45	Nature of the fiscal implications of proposed revisions(also SB90 disclaime
31	46	Alternative Proposed to VAR 30

Content Statements For Issues Addressed In Letter

Special Coding Instructions: Variables 12 through 71 represent issues that may be presented in letters and suggested revisions to the bill. For each content statement, code the position expressed (see categories below, under heading "Content Statement Position"). If the content statement is not expressed in letter, code "6" -- no mention. Secondly, changes or alternatives may be suggested for each content statement (e.g. author uses "should be..."). The categories for proposed amendments (see list below, under heading "Proposed Amendment Action") should be coded immediately following the content statement. If no alternatives or revisions are proposed code "0" - no amendment suggested. Note that if the content statement is coded "6" - no mention the proposed amendment should be coded "8" - not applicable.

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VARIABLES GERMANE TO ALL BILLS-POSITIONAL STATEMENTS

Var.#	Col.#	Variable Label
32	47	Lack of clarity in bills provisions (language, stipulation, standards, etc.
33	48	Alternative Proposed to VAR 32 ----------
34	49	Other bill related issues uncodable elsewhere (specify on "other" list)
35	58	Alternative Proposed to VAR 34 ----------

Special Coding Instructions: Variables 12 through 71 represent issues that may be presented in letters and suggested revisions to the bill. For each content statement, code the position expressed (see categories below, under heading "Content Statement Position"). If the content statement is not expressed in letter, code "6" - no mention. Secondly, changes or alternatives may be suggested for each content statement (e.g. author uses "should be..."). The categories for proposed amendments (see list below, under heading "Proposed Amendment Action") should be coded immediately following the content statement. If no alternatives or revisions are proposed code "0" - no amendment suggested. Note that if the content statement is coded "6" - no mention the proposed amendment should be coded "8" - not applicable.

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5=Expand the provision
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8=N/A
9=M/V or uncodeable

AB3121 SPECIFIC VARIABLES-POSITIONAL STATEMENTS

Var.#	Col.#	Variable Label
36	51	Procedural methods for dealing with 601s
37	52	Alternative Proposed to VAR 36
38	53	Other 601 related issues, (specify on "other" list)
39	54	Alternative Proposed to VAR 38
40	55	Nature or effect of changes (in treatment of 602s)
41	56	Alternative Proposed to VAR 40
42	57	Procedural methods for dealing with 602s
43	58	Alternative Proposed to VAR 42
44	59	Changes in remand criteria of 602s
45	60	Alternative Proposed to VAR 44
46	61	Issues related to housing of remanded 602s
47	62	Alternative Proposed to VAR 46
48	63	Effectiveness or characteristics of the adult system
49	64	Alternative Proposed to VAR 48
50	65	Effectiveness or characteristics of the juvenile system
51	66	Alternative Proposed to VAR 50
52	67	Other 602 related issues, (specify on "other" list)
53	68	Alternative Proposed to VAR 52
54	69	Involvement of the D/A in court proceedings
55	70	Alternative Proposed to VAR 54
56	71	Nature of the shift in juvenile court intent
57	72	Alternative Proposed to VAR 56
	73-79	Blank
	80	Card #1

Special Coding Instructions: Variables 12 through 71 represent issues that may be presented in letters and suggested revisions to the bill. For each content statement, code the position expressed (see categories below, under heading "Content Statement Position"). If the content statement is not expressed in letter, code "6" - no mention. Secondly, changes or alternatives may be suggested for each content statement (e.g. author uses "should be..."). The categories for proposed amendments (see list below, under heading "Proposed Amendment Action") should be coded immediately following the content statement. If no alternatives or revisions are propose code "0" - no amendment suggested. Note that if the content statement is coded "6" - no mentio the proposed amendment should be coded "8" - not applicable.

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8=N/A
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2=Amend to earlier version or leave existant provision unaltered
3=Technical revision
4=Limit the provision
5=Expand the provision
6=Provide more or continuing funds
7=Other, specify_____
8=N/A
9=M/V or uncodeable

AB958 SPECIFIC VARIABLES-POSITIONAL STATEMENTS

ır.#	Col.#	Variable Label
58	1	Use or acceptability of secure detention for 601s under stipulated conditio
59	2	Alternative Proposed to VAR 58
60	3	Desirability of a shorter detention time
61	4	Alternative Proposed to VAR 60
62	5	Implications for federal funding and/or conformity with federal or county policies
63	6	Alternative Proposed to VAR 62

AB90 SPECIFIC VARIABLES-POSITIONAL STATEMENTS

64	7	Reimbursement of 3121 provisions
65	8	Alternative Proposed to VAR 64
66	9	Revamping of the probation subsidy program
67	10	Alternative Proposed to VAR 66
68	11	Time limit for 3121 reimbursement
69	12	Alternative Proposed 68
70	13	Other issues pertinent to the subvention program provisions (Method of calculation and disbursement, advisory board composition, C.Y.A. involvement, Board of Supervisors involvement, adequacy of subvention allocations, limit on capital construction, sunset proviso, etc.)
71	14	Alternative Proposed to VAR 70

SPECIAL INSTRUCTIONS: USE THE FOLLOWING VALUES FOR VARIABLES 75 THROUGH 93:

1 = Yes
2 = No
8 = N/A
9 = M/V

Persuasive Characteristics of Letter

Var.#	Col.#	Variable Label
72	15	Letterhead present
73	16	Provision of information present
74	17	Straightforward presentation present
75	18	Emotional presentation; strong language use present (e.g. "adamantly," dire consequences)
76	19	Emotional appeal present (i.e., use of historical personal experience in a manner to elicit sympathy or concern)
77	20	Appeal to ego present (e.g., "a man of your influence")
78	21	Self affirmation or reference to own experience present
79	22	Reference to important "other's" agreement present
80	23	Other, specify_____
81	24	Specific mention of AB3121 or its provisions

Characteristics of Bill Framework Alluded to in Letter

82	25	Clarity (e.g., vague language, inconsistent provisions)
83	26	Legislative Mandate (e.g., "need to mandate alternature services")
84	27	Fiscal implications (e.g.,"not enough money" or "too costly")
85	28	Codification of trends (e.g., "bill makes changes that have long ago been implemented)
86	29	Reduction or increase in discretion (does not refer to transfers between sectors)
87	30	Transfer in interorganizational power (i.e., transfers decision-making power from one justice sector to another)
88	31	Philosophical resonance (i.e., "this is good because childern need protection")
89	32	Resource allocation (transfer funds or personnel from one justice sector to another)
	33-75	BLANK
	76-79	Letter ID., Consists of Bill Number (VAR 01) as first digit (column 76) and letters ID (VAR 02) in colomns 77-79
	80	CARD #2

APPENDIX C

Description of Non-relevant (to AB3121) Legislation

The thirty-seven bills identified as non-relevant to AB3121 issues may be grouped into the following emergent categories: regulation and provision of services to juveniles, dependency (including child abuse) cases, mentally disordered offenders, housing or detention, juvenile records, responsibility or authority of juvenile justice personnel, administrative or jurisdictional transfers, and establishment of fees or claims. The bills composing each of the categories will be described.

The area in which the most legislative activity occurred was the regulation and provision of services to juveniles. Nine introduced bills were placed in this category. Bills to establish pilot programs for emancipation procedures for minors and to contract with private organizations to provide pre-release planning and community follow-up for juveniles in the county juvenile camp system were introduced, although only the emancipation program was enacted. A pilot program to establish a juvenile conciliation court and counselors for runaway youths and certain dependent youth was defeated.* Legislation that would have deleted the termination date for a pilot project for juvenile court schools to provide special education needs of wards and dependents was defeated. However an enacted bill concerning the provision of specialized physical care by school districts was eventually amended to include special educational programs to institutionalized youths. Procedures were enacted whereby OCJP (Office of Criminal Justice Planning) would administer the establishment of jointly funded multiservice youth

*It is noteworthy that this legislation was quite similar to provisions in the first version of AB3121 which were subsequently deleted. The bill was considered non-relevant to AB3121 issues because it did not apply to the enacted version.

and family programs. A bill that failed to be enacted would have permitted the juvenile court to direct an adjudged ward to work in a community or government sponsored program approved by the counties' Boards of Supervisors. Legislation that would have required the informed consent of the minor (if 14 years or older), the minor's parents, or a judicial order before certain drugs could be administered to a minor was also defeated. The final bill in this category pertained less to service provisions to juveniles than to the extension of certain court procedures. Although this bill failed passage, it would have provided (upon the election of the minor and prior to a fitness determination) for a preliminary hearing to determine the question of whether sufficient cause existed to believe that the accused minor was guilty of the alleged offense.

The next category of introduced legislation concerned dependency and child abuse cases. One enacted bill contained dual provisions that targeted both minors and parents. In the case of a dependency-eligible minor in need of medical treatment, consideration would be given to treatment provided by spiritual means through prayer alone. A second provision of the bill required that parents cannot be determined incapable of providing for the proper care of a minor on the basis of a physical handicap. Legislation that expanded the description of minors who would fall within the 300 section of the Welfare and Institutions Code (dependency and neglect cases) failed to pass. Reporting and investigation of child abuse cases was the focus of other legislation which did not pass. However, a bill that required dependency cases to be housed separately in non-secure facilities successfully passed through the legislature. In a bill which overlapped between this category and that of administrative

transfers, the counties' Boards of Supervisors were required (instead of authorized) to delegate to the county welfare department all or part of the probation officer's duties with dependent children. This bill was not enacted. One bill described above in the category of services to juveniles also pertained to dependency cases. If enacted the bill would have provided conciliation counselors for dependency cases as well as runaway youth.

Legislation in the third category focuses on the regulation of housing and detention of minors. A bill that separated dependency cases in nonsecure facilities was mentioned previously. A bill which required the segregation of juvenile offenders from adult sex offenders in state hospitals except when participating in work furlough programs also passed.* Legislation which modified the criteria necessary for temporary custody ("reasonable cause" as the only condition) and reduced the limit for temporary custody without a warrant from 48 to 24 hours was enacted in this legislative session. According to another enacted bill, a minor's relatives must be taken into consideration as an appropriate placement outside of the minor's home. Also in this session, legislation was enacted which provided for the establishment and supervision of community care facilities. A bill which would have exempted certain residential care facilities from licensing requirements failed to be enacted.

Four bills were introduced in the 1977-78 legislative session that contained provisions on juvenile records. Certain types of records were added to categories of records that may be destroyed 5 years after court jurisdiction is terminated, but copies of all

*An earlier version exempted minors 16 years or older who had been declared unfit to be mixed with adults in any institution.

records had to be microfilmed or photocopied prior to destruction. This bill passed while another which would have provided for automatic destruction of all records upon the minor's 18th birthday failed to move successfully through the legislature. Two bills regulated the appearence of any personally identifying information on a probation officer's reports to BCS (Bureau of Criminal Statistics) regarding court proceedings. The bill concerned with reporting such information on status offenders failed to pass while legislation pertaining to proceedings to declare a minor a dependent of the court was successful.

Mentally disordered criminal offenders (including insanity cases) were the focus of four introduced bills. Legislation which would have increased commitment of mentally disordered violent offenders by an additional four years was not enacted. Detention and treatment procedures were enacted for minors found not guilty by virtue of insanity that are analogous to those for adults. Testimony by psychologists as well as psychiatrists in insanity plea cases and mentally disordered sex offender determinations was authorized by enacted legislation. Finally, a bill which provided for the commitment of mentally disordered sex offenders to the Department of Corrections rather than the Department of Health failed to pass.

Four introduced bills modified the duties and authority of juvenile justice personnel. One enacted bill added a general provision authorizing the juvenile court to direct orders to the parents of a minor as the court deems "necessary and proper." Public Defenders were required to assist trial counsel to advise prospective indigent appellants relative to meritorious grounds for appeal in

other enacted legislation. Legislation which failed to pass would have authorized a probation officer to request a court to order a minor who has been released from temporary custody (and who subsequently failed to appear) to appear. Finally, modifications in procedures for appointment or removal of probation officers did not become law in this legislative session.

The category of administrative or jurisdictional transfers has already been mentioned above in the context of administration of two types of youth: dependency cases and mentally disordered sex offenders. The transfer of administration of juvenile court schools from the counties' Boards of Supervisors to the counties' superintendents of schools was enacted. However, the transfer of jurisdiction of sixteen year old (or older) vehicle code violators from the juvenile court to municipal or justice courts was unsuccessful.

The final category of introduced legislation that was not relevant to AB3121 included establishment of fees or claims. A bill that would have authorized counties to establish fees for certain investigation procedures (relating to adoption, sealing traffic records, etc.) failed to pass while a bill that authorized a court to order parents to pay courts for investigation costs in custody cases did pass. Only earlier versions of the latter bill included juvenile law cases. A bill which would have increased the Youth Authority reimbursement limit for child maintenance costs in county institutions was precluded by the enactment of AB90. Finally, legislation that would authorize county or city governments to make claims to recover costs for medical, surgical or dental care rendered to prisoners

confined in jail or a juvenile facility was not enacted.

To provide an overall summary of the above outcomes, about half, or eighteen, of the thirty-seven non-AB3121 relevant introduced bills were passed through both houses of the Legislature and signed into law by the Governor. Six of bills initially introduced into the Senate were eventually enacted, while eight Senate bills failed passage. Legislation introduced into the Assembly fared slightly better; twelve Assembly bills passed while eleven bills introduced into the Assembly did not become law in the 1977-1978 Legislative Session.

APPENDIX D

Data Collection Forms for AB3121
Relevant and Non-relevant Legislation

NON-3121 RELEVANT INTRODUCED LEGISLATION

Date:

Collector:

1. Bill Number _____

2. House of Introduction

   Senate
   Assembly

3. Date Introduced _____

4. List authors introducing bill _____

   _____

5. List authors appearing on final version of bill _____

   _____

   _____

6. List dates and house for all amendments _____

   _____

   _____

7. Brief description of bill (mainly subject matter) _____

   _____

   _____

   _____

8. If chaptered, chapter # _____

9. If unchaptered, at what point in the legislative process did this bill die? _____

   _____

relating to:

Bill #_____

INTRODUCED LEGISLATION DATA COLLECTION FORM, Part A

1. Collection Date _____

2. Data Collector Number _____

Characteristics of Bill

3. Bill Number _____ Chapter Number _____

4. House of Introduction:

   Senate
   Assembly

5. List legislators introducing bill (include co-authors):

   _____

   _____

6. List all authors appearing on final version of the bill:

   _____

   _____

7. List any authors not mentioned in Q.5 or 6 above who appear on any amended version _____

8. DAte introduced _____

9. According to the introduced version, how many statutes are affected_____

   List statutes affected: REPEALED:_____

   AMENDED:_____

   ADDED:_____

10. according to the final version, how many statutes are affected?_____

    List statutes affected: REVISED:_____

    AMENDED:_____

    ADDED:_____

Bill Number _____

11. Is this an urgency statute?

Yes
No

If yes, what rationale is stated _____

_____

If the urgency status of the bill changes through various versions, describe: _____

12. List dates and house of all amendments: _____

_____

_____

13. Summarize the major provisions of bill that are 3121-relevant. Use all versions, but briefly note the changes._____

_____

_____

_____

_____

14. Briefly summarize(using the Legislative Counsel's Digest of all versions)the major provisions of the bill that are not relevant to 3121. _____

_____

_____

15. Answer the following questions using the introduced version. However, if these characteristics change through the amendment process, note change and version affected.

a. Vote?

Majority
2/3
Other, specify _____

b. Appropriation?

Yes
No

If yes, amount:_____

c. Fiscal committee?

Yes
No

D. State-mandated local program?

Yes
No

Bill Number _____

16. Using the Final Histories, give a summary of the legislative processing of this bill. Include committees, votes, pertinent dates, and if unchaptered, at what point the bill failed passage. _____

_____

_____

_____

_____

Use Part B of Introduced Legislation DAta Collection Form to code each provision(that is, each separate issue that is relevant to AB3121)of the bill and attach these to Part A.

Bill Number _____

11. Is this an urgency statute?

Yes
No

If yes, what rationale is stated _____

_____

If the urgency status of the bill changes through various versions, describe: _____

12. List dates and house of all amendments: _____

_____

_____

13. Summarize the major provisions of bill that are 3121-relevant. Use all versions, but briefly note the changes. _____

_____

_____

_____

_____

14. Briefly summarize(using the Legislative Counsel's Digest of all versions)the major provisions of the bill that are not relevant to 3121. _____

_____

_____

15. Answer the following questions using the introduced version. However, if these characteristics change through the amendment process, note change and version affected.

a. Vote?

Majority
2/3
Other, specify _____

b. Appropriation?

Yes
No

If yes, amount: _____

c. Fiscal committee?

Yes
No

D. State-mandated local program?

Yes
No

Bill Number _____

16. Using the Final Histories, give a summary of the legislative processing of this bill. Include committees, votes, pertinent dates, and if unchaptered, at what point the bill failed passage. _____

_____

_____

_____

_____

Use Part B of Introduced Legislation DAta Collection Form to code each provision(that is, each separate issue that is relevant to AB3121)of the bill and attach these to Part A.

Bill # _____

INTRODUCED LEGISLATION DATA COLLECTION FORM, PART B

Use a separate Part B form to collect data from each provision that is AB3121-relevant. Beginning with the introduced version of the bill, code each provision that is relevant to 3121(see list of issues relevant to AB3121 for reference). If the provision is modified in later versions, this should be reflected in Q. 13.

ANSWER QUESTIONS 1-12 USING THE VERSION OF THE BILL IN WHICH THE PROVISION IS FIRST PROPOSED.

1. Summarize the changes proposed that are relevant to AB3121.

_____

_____

_____

_____

2. Version # _____

3. Statutes to be modified, added or repealed: _____

4. How clear is the provision's meaning to you?

   quite clear
   can understand parts, but not all
   vague

5. What types of youths are affected by this provision?

   Dependants - 300/600(Specify a-d) _____
   Status - 601 (Specify type) _____
   Criminal - 602 (Specify type) _____
   Other (Specify) _____

6. To what degree is this provision mandated?

   Authorized
   Encouraged
   Incentives provided for compliance
   Mandate with room for interpretation
   Unequivocal mandate
   Other (Specify) _____

7. Describe the fiscal implications(if any)of this provision: _____

_____

_____

8. Circle the sectors of the juvenile justice system directly affected by this provision and fill out a separate Question 9 for each sector.

   police
   private(comm.)agencies
   mental health system
   DPSS
   probation
   D.A.
   judges
   juvenile court(no other specific
   Other(specify) _____

Bill #_____

For each sector listed in question 8, fill out a separate Part B, question 9.

Sector _____

9. For each sector affected by the provision, provide the following information:

a. Describe the activities of justice system processing that are affected by the provision (for example, in the probation sector, secure detention for status offenders may be prohibited).

b. Do these activities constitute the initiation of new actions or stopping certain activities, or both?

c. If alternative actions are specified, how many options are explicitly available and what are they?

d. To what degree is the amount of discretion (decision-making power) in this sector affected by the provision?

e. Describe any change in the impact of this bill on this sector that are implied by later versions of the provision (note version).

10. Is a transfer of discretion between different sectors implied by the provision?

Describe: _____

_____

_____

11. Is compliance with the provision dependent on the transfer or reallocation of resources or authority from one sector to another? Describe: _____

_____

_____

_____

12. Describe any changes implied by the provision that have not been adequately covered in Question 9. Include information relating to items #9a - 9d if relevant.

_____

_____

_____

_____

13. Describe any changes in this provision that are reflected in later versions of the bill.

_____

_____

_____

_____

_____

_____

Specify changes that are relevant to the following issues:

Clarity: _____

Target: _____

Mandate: _____

Fiscal Implications: _____

Transfer of discretion: _____

Resource allocation: _____

IF THESE CHANGES AFFECT JUVENILE JUSTICE SECTORS NOT PREVIOUSLY MENTIONED, FILL OUT A SEPARATE QUESTION 9,NOTING THE APPROPRIATE VERSION NUMBER, AND ATTACH TO BACK OF THIS FORM.