

C010262 ABSTRACT: Pre-trial diversionary programs have been shown to be effective and potentially low cost alternatives to the traditional juvenile justice system in reducing juvenile recidivism. The ultimate goal of any juvenile justice system is to ensure that juvenile offenders become responsible, law-abiding adult citizens. The more immediate objective of the alternative programs is to remove as many juveniles as possible from the "revolving door" syndrome, thus reducing recidivism.

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Reducing juvenile recidivism through pre-trial diversion programs: a community's involvement.

Author: Panzer, Cheri, student author. **Source:** Journal of Juvenile Law v. 18 (1997) p. 186-207 **ISSN:** 0160-2098 **Number:** BILP98020044 **Copyright:** The magazine publisher is the copyright holder of this article and it is reproduced with permission. Further reproduction of this article in violation of the copyright is prohibited.

I. INTRODUCTION A pretrial diversionary program is " a system of recent origin by which certain defendants in criminal cases are referred to community agencies prior to trial while their criminal complaints are held in abeyance."(FN1) These programs are available to both adult and juvenile offenders;(FN2) however, this Note is limited to the pre-trial programs for first-time juvenile offenders.

Specifically addressed in this Note are the formal and informal dispositions within the juvenile justice system that (through their discretionary application) give rise to constitutional rights issues, the traditional rehabilitative approaches that often allow the juvenile to escape the personal responsibility and accountability for his actions, and an informal process that blends the rehabilitative approach with a punitive approach; thereby providing an increased deterrent to recidivism.

These pre-trial diversionary programs have been shown to be effective and potentially low cost alternatives to the traditional juvenile justice system in reducing juvenile recidivism.(FN3) The ultimate goal of any juvenile justice system is to ensure that juvenile offenders become responsible, law-abiding adult citizens. The more immediate objective of the alternative programs is to remove as many juveniles as possible from the "revolving door" syndrome, thus reducing recidivism.(FN4).

II. BACKGROUND A. THE PURPOSE OF THE JUVENILE JUSTICE SYSTEM The juvenile justice system was instituted to provide for the welfare of children within separate and specialized judicial proceedings.(FN5) The proceedings deal with offenses committed "against" the child(FN6) and offenses committed "by" the child.(FN7) The emphasis of this Note is on the proceedings which relate to the latter. Juvenile court proceedings are not technically deemed "criminal," despite the criminal nature of the offense, but rather, civil proceedings.(FN8) Thus, an adjudication in juvenile court is not a criminal conviction.(FN9) Traditionally, the underlying theory is that the disposition of juvenile offenders is to provide treatment for the causes of juvenile delinquency conduct, and not to punish the conduct as in the adult system.(FN10) Supporting this theory, the California Supreme Court stated in *In re William M.* that " t he basic predicate of the Juvenile Court Law is that each

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juvenile be treated as an individual. The whole concept of our procedure is that special diagnosis and treatment be accorded the psychological and emotional problems of each offender so that he achieves a satisfactory adjustment."(FN11) The state, acting as *parens patriae*(FN12), is fulfilling the duties of the parents who have failed to exercise appropriate parental authority that resulted in the delinquent conduct.(FN13) The state, therefore, has traditionally assumed the responsibility for the conduct, and thus provided for the treatment for the juvenile's misconduct.

The emphasis on rehabilitation rather than punishment within the juvenile system is rapidly losing its social popularity due to the rise of violent juvenile offenses.(FN14) Response to this trend, by many jurisdictions, has been to lower the age for a waiver (FN15) from juvenile courts to the adult system,(FN16) and apply the more punitive disposition of confinement more often.(FN17) California, under Section 202 of the California Welfare and Institutions Code, has also shifted from a pure rehabilitative approach, blending rehabilitation with a punitive approach, stating "that punishment is an appropriate response to juvenile offenses."(FN18) However, punishment is defined not as retribution, but rather a process of restitution, community service, probation, detention, and, for certain offenses, confinement in a secure facility. (FN19).

B. JUVENILE JUSTICE SYSTEM PROCEDURE Within the juvenile justice proceedings for offenses committed by the juvenile, offenders are subject to either a formal or informal disposition process.(FN20) Either process begins with the receipt of an affidavit detailing the offense(s) to the probation officer requesting the commencement of proceedings against the juvenile.(FN21) The probation officer is required to conduct an investigation,(FN22) after which the probation officer has three options (known as an intake decision):(FN23) first, to take no action at all; second, to retain the case for informal processing; or third, to file a petition to the district attorney for commencement of formal proceedings.(FN24).

The formal disposition is an adjudication by a court bringing the juvenile under the jurisdiction of the court. The court may decide to release the juvenile, place him on formal or informal probation, or provide for some sort of detention or confinement in a private or state facility. The juvenile retains a court record of the disposition.

An informal disposition includes informal probation or other pretrial diversionary programs. Upon successful completion of the program the juvenile does not retain a court record of disposition.

California requires that for certain violent, repeat, or drug-related offenses, the probation officer must file a petition with the district attorney requesting the commencement of formal proceedings within forty-eight hours.(FN25) Otherwise, the intake decision of the probation officer is discretionary.(FN26).

Since the juvenile justice system is civil in nature, rather than criminal, the constitutional protections normally afforded the criminal proceedings are not necessarily available to the juvenile. The intake phase of the process, where the determination of which juvenile is a candidate for the more favorable pre-trial diversion programs and which is sent through the more punitive court proceedings, has the greatest opportunity for potential due process and equal protection issues. The probation officer's discretionary power demands a response to the question of what rights, if any, does a juvenile have in demanding informal probation, and what recourse is there when the probation officer decides that the juvenile is not a candidate.

In responding to constitutional issues regarding the juvenile justice systems, the United States Supreme Court, in *In re Gault*, declined to extend constitutional due process rights in the pre-adjudication and post-adjudication juvenile procedures. (FN27) However, the courts in California have interpreted the constitutional rights issues as extending to all juvenile proceedings a standard of fundamental fairness. (FN28).

The California courts stated in *In re Schubert* that "while the Juvenile Court law may not be used as a means of denying to a minor a constitutional right, or a guarantee given by law to an adult, it juvenile law is to be liberally construed."(FN29) For

example, though the statutes require the probation officer to conduct investigations prior to making the intake decision, the courts have not restricted nor attempted to delineate what constitutes a constitutionally adequate investigation.(FN30) The extent of the investigation is left to the discretion of the probation officer.(FN31) The California Supreme Court, in *Charles S.*, has provided criteria, from the results of an investigation, upon which the probation officer shall make his decision, "including the seriousness of the offense, the ability of the minor and his parents to resolve the matter, the attitude of the minor and his parents, and other circumstances involving the welfare and safety of the minor and the protection of the public."(FN32).

The juvenile has been protected from the arbitrary denial of access to the more favorable programs by probation officers through court interpretation of the codes using the standard of fundamental fairness. The California courts have rejected the probation officers' decision to deny access to the informal programs based on the juvenile's refusal to admit to the crime,(FN33) the financial incapacity of making restitution,(FN34) or commitment of offenses not identified in the code.(FN35) Section 653.5 of the California Welfare & Institutions Code provides for review of the petition to commence proceedings by both the district attorney and the judge, as a check for arbitrary and capricious decisions by a probation officer.(FN36) Either the district attorney or the judge has the authority to return the case to the probation officer with the disposition to proceed with informal probation. Once the petition has been forwarded to the courts, the judge has the sole discretion in the determination of disposition, subject to appeal as in any case. The judge can require informal probation, disregarding the district attorney's or probation officer's recommendation, if he deems it is warranted.(FN37) California statutes have been interpreted as entitling a juvenile to the least restrictive disposition,(FN38) such as informal probation.

However, in recent cases the least restrictive disposition has taken a backseat to public safety.(FN39) The effectiveness and appropriateness of the least restrictive alternative is a part of the intake evaluation process and a negative finding can deprive a juvenile access to the pre-trial diversion programs.(FN40) The informal process, including informal probation and the community sponsored programs, is the remaining scope of this Note.

C. THE JUVENILE CRIMINAL STATISTICSNationally, sixty to eighty percent(FN41) of all criminal offenders are recidivists. California's juvenile recidivism rate is on the high end of this scale at approximately seventy percent.(FN42) The majority of the adult recidivists began their criminal careers as juvenile offenders. As these offenders grow up, they go on to commit more serious,(FN43) and more often than not, violent crimes, becoming a part of the "revolving door" syndrome of the criminal justice system.(FN44).

The number of crimes committed by juveniles has risen by forty-one percent between 1985 and 1994; with offenses against persons by ninety-three percent,(FN45) property offenses by twenty-two percent,(FN46) and drug law violation by sixty-two percent.(FN47) The violent crime index has increased by ninety-eight percent during this period.(FN48).

The anticipated increase in the number of juveniles is approximately twenty-six percent by the year 2003.(FN49) This increase has generated predictions of an "explosion" of crimes committed by juveniles by the next century.(FN50) Therefore, the programs available to address juvenile offenders must be in place and operating successfully before the wave of juveniles reaches the "at risk" age of ten through eighteen years.

Though recent statistics have shown a slight decline in overall criminal activity,(FN51) local, state and federal agencies are still seriously impacted by overcrowded facilities.(FN52) Nationally, no action is taken in approximately twenty-two percent of the cases; twenty-three percent are retained for informal processing, and fifty-five percent referred to the juvenile courts for formal disposition.(FN53) The juvenile facilities and programs are so overcrowded with serious offenders that those juveniles that commit the lesser offenses are slipping through the cracks.(FN54) Often these offenders are adjudicated through the formal juvenile system with no more than a "slap on the wrist."(FN55) Even under formal probation, the offender may see their probation officer only two or three times each month, or less.(FN56)

For many juvenile offenders there is no responsibility nor accountability for committing the offense, and thus, no incentive to discontinue their criminal behavior.

D. LEGISLATIVE RESPONSE TO JUVENILE CRIMEThe legislatures of both state and federal governments are reevaluating the juvenile systems and revising laws in response to the lack of success of traditional programs, and addressing the concerns of an anticipated increase in juvenile crime.(FN57) Across the nation, public intolerance of increasing juvenile crimes has resulted in a rash of new enactments. These have included harsher and mandatory sentencing, reducing the age classification for consideration as an adult for certain offenses (waiver),(FN58) and restricting juvenile courts' discretion in pretrial diversion decisions.(FN59).

California codes still permit discretionary decisions to be made by probation officers and judges.(FN60) Waivers to adult courts continue to progress through protective hearings within the juvenile courts. However, the criteria upon which the decision is based has been broadened to allow a greater number of juveniles to be waived over to the adult system.(FN61) This rehabilitative, rather than punitive, philosophy has been tempered by the revision of Section 202 of the California Welfare & Institutions Code in 1984.(FN62) The emphasis has shifted "from a primarily less restrictive alternative rehabilitative approach oriented towards the benefit of the minor , to the express 'protection and safety of the public or more punitive approach of removing the juvenile from society ."(FN63).

The federal legislature, in their congressional findings, have taken note that current programs and traditional approaches have not been effective at curbing juvenile crime, and collaterally, juvenile recidivism.(FN64) It is the policy of Congress to promote the development of "effective programs to prevent delinquency, to divert juveniles from the traditional justice system and to provide critically needed alternatives to institutionalization ... and to encourage parental involvement in treatment and alternative disposition programs."(FN65) Congressional findings stated that "a redesigned juvenile correction ... should be based on four principles of accountability for offenders and their families, restitution for the victims, community-based prevention and community involvement."(FN66).

Traditional programs may have failed due to the singular rehabilitative approach whereas the pre-trial diversionary programs offer a blend of rehabilitation and punishment. This blend holds the juvenile both responsible and accountable while addressing the causes of his conduct. These programs incorporate the recommendations of both the state and federal legislative requirements of restitution, community service, and parental responsibility with counseling and continued education.

III. INFORMAL PROCESS: PRE-TRIAL DIVERSIONARY PROGRAMS
OVERVIEW OF PRE-TRIAL DIVERSIONARY PROGRAMSPretrial diversionary programs are the discretionary tools given to the juvenile justice system to divert certain juvenile offenders from formal court proceedings to an informal process. There is no constitutional nor statutory right guarantee to being admitted into a pretrial diversionary program.(FN67) However, the California courts, under Marvin F.(FN68) and Alsavon M.,(FN69) have held that this discretionary decision may not be delegated(FN70) nor eliminated.(FN71) Probation officers have the discretionary power to place the juvenile on informal probation. The judge and the district attorney may also recommend that the juvenile be placed on informal probation.(FN72).

The common elements within each of the pre-trial diversionary programs are restitution, community service, parental involvement, continuing education, continuous monitoring and supervision, and counseling.(FN73) These programs identify requirements which will provide accountability and responsibility for the offense by the juvenile and his parents. Section 652.5 of the California Welfare & Institutions Code provides that service programs include "constructive assignments that will help the minor learn to be responsible for his or her actions. The assignments may include, but are not be limited to, requiring the minor to repair damaged property or to make other appropriate restitution, or requiring the minor to participate in an educational or counseling program."(FN74) The programs are designed to be completed within six months.(FN75) Failure to complete the contract may result in a filing of a petition to the court reinstating the original affidavit for commencement of formal court proceedings.(FN76).

Section 654 of the California Welfare & Institutions Code provides that the probation officer is to decide if an informal program is appropriate for a specific individual. (FN77) In *Marvin F.*, the California Court of Appeals interpreted Section 654 as an "expression of the legislative intent that minors be diverted from the court process when in the judgment of the probation officer such can be done in the interest of both the minor and society." (FN78) Congress has also recognized the importance of diverting first-time offenders into nontraditional programs with the enactment of the 1974 Juvenile Delinquency Act. (FN79).

The expectation is that these programs, especially those with community involvement, will reduce juvenile recidivism. Preliminary results do indicate that the reduction in juvenile recidivism is impressive. (FN80).

B. STATUTORY PRE-TRIAL DIVERSIONARY PROGRAM Informal probation is the statutory pre-trial diversionary program under the supervision of the local probation officer, governed by Section 654 of the California Welfare & Institutions Code (FN81) and Rule 1404 of the California Rules of Court. (FN82) A contract is generally signed by the juvenile, with his parents agreeing to certain terms such as restitution, community service, counseling and continuing education. The contract may stipulate a curfew, avoidance of certain associations (such as associating with known gang members), or other corrective actions deemed appropriate by the probation officer. (FN83) The contract period is not to exceed six months, in accordance with California state code. (FN84) The juvenile, upon completion of his contract requirements, is not subject to further adjudication for the offense and has no record of a formal adjudication for the offense. The juvenile does, however, retain a record of his arrest and informal probation. The stigma of a court adjudication does not follow the juvenile, thus making it easier for application into college, employment or military service. Failure to successfully complete the requirements of the contract may cause the probation officer to file for petition for formal court proceedings on the original affidavit.

Probation officers are paid law enforcement officials, and the number of officers available is restricted by state and local budgets. However, the courts have refused to allow inadequate resources to be an acceptable justification to refuse a juvenile into informal probation. (FN85) Thus, the number of probation officers to juveniles greatly restricts the ability for individual and continuous supervision of the offenders by the officers. Continuous and frequent supervision is a significant factor in the success of any program. A program instituted in Baltimore, where 150 students were employed as intern probation officers to provide constant and more individualized supervision, resulted in reducing the city's recidivism in half. (FN86).

Other resources within the community are necessary to fill a void due to the lack of sufficient state-employed probation or social officers. In many communities throughout the nation, independent pretrial diversionary programs are being sponsored, some funded through the state or communities while others rely strictly on volunteers. (FN87).

C. COMMUNITY VOLUNTEER PRE-TRIAL DIVERSION PROGRAM Alternative community-sponsored diversionary programs are rising in popularity. There are many diverse programs that are being introduced into various communities. These programs are generally designed to fit the needs of the community and the types of problems incurred with juvenile offenders. Though diverse and called by different names, the programs have a central theme: divert the juvenile from the juvenile court system; hold the juvenile responsible and accountable for his actions; involve the juvenile's parent(s) in the program; stress community involvement; provide supervision and counseling if needed; and stress the importance of education. These programs work in conjunction with the local police and court authorities, and are similar to statutory programs.

Probation officers in the San Bernardino County of California have the option to refer juveniles to community-based programs. The County of San Bernardino Probation Department, in association with local law enforcement agencies and cities, has established teen courts or adult managed youth accountability programs, based solely on volunteers, for non-violent first time offenders within each community. (FN88) Similar to the statutory informal probation program, juvenile offenders in the

community pre-trial diversionary programs are offered the opportunity to complete a program that would leave no court record of the offense. An additional benefit of this program is that there is no formal nor informal probation record either. Failure to satisfactorily complete the contract requirements of the community pre-trial diversionary programs may, as does the informal probation, result in the juvenile facing court actions for the original offense. The juvenile is referred back to the probation officer who will then make the decision to either retain the juvenile in an informal probation program or commence proceedings in court.(FN89) The recommendation of the community program that the juvenile is not fit to benefit from the program is viewed as "advisory only". As stated earlier, since the probation officer cannot delegate the disposition decision,(FN90) the community board can only refer the youth back to the probation officer for disposition.

Nationally, the most common pre-trial diversionary program is teen courts. Teen courts offer juvenile offenders peer pressure to change their behavior. Historically, teen courts were set up within academic schools dealing with offenses committed by its students. Many communities, though, are establishing teen courts staffed with community teen volunteers,(FN91) justice department personnel and local attorneys--as a community response to local juvenile crime. The programs are diverse, with some allowing the teens to be the prosecutor, the defense counsel, judge and jury; while others combine adult professionals in some roles, with the teens in the other roles.(FN92) The juvenile offenders are tried, convicted and sentenced by their peers.(FN93) The sentences may include restitution and/or community service.(FN94).

The structure of the teen court does not affect the overwhelming consensus that juvenile recidivism is significantly reduced in those areas that utilize teen courts. For example, " s ince May 1994, teen court has served more than 400 juveniles from Bay County. The juvenile recidivism rate for Bay County is 33 percent, but the Bay County Teen Court has a recidivism rate of less than 5 percent."(FN95) Similar statistics are reported across the nation.(FN96).

A relatively new program operating in California's San Bernardino County is the Youth Accountability Board (YAB), which has been established in twenty-four of its cities.(FN97) The Boards are structured in panels of three to five adult volunteers.(FN98) The number of panels is unique to the requirements of each city. In the city of Rancho Cucamonga, for example, there are seven panels currently hearing cases.(FN99).

A local juvenile probation officer, who is stationed at the local police station, provides the police reports of those juveniles that would best benefit from the program.(FN100) The Board, after a preliminary investigation, has the option to retain the case or return it to the probation officer.(FN101) Retained cases are further investigated by an associate probation officer or social investigator, both of whom are volunteers.(FN102) The juvenile offender and the family are interviewed and given the details regarding the program.(FN103) The investigator then presents his (her) findings to the panel. A hearing with the juvenile and the parent(s) is held, where the juvenile is provided the opportunity to "plead his case". Within this program there is no requirement that the juvenile admit to the crime; however, denial may become a part of the overall evaluation of the case.(FN104) The panel, in private, then determines the disposition to be offered to the juvenile. A legally binding contract is created by the panel detailing the requirements. The provisions may contain restitution, community service, counseling, and specialized education, as well as a condition to do well in school.(FN105) The contract is then presented to the juvenile and his parent(s) for concurrence and signature.(FN106) Any questions are answered, and the consequences of default of the contract are plainly explained.(FN107) The cost to the juvenile offender is ten dollars to cover the administrative expenditures.(FN108) The personnel are all volunteers, and the room where the hearing is held is donated by a local hotel,(FN109) thus demonstrating both the individual's, as well as the local business', commitment to this Program.

Recent statistics from the Youth Accountability Board reflect a 97% success rate, county-wide, for juveniles completing the program. During a twenty month period following the successful completion of the program, only 4% of the juveniles were referred back to the juvenile justice system(FN110) as repeat offenders. These statistics are similar to the results of those communities using the teen court

approach,(FN111) thus reflecting the effectiveness of these pre-trial diversionary programs in reducing juvenile recidivism.

The community programs are entered into voluntarily by the juvenile, with the consent of his parents. It is important to note that these programs are neither designed for nor address the issues of juveniles who commit the serious offenses. The programs are still valuable in removing the first-time offender of minor offenses from the more stringent juvenile court system, and in doing so, remove the juvenile from the negative influences which may lead the first-time offender in becoming the recidivist of serious offenses.

The common elements of the program--restitution, community service, parental involvement, education and counseling and increased supervision--have been individually and collectively recognized as deterrents to juvenile recidivism overall.

IV. ELEMENTS OF SUCCESSA. RESTITUTIONRestitution provides a method of reimbursing either the individual victim or the community for the pecuniary loss attributed to the juvenile's conduct. "Victim restitution is used to instill positive values and moral obligation through financial reimbursement to the victim by the child and parent. The program also gives juveniles an opportunity to learn responsibility for their actions."(FN112) The sense that the offender "got away with it" or "crime pays" is debunked.

Restitution has been shown as an effective tool in reducing recidivism, especially for first-time offenders.(FN113).

California codes include restitution as an acceptable means of holding the juvenile offender accountable for his offenses.(FN114) The California Supreme Court, in Charles S.,(FN115) recognized that "restitution may serve the rehabilitation purpose of juvenile law, even though it also accomplishes other goals."(FN116) Moreover, in Charles S., the court held that " r estitution, then, can be a valuable tool of rehabilitation. As it is directly related to the crime, restitution can, if proper in the circumstances, lead the minor to realize the seriousness of his crime, and to accept the responsibility for it."(FN117).

Though an important tool, restitution cannot be used as an exclusion from participation in the pre-trial diversion programs. Such an exclusion can be viewed as an equal protection issue under the Fourteenth Amendment. Those with money would then be favored over those without.(FN118) In Charles S., the California State Supreme Court held that depriving a juvenile of the benefit of informal probation due to his inability to meet the restitution requirement is not statutorily permissible. (FN119) Thus, the inability to make restitution alone may not be used to exclude an otherwise acceptable candidate for the pre-trial diversionary program.

Critics have stated that the effectiveness of restitution is questionable if the juvenile's parent pays instead of the juvenile.(FN120) The individual program can address this concern by placing the requirement that the juvenile must show how he will pay the debt himself or reimburse his parent if they pay. In a study, the percentage of reconviction of first time offenders who were required to pay restitution was significantly less than those first-time offenders who were on probation only.(FN121).

B. COMMUNITY SERVICECommunity service, similar to the principles of restitution, provides an opportunity for the juvenile offender to "pay back" the community for his offenses through the juvenile's personal time and effort. It allows the juvenile to realize that his offense has a negative impact on the community. Examples of effective community services have been repainting graffitied walls and trash removal in parks and other city properties. Juveniles involved in arson or illegal fireworks offenses (that resulted in fire department deployment) must not only make restitution to the department for the cost of the deployment, but may be assigned community service hours at the local fire station.(FN122).

Community service provides juveniles with an inside view of the impact their offenses had on the community. Many juvenile offenders do not have any ties to the community, nor see their actions as affecting anything other than a nondiscriminate

mass. Also, community service gives that connection to the juvenile of being a member of the community. The juvenile works with other members of the community--people with names and faces, worries and concerns similar to his own--with a commitment to the well-being of the community. Ideally, the juvenile will begin to identify himself as a member of the community, and is thereby less likely to commit offenses against the community.

C. PARENTAL INVOLVEMENT Parental involvement, with potential criminal and/or financial responsibility, is perhaps one of the most key and controversial elements. In the teen court programs and the Youth Accountability Board (YAB), parental consent is required.(FN123) The YAB requires the parent to not only appear before the Board at the hearing, but to sign the contract, thereby assuming financial responsibility.(FN124) The Board may also recommend that the parent attend parenting classes or counseling.(FN125) However, this is one area in which the YAB is perhaps weakest. Though the parents must consent to the participation in the program and co-sign the contract, little is done in the way of providing for parental guidance in dealing with their child. In many states, including California, parents are not just required to participate, but are being held criminally responsible for their children's delinquency.(FN126).

California has amended Section 272 of the California Penal Code, stating that "a parent or legal guardian to any person under the age of eighteen years shall have the duty to exercise reasonable care, supervision, protection, and control over their minor child."(FN127) The California Supreme Court has upheld the constitutionality of this section in *Williams v. Garcetti*,(FN128) holding a parent vicariously liable for the criminal actions of his child. The ability to bring such charges against the parent is limited to the district attorney, and not to either a probation officer nor any community program. The code does reflect a shift in philosophy in holding the parent criminally liable for juvenile crime. This is an extreme approach to curbing juvenile crime, and its ultimate effectiveness questionable.

However, other states have implemented less extreme measures that do hold the parents responsible for their children's conduct. These states have enacted parent responsibility laws (such as West Virginia) that have imposed significant fines upon parents for graffiti caused by their children.(FN129) Oregon requires parents to attend parenting classes or face fines for curfew violations by their children.(FN130) Louisiana penalizes parents if their children associate with gang members.(FN131) Oklahoma imposes fines or community service on the parent(s) for juvenile firearm possession on school property.(FN132) For example, in one city, parents are required to complete the community service their children contracted to perform but did not complete.(FN133) The city of Silverton, Oregon, reports a forty-five percent drop in juvenile crime,(FN134) due to the implementation of the parental responsibility ordinances.

At times, it is the parental behavior that enables the juveniles to commit criminal offenses. This behavior needs to be identified and corrected if any program is to be effective. Activities such as parent-to-parent mentoring or support groups, as well as parenting classes, may provide the assistance needed for the juvenile offender's parent to discontinue the "enabling parental behavior."

D. CONTINUING EDUCATION, AND COUNSELING The Youth Accountability Board requires the juvenile offender to return to school if he has dropped out, or to maintain good grades if he is still in school.(FN135) Some youths are required to attending specialized classes dealing with arson, drug addiction, petty theft, or other educational classes that inform the juveniles of the consequences of their conduct.(FN136) Counseling may also be included in the contract if needed. These elements see to the special needs of the offenders. It is important to note again that these programs are not handling the more serious offenders who would need more intensive counseling and training. Counseling and specialized education should be made available to both the juvenile and to the juvenile's parents, if needed, in order to effectively reduce recidivism.

E. INCREASED SUPERVISION The Youth Accountability Board members not only attend the hearings, but they also provide supervision for the community service work.(FN137) The social investigator or the associate probation officer checks up on compliance of the other contractual requirements regarding keeping up grades in

school, curfews, etc.(FN138).

Studies have shown one of the causes of juvenile delinquency is the lack of proper (and at times any) adult supervision.(FN139) The volunteers of the Youth Accountability Board provide increased adult supervision and a positive role model. The ratios between adult and juvenile in these programs are far better than in the traditional juvenile justice programs, improving the potential for success. The Youth Accountability Board members often provide the structure and discipline that the juvenile's parents either will not or cannot exert on the juvenile. However, to effectively reduce recidivism, it is the parent that must ultimately provide the supervision of the juvenile. The programs already demonstrate that the increase in supervision does have a positive effect in reducing recidivism. Thus a program that stresses and makes part of its contract a parental requirement to provide such supervision should be extremely effective as well.

V. CONCLUSIONThe blend of a rehabilitative approach with a punitive approach to juvenile crime appears to increase the success rate of reducing recidivism more than any singular approach, whether it is the traditional rehabilitative or the threatened punitive approach.

Pre-trial diversionary programs, both statutory and community based, allow the juvenile offender to avoid the stigma that is associated with the formal juvenile court system: being adjudicated "a ward of the state" or "juvenile delinquent."(FN140) These programs "bridge the gap between parental sanctions which may be too lenient, and juvenile sanctions which may be too harsh for first-time offenders."(FN141) The programs are not the panacea to curing criminal conduct. However, they offer an effective alternative by removing the juveniles from the "revolving-door" juvenile justice system.

Both federal and state legislatures have recognized the importance of using a combination of elements to hold the juvenile accountable for his conduct, including restitution, community service, parental involvement, education and supervision. These elements have been shown to reduce juvenile recidivism rates.

As previously stated, there are not constitutional, nor statutory, rights to being admitted into a pre-trial diversionary program.(FN142) Certain safeguards, as a result of state and federal court interpretations, have extended a standard of fundamental fairness to these proceedings. Discriminatory or arbitrary practices in deciding which juvenile offenders should be admitted to the programs would not withstand judicial scrutiny.

The statutory pre-trial diversionary programs may be adversely affected by a reduced allocation, creating a "catch 22" effect. Funding for additional prisons has significantly increased at both state and federal levels,(FN143) which leaves less allocation for the use for rehabilitative or preventive programs.(FN144) such as the pre-trial diversionary programs. Fewer programs available to reduce or prevent recidivism results in an increase in the number of juvenile offenders, and thus the need for more prisons, creating a self-perpetuating, "catch 22" cycle. The community-sponsored programs, which do not require state or federal funding, become an extremely important function in breaking this cycle. The programs, staffed by community volunteers, do not require state or federal aid. Their effectiveness has been shown to significantly reduce juvenile recidivism. In addition, it is an opportunity for the citizens of the community to become involved in resolving the community problem of juvenile crime.

Pre-trial diversionary programs clear the juvenile justice system of offenders of minor offenses, holding the juveniles accountable for their actions, but leaving the formal system freer to concentrate its resources on the offenders of serious crime. The statutory and community pre-trial diversionary programs benefit not only the juvenile offenders, but the communities in which they operate in reducing recidivism.

Added material.

FOOTNOTES1. BLACK'S LAW DICTIONARY 824 (abr. 6th ed. 1991).

2. Note: The term "juvenile offender" for this article will be those minors that are between the age of seven and eighteen.
3. BLACK'S LAW DICTIONARY 878 (abr. 6th ed. 1991) (defining a recidivist as an habitual or repeat offender).
4. Lori A. Carter, Offenders Young and Old Show a Rate of Return, FRESNO BEE, Oct. 28, 1993, at A8.
5. In re Gault, 387 U.S. 1, 12 (1967) (discussing the historical basis of the juvenile justice system); see also CAL. WELF. & INST. CODE (section) 202(a) (West 1997).
6. CAL. WELF. & INST. CODE (section) 202(a) (West 1997); see also Cheryl H. v. Los Angeles County Dept. of Social Services, 200 Cal. Rptr. 789, 798 (1984) ("State has a duty to protect children from abuses of parental authority."); In re Joseph B., 49 Cal. Rptr. 2d 900, 906 (1996) ("authorizing juvenile court intervention to protect children who are at substantial risk of suffering physical or emotional harm"); Naomi R. Cahn, Pragmatic Questions about Parental Liability Statutes, 1996 WIS. L. REV. 399, 403 (1996).
7. CAL. WELF. & INST. CODE (section) 202 (West 1997) (the purpose of the system is to provide for the welfare of the minor and for the protection of the public).
8. CAL. WELF. & INST. CODE (section) 203 (West); see also Kent v. United States, 383 U.S. 541, 555 (1966); In re K.D.K., 75 Cal. Rptr. 136, 141 (1969) (juvenile court proceedings are civil).
9. CAL. WELF. & INST. CODE (section) 203 (West 1997); see also Kent v. United States, 383 U.S. 541, 555 (1966); People v. Allen, 144 Cal. Rptr. 6, 12 (1978).
10. In re William M., 89 Cal. Rptr. 33, 44 (1970).
11. In re William M., 89 Cal. Rptr. 33, 44 (1970); see also In re Dennis J., 140 Cal. Rptr. 463, 466 (1977) (rehabilitation not punishment).
12. BLACK'S LAW DICTIONARY 769 (abr. 6th ed. 1991) "refers traditionally to role of the state as sovereign and guardian of persons under legal disability, such as juveniles, ... when acting on behalf of the state to protect the interests of the child." *Id.*
13. In re Schubert, 313 P.2d 968, 970 (Cal. Ct. App. 1957) (citing People v. Renteria, 141 P.2d 37 (1943); People v. Deibert, 256 P.2d 355 (Cal. Ct. App. 1953)); see also S'Lee Arthur Hinshaw II, Comment, Juvenile Diversion: An Alternative to Juvenile Court, 1993 J. DISP. RESOL. 305 (1993); Kelly Keimig Eisea, The Juvenile Crime Debate: Rehabilitation, Punishment, or Prevention, 5-Fall KAN. J.L. & PUB. POL'Y 135 (1995).
14. Kenneth Freed, Youth-Crime Wave Stirs Shift in Policy Juvenile Crime, OMAHA WORLD-HERALD, June 9, 1996, at 1A; see also Kelly Keimig Eisea, The Juvenile Crime Debate: Rehabilitation, Punishment, or Prevention, 5-Fall KAN. J.L. & PUB. POL'Y 135 (1995).
15. Note: Waiver is the process of transferring a juvenile from the juvenile system into the adult justice system. The minimum age to waive the juvenile over to the adult system in California was lowered to fourteen for certain serious criminal acts; however, the provision was repealed in 1997. CAL. RULES OF COURT, Rule 1404 (d)(4) (West 1996) (section repealed effective Jan. 1, 1997).
16. Barry Krisberg, Elliot Currie, David Onek, What Works with Juvenile Offenders? A Review of "Graduated Sanctions" Programs, 10-Sum CRIM. JUST. 20 (1995); see also Kenneth Freed, Youth-Crime Wave Stirs Shift in Policy Juvenile Crime, OMAHA WORLD-HERALD, June 9, 1996, at 1A ("The way more and more states

are preparing is to try more and more children as adults for more and more types of crimes, often such lesser ones as burglary." Fourteen now seems to be the operative age instead of eighteen. Vermont has lowered the age to eleven; in North Carolina and in Illinois, the cutoff is thirteen, and in New York anyone older than seven can possibly be tried as an adult.) Id.

17. Kelly Keimig Elsea, *The Juvenile Crime Debate: Rehabilitation, Punishment, or Prevention*, 5-Fall KAN. J.L. & PUB. POL'Y 135 (1995) (citing the provisions of the Violent Crime Control and Law Enforcement Act of 1994).

18. CAL. WELF. & INST. CODE (section) 202 (b) (West 1992);.

Minors under the jurisdiction of the juvenile court as a consequence of delinquent conduct shall, in conformity with the interest of public safety and protection, receive care, treatment and guidance which is consistent with their best interest, which holds them accountable for their behavior, and which is appropriate for their circumstances. This guidance may include punishment that is consistent with the rehabilitative objectives of this chapter. Id.

19. CAL. WELF. & INST. CODE (section) 202(e) (West 1997).

20. CAL. WELF. & INST. CODE (section) 204(b) (West 1997);.

"Disposition," ... includes a release of the minor from custody without the filing of an accusatory pleading or a petition under the provisions of this chapter, a determination of wardship by the juvenile court, or a determination by the juvenile court that the minor is not fit subject to be dealt with under the provisions of this chapter. Id.

21. CAL. WELF. & INST. CODE (section) 653.5 (West 1997).

22. CAL. WELF. & INST. CODE (section) 653.5 (West 1997).

23. CAL. RULES OF COURT, Rule 1404 (West 1996).

24. Id.

25. CAL. WELF. & INST. CODE (section) 653.5 (West 1997).

26. CAL. WELF. & INST. CODE (section) 654 (West 1997).

27. *In re Gault*, 387 U.S. 1, 2, 3 (1967). The Court did hold that certain constitutional rights such as notification, a hearing, confrontation of witnesses, and protection from self-incrimination were applicable to juveniles within the juvenile justice system. Id.

28. *McKeiver v. State*, 403 U.S. 528, 543 (1971); see also *In re K.D.K.*, 75 Cal. Rptr. 136, 141 (1969).

29. *In re Schubert* 313 P.2d 968, 970 (Cal. Ct. App. 1957) (citing *In re Contreras*, 241 P.2d 631 (Cal. Ct. App. 1952); and referencing former CAL. WELF. & INST. CODE (section) 503, now replaced with (section) 202 (West 1997)).

30. *Raymond B. v. Superior Court*, 162 Cal. Rptr. 506, 508, 509 (1980).

31. Id.

32. *Charles S. v. Superior Court*, 187 Cal. Rptr. 144, 147 (1982) (citing CAL. RULES OF COURT, Rule 1307). (Note: CAL. RULES OF COURT, Rule 1307 has been repealed, but Rule 1405 states essentially the same factors; see CAL. RULES OF COURT, Rule 1405 (West 1996)).

33. Paul D. v. Superior Court, 205 Cal. Rptr. 77, 80 (1984) (requirement that the juvenile admit to the offense prior to allowing participation in informal probation program is an abuse of discretion and not statutory precondition).

34. Charles S., 187 Cal. Rptr. at 150.

35. Mark F. v. Superior Court, 234 Cal. Rptr. 388, 390-01 (Ct. App. 1987) (probation department refused to admit juveniles arrested for drunk driving to informal probation).

36. CAL. WELF. & INST. CODE (section) 653.5(c) (West 1997); see also Charles S. v. Superior Ct. of Los Angeles, 187 Cal. Rptr. 144, 148 (1982).

37. Raymond B., 162 Cal. Rptr. at 508, 509.

38. Alsavon M. v. Superior Court, 177 Cal. Rptr. 434, 441 (Ct. App. 1981).

39. In re Gerardo B., 255 Cal. Rptr. 339, 341-42 (Ct. App. 1989).

40. In re Gerardo B., 255 Cal. Rptr. 339, 342 (Ct. App. 1989).

41. George B. Speigler, Crime Does Not Pay, or Punishment, NAT'L L.J., Apr. 8, 1996, at A17, Col. 1.

42. Lori A. Carter, Offenders Young and Old Show a Rate of Return, FRESNO BEE, Oct. 28, 1993, at A8.

43. Note: Serious crimes includes "criminal homicide, forcible rape or other sex offenses punishable as a felony, mayhem, kidnapping, aggravated assault, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, and arson punishable as a felony." 42 U.S.C.A. (section) 5603(14) (West 1997).

44. Carter, *supra* note 42.

45. JEFFREY A. BUTTS, PH.D., U.S. DEP'T OF JUST., OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, DELINQUENCY CASES IN JUVENILE COURTS 1994, FACT SHEET #47, Oct. 1996.

46. *Id.*

47. *Id.*

48. *Id.*

49. John Wilkens and Mark Sauer, Hopes and Fears Perception vs. Reality, SAN DIEGO UNION & TRIB., June 16, 1996, at 2.

50. *Id.*

51. Greg Krikorian, Arrest Rates for Violent Juvenile Crime Decline Statistics: Figures are Down in the County and State, L.A. TIMES, Aug. 11, 1996, at B1 ("last year the arrest rate for violent crime for 10 to 17 year olds was just under 622 per 100,000. Six years ago, the arrest rate was just over 655.") *Id.*

52. George B. Speigler, Crime Does Not Pay, or Punishment, NAT'L L.J., Apr. 8, 1996, at A17, Col. 1 (state prisons are operating at 18% over design capacity); see also 42 U.S.C.A. (section) 5601(a)(4) (West 1997) ("understaffed, overcrowded juvenile courts, prosecutorial and public defender officers, probation services, and correctional facilities are not able to provide individualized justice or effective help").

53. BUTTS, supra note 45.

54. Carter, supra note 42.

55. 142 CONG. REC. S10192-02 (daily ed., Sept. 10, 1996) (statement of Sen. Domenici: "Children are not born with a lack of respect for law and order, it is learned after numerous contacts with a criminal justice system that typically imposes no penalties until the child commits a heinous act of violence").

56. Rehabilitating Juveniles County Needs a Better Supervision Program, SAN DIEGO UNION & TRIB., Jan. 21, 1996, at G2.

57. 142 CONG. REC. S10192-02 (daily ed., Sept. 10, 1996) (statement of Sen. Domenici).

58. CAL. WELF. & INST. CODE (section) 707(d)(1) (West 1997) (minors fourteen years old may be transferred to the adult criminal system upon the commission of certain serious crimes and found unfit for the juvenile system).

59. CAL. WELF. & INST. CODE (section) 707 (West 1997) (fitness hearing); see also CAL. RULES OF COURT, Rule 1483 (West 1996) (for certain offenses the juvenile is presumed unfit with the burden of rebuttal on the juvenile).

60. Id.

61. Id.

62. Gerardo B., 255 Cal. Rptr. at 341 (citing In re Michael D., 234 Cal. Rptr. 103 (Ct. App. 1987)).

63. Id. at 341-42.

64. 142 CONG. REC. S10192-02, supra note 57.

65. 42 U.S.C.A. (section) 5602(b)(2) (West 1997).

66. 142 CONG. REC. S10192-02, supra note 57.

67. Gault, 387 U.S. at n.48 (excluding pre-adjudication treatment of juveniles from the decision in this case extending constitutional due process protection in juvenile hearings).

68. Marvin F. v. Superior Court, 142 Cal. Rptr. 78 (Ct. App. 1977).

69. Alsavon M. v. Superior Court, 177 Cal. Rptr. 434 (Ct. App. 1981).

70. Marvin F., 142 Cal. Rptr. at 82; see also Alsavon M., 177 Cal. Rptr. at 439.

71. Marvin F., 142 Cal. Rptr. at 82.

72. CAL. WELF. & INST. CODE (section) 653.5(c) (West 1997); see also Charles S., 187 Cal. Rptr. at 148.

73. CAL. WELF. & INST. CODE (section) 652.5 (West 1997); also Interview with Pat Bourland, Associate Probation Officer with Youth Accountability Board of Rancho Cucamonga, in Rancho Cucamonga, CA (Jan. 7, 1997).

74. CAL. WELF. & INST. CODE (section) 652.5 (West 1997).

75. CAL. WELF. & INST. CODE (section) 654 (West 1997).
76. *Id.* (the probation officer has six months plus a 90 day extension to file the petition to commence proceedings against the juvenile).
77. *Id.*
78. Marvin F., 142 Cal. Rptr. at 82.
79. 42 U.S.C.A. (section) 5602(b)(2) (West 1997) ("to develop and conduct effective programs to prevent delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization"). *Id.*
80. Chris Patterson, Bay County Forwards Teen Court as Juvenile Sanction Alternative, 69-Oct. FLA. B.J. 95 (1995); see also Not Criminals, Just Confused Kids, BALTIMORE SUN, March 23, 1994, at 18A; Nancy Weil, Teens Court Trouble as Peers Deal Justice, STAR-LEDGER (Newark N.J.), Oct. 6, 1996, at 011.
81. CAL. WELF. & INST. CODE (section) 654 (West 1997).
82. CAL. RULES OF COURT, Rule 1404 (West 1996).
83. Interview with Bonnie Bentley, Probation Officer II of County of San Bernardino, in Rancho Cucamonga, CA (Jan. 7, 1997).
84. CAL. WELF. & INST. CODE (section) 654 (West 1997).
85. John O. v. Superior Court, 215 Cal. Rptr. 592, 595 (Ct. App. 1985).
86. Rehabilitating Juvenile sic County Needs a Better Supervision Program, SAN DIEGO UNION-TRIB., Jan. 21, 1996, at G2.
87. Interview with Pat Bourland, Associate Probation Officer with Youth Accountability Board of Rancho Cucamonga, in Rancho Cucamonga, CA (Jan. 7, 1997); see also Chris Patterson, Bay County Forwards Teen Court as Juvenile Sanction Alternative, 69-Oct. FLA. B.J. 95 (1995); Wendy L. Marshall, A Second Chance Program Puts Youths Back on Right Track, ARIZ. REPUBLIC/PHOENIX GAZETTE, Aug. 19, 1992, at 61 (YMCA program in conjunction with the local courts); Bonnie Miller Rubin, Town Aim at Mischief by Juveniles Goal is to Keep Courts Clear of 'Amateurs', CHI. TRIB., at 1 (teen courts); Conrad deFiebre, News, STAR TRIB. (Minneapolis-St. Paul, MN) Oct. 4, 1996, at 01A (governor's budget included six million dollars for establishing teen courts).
88. Note: The requirement for referral to these programs is that the offense is generally a misdemeanor, non-violent, and the first offense for the juvenile. Again, the probation officer has the discretion to decision intake whether the juvenile is to be placed within the programs. Interview with Bonnie Bentley, Probation Officer II of County of San Bernardino, in Rancho Cucamonga, CA (Jan. 7, 1997).
89. Alsavon M., 177 Cal. Rptr. at 439.
90. *Id.*
91. Chris Patterson, Bay County Bar Forwards Teen Court as Juvenile Sanction Alternative, 69-Oct. FLA. B.J. 95 (1995); Nancy Weil, Teens Court Trouble as Peers Deal Justice, STAR-LEDGER (Newark, N.J.), Oct. 6, 1996, at 011.
92. Chris Patterson, Bay County Bar Forwards Teen Court as Juvenile Sanction Alternative, 69-Oct. FLA. B.J. 95 (1995); see also Johnson, Youth Court Doesn't Kid Around, SAN FRANCISCO CHRON., Mar. 1, 1989, at A6; Nancy Weil, Teens Court

Trouble as Peers Deal Justice, STAR-LEDGER (Newark, N.J.), Oct. 6, 1996, at 011.

93. Id.

94. Id.

95. Chris Patterson, Bay County Bar Forwards Teen Court as Juvenile Sanction Alternative, 69-Oct. FLA. B.J. 95 (1995).

96. Conrad deFiebre, News, STAR TRIB. (Minneapolis-St. Paul, MN) Oct. 4, 1996, at 01A (governor's budget included six million dollars for establishing teen courts); Nancy Weil, Teens Court Trouble as Peers Deal Justice, STAR-LEDGER (Newark, N.J.), Oct. 6, 1996, at 011 (teen courts in New York report juvenile crime down 65%); Johnson. Youth Court Doesn't Kid Around, SAN FRANCISCO CHRON., Mar. 1, 1989, at A6 (San Francisco Richmond District cut juvenile recidivism to less than 2%); Clare Ulik, Tempe JP Seeks to Establish Court Operated by Teens, ARIZ. REPUBLIC/PHOENIX GAZETTE, Jan. 18, 1993, at 61 (Coconino County which utilizes teen courts reports average juvenile recidivism half of the rate is state 35%).

97. Youth Accountability Board: The Juvenile Justice System's Best Kept Secret, Brochure distributed by the San Bernardino County Probation Department, 12-19445-425 Rev. 1/96 (Adlanto, Apple Valley, Barstow, Big Bear, Chino, Chino Hills, Colton, Fontana, Hesperia, Highland, Montclair, Ontario, Phelan, Pinon Hills, Rancho Cucamonga, Redlands, Rialto, Rim of the World Communities, San Bernardino, Twentynine Palms, Upland, Victorville, Wrightwood, and Yucca Valley). Id.

98. Interview with Pat Bourland, Associate Probation Officer with Youth Accountability Board of Rancho Cucamonga, in Rancho Cucamonga, CA (Jan. 7, 1997).

99. Id.

100. Id.

101. Id.

102. Id. (Each panel member receives training. The associate probation officer or social investigator receives more extensive training for their positions.).

103. Interview with Pat Bourland, Associate Probation Officer with Youth Accountability Board of Rancho Cucamonga, in Rancho Cucamonga, CA (Jan. 7, 1997).

104. Interview with Bonnie Bentley, Probation Officer II, County of San Bernardino, Rancho Cucamonga, CA (Jan. 7, 1997).

105. Interview with Pat Bourland, Associate Probation Officer with Youth Accountability Board of Rancho Cucamonga, in Rancho Cucamonga, CA (Jan. 7, 1997).

106. Id.

107. Id.

108. Id.

109. Note: The Best Western Hotel in Rancho Cucamonga makes a conference room available at no charge to the program. Interview with Pat Bourland, Associate Probation Officer with Youth Accountability Board of Rancho Cucamonga, in Rancho Cucamonga, CA (Jan. 7, 1997).

110. Telephone Interview with Zane Hacker, San Bernardino County Probation Officer, Youth Accountability Board (Jan. 29, 1997). It is important to note that the participation in the program is limited to a minority of juveniles that commit for the first time non-violent misdemeanor offenses. The previously cited statistics of a 70% recidivism rate includes all offenders for all offenses, thus the 4% recidivism rate may be normative.

111. Conrad deFiebre, News, STAR TRIB. (Minneapolis-St. Paul, MN) Oct. 4, 1996, at 01A (governor's budget included six million dollars for establishing teen courts); Nancy Weil, Teens Court Trouble as Peers Deal Justice, STAR-LEDGER (Newark, N.J.), Oct. 6, 1996, at 011 (teen courts in New Jersey report juvenile crime down 65%); Johnson, Youth Court Doesn't Kid Around, SAN FRANCISCO CHRON., Mar. 1, 1989, at A6 (San Francisco Richmond District cut juvenile recidivism to less than 2%); Clare Ulik, Tempe JP Seeks to Establish Court Operated by Teens, ARIZ. REPUBLIC/PHOENIX GAZETTE, Jan. 18, 1993, at 61 (Coconino County which utilizes teen courts reports average juvenile recidivism half of the rate is state 35%).

112. Sudipto Roy, Juvenile Restitution and Recidivism in a Midwestern County, 59-Mar FED. PROBATION 55, 56 (March 1995) (citing Juvenile Court Probation Department, 1980 Annual Report, Gary, IN, Superior Court of Lake County, Juvenile Division, at 36).

113. Sudipto Roy, Juvenile Restitution and Recidivism in a Midwestern County, 59-Mar FED. PROBATION 55 (March 1995); see also Barry Krisberg, Elliot Currie, David Onek, Review, 10-Sum CRIM. JUST. 20, 60 (1995); S'Lee Arthur Hinshaw II, Comment, Juvenile Diversion: An Alternative to Juvenile Court, 1993 J. DISP. RESOL. 305 (1993); Chi Chi Sileo, Crime Fighters Get Streetwise, INSIGHT MAG., Feb. 5, 1996, at 08.

115. Charles S., 187 Cal. Rptr. at 144.

115. Charles S., 187 Cal. Rptr. at 144.

116. Id. at 148 (citing In re Ricardo M., 125 Cal. Rptr. 291, 293 (Ct. App. 1975)).

117. Id. at 149.

118. Id. at 149-50.

119. Id. at 149.

120. Sudipto Roy, Juvenile Restitution and Recidivism in a Midwestern County, 59-Mar FED. PROBATION 55, 61 (March 1995).

121. Ralph A. Rossum, Holding Juveniles Accountable: Reforming America's "Juvenile Justice System," 22 PEPP. L. REV. 907, n.80 (citing Anne L. Schneider & Peter R. Schneider, A Comparison of Programmatic and Ad Hoc Restitution in Juvenile Courts, 1 JUST. Q. 529 (1984), stating "w here restitution is implemented through formal programs, rather than through ad hoc orders with little support structure, completion rates are high and recidivism rates are reduced").

122. Interview with Pat Bourland, Associate Probation Officer with Youth Accountability Board of Rancho Cucamonga, in Rancho Cucamonga, CA (Jan. 7, 1997).

123. Id.

124. Id.

125. Id.

126. CAL. PENAL CODE (section) 272 (West 1997).

127. Id.

128. Williams v. Garcetti, 20 Cal. Rptr. 2d 341 (1993).

129. Laurel Shaper Walters, States to Parents: Pay for Your Children's Crimes Parent-Responsibility Laws are Spreading Across the Country: But Critics of Reform Say More Than a Quick Fix is Needed, CHRISTIAN SCI. MONITOR (United States), April 1, 1996, at 3.

130. Id.

131. Id.

132. Id.

133. Robert N. Bell, Mandated Family Work Days Gain Support Parent Accountability Programs Punishes Adult if Young Offenders Don't Complete Court Sentences, INDIANAPOLIS STAR, Nov. 19, 1996, at D03.

134. Laurel Shaper Walters, States to Parents: Pay for Your Children's Crimes Parent-Responsibility Laws are Spreading Across the Country: But Critics of Reform Say More Than a Quick Fix is Needed, CHRISTIAN SCI. MONITOR (United States), April 1, 1996, at 3.

135. Interview with Pat Bourland, Associate Probation Officer with Youth Accountability Board of Rancho Cucamonga, in Rancho Cucamonga, CA (Jan. 7, 1997).

136. Interview with Pat Bourland, Associate Probation Officer with Youth Accountability Board of Rancho Cucamonga, in Rancho Cucamonga, CA (Jan. 7, 1997).

137. Id.

138. Id.

139. Howard Davidson, No Consequences--Re-Examining Parental Responsibility Law, 7 STAN. L. & POL'Y REV. 23, 24 (1996).

140. S'Lee Arthur Hinshaw II, Comment, Juvenile Diversion: An Alternative to Juvenile Court, 1993 J. DISP. RESOL. 305 (1993); McKeiver v. State, 403 U.S. 528, 542 (1971).

141. Chris Patterson, Bay County Forwards Teen Court as Juvenile Sanction Alternative, 69-Oct. FLA. B.J. 95 (1995).

142. Gault, 387 U.S. at n.48 (excluding pre-adjudication treatment of juveniles from the decision in this case extending constitutional due process protection in juvenile hearings).

143. Barry Krisberg, Elliot Currie, David Onek, What Works with Juvenile Offenders? A Review of "Graduated Sanctions" Programs, 10-Sum. CRIM. JUST. 20 (1995); see also George B. Spiegler, Crime Does Not Pay, or Punishment, NAT'L L.J., Apr. 8, 1996, at A17, Col. 1.

144. Barry Krisberg, Elliot Currie, David Onek, What Works with Juvenile Offenders? A Review of "Graduated Sanctions" Programs, 10-Sum. CRIM. JUST. 20 (1995).



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