

Juvenile Justice Realignment Series

**An analysis of direct adult criminal court filing 2003-2009:
What has been the effect of Proposition 21?***

**After the release of this publication, Ventura County's Probation Agency acknowledged providing incorrect statistics to the State of California for 2003. We will be revising this publication's tables, discussion, and findings as soon as the corrected data becomes available.*

by

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Abstract

The following report is Part Four of the Center on Juvenile and Criminal Justice's (CJCJ) *Juvenile Justice Realignment Series*. Direct adult criminal court filing is a process that allows prosecutorial discretion to file cases involving juveniles accused of certain violent and serious offenses in adult court without obtaining judicial permission, a power granted by Proposition 21 in 2000.¹ This report studies the practice of direct-filing in California's 58 counties during 2003 through 2009 in order to assess the potential effect of the originally proposed Division of Juvenile Facilities closure on this practice.²

Summary of Findings

- California counties vary widely in prosecutorial use of direct adult criminal court filing.
- During the 2003-09 period, California prosecutors direct-filed 4,045 youth in adult criminal court, with rates per qualifying felony offense in major counties ranging from 1.5 in San Francisco, 6.2 in Alameda, and 8.2 in Fresno to 122.1 in Ventura, 106.9 in Yolo, and 84.7 in Kings.
- The 30 counties that used direct-filing at rates higher than the state average experienced a lesser reduction in juvenile crime trends, both for qualifying felonies and other serious offenses, than the 28 counties that used the procedure at lower than average rates. Thus, prosecutor predilection towards direct adult criminal court filing is not founded upon any demonstrable effect of reducing juvenile crime rates.
- A youth committing a qualifying felony offense is five times more likely to be subject to direct-filing in Ventura County than in other counties. During 2003-2009 Ventura accounted for just 1.3% of qualifying juvenile felony arrests, but 6.2% of all direct-files.
- While Ventura County utilized direct-filing for 77 defendants ages 14 and younger during 2003-09, Los Angeles County, with 24 times more qualifying felonies, utilized direct-filing in just 30 such cases.
- During the period of extraordinarily high levels of direct-filing of younger defendants, Ventura experienced a significantly worse trend in youth crime than other counties, including for felonies involving youths age 14 and younger.
- Prosecutors in counties with high rates of direct-filing disproportionately target younger offenders that, if convicted and sentenced to confinement, serve their time in DJF at the cost of the state taxpayer, as opposed to targeting older youth to send to adult facilities.

¹ The term 'direct-file' will be used throughout to refer to direct adult criminal court filing.

² The Division of Juvenile Facilities (DJF) is the state youth correctional facilities currently operated under the California Department of Corrections and Rehabilitation (CDCR).

I. Introduction

On March 17, 2011, Governor Jerry Brown's revised proposal for the elimination of the state's Division of Juvenile Facilities (DJF)³ and realignment of all juvenile justice to the county-level was approved by the legislature. Assembly Bill (AB) 109 provides that upon July 1, 2011 or the approval of necessary realignment funds, unless a county has entered a memorandum of understanding with the state, the DJF will no longer accept any commitments from the juvenile courts. Governor Brown's revised budget initially allocated \$242 million of a special tax fund to California's 58 counties in order to serve this high needs population. This fiscal allocation relied on voter-approved tax extensions that were set to expire on July 1, 2011, creating speculation about whether the realignment could feasibly occur. On June 30, 2011, the Governor removed juvenile justice realignment from the budget following a turbulent negotiation to have the budget approved by the legislature. Despite this, in consideration of the continual egregious failings of DJF to provide adequate care to its wards at an extremely high cost to the taxpayer,⁴ realignment of all juvenile justice services to the county-level continues to be a viable and seemingly necessary alternative.

However, some juvenile justice advocates have voiced concern that the realignment may result in more youth being tried as adults and confined in adult facilities (KQED, 2011). Their fears are echoed by the California District Attorneys Association (CDAA), that stated in a letter to Governor Brown on February 18, 2011, "As some advocates have already opined, removing DJJ as a potential disposition will inevitably lead to more juvenile offenders being subjected to the adult court system, because a prison commitment would be the only viable option when dealing with certain serious offenders" (CDAA, 2011). Prior to 2004, direct-filed youths who were sentenced to confinement as adults were housed in a special unit of Tehachapi State Prison. Currently, direct-filed youth are housed in DJF at state taxpayer, rather than county, expense.

California has always had a mechanism for prosecuting juveniles who were charged with the most serious violent offenses in adult criminal court. The decision-making authority for this mechanism has historically rested with juvenile court judges. In 1976, California expanded its waiver laws to allow criminal prosecution of juveniles ages 16-17 who are accused of designated serious offenses. Welfare and Institutions Code section 707(b) defines these offenses to include murder, mayhem, torture, robbery, and assault with a firearm, among others. In August 1994, the waiver law was expanded to include youths as young as 14, who are accused of murder.

In 2000, Proposition 21 created the prosecutorial power to directly file charges against juveniles in adult court under a variety of circumstances without first obtaining the permission of the juvenile court. This report investigates the adult criminal court direct filing ("direct-file") practices of California's 58 counties since the passage of Proposition 21 in an effort to assess the potential effect of DJF closure on this practice.

³ The 2005 reorganization of the Youth and Adult Correctional Agencies into the CDCR created the Division of Juvenile Facilities (DJF). The DJF is commonly referred to as the Division of Juvenile Justice (DJJ). This report uses the Division of Juvenile Facilities except when quoting sources that use "DJJ."

⁴ See Bundy, T. (2011, June 6). Young Prisoners Faced 24-Hour Confinement, Classes in Closets. *The Bay Citizen*, at: <http://www.baycitizen.org/youth/story/young-prisoners-faced-24-hour-classes/1/>.

II. Methodology

Data for this analysis were specially requested from the California Department of Corrections and Rehabilitation, Juvenile Research Branch (JRB); and the Criminal Justice Statistics Center (CJSC). The most complete data available encompassed the period from 2003 through 2009.

Juvenile felony arrest rates were calculated using CJSC county juvenile felony arrest and youth population figures for 2003 through 2009. Juvenile felony arrests were narrowed to exclude offenses that would not be eligible for direct adult criminal court filing. The qualifying juvenile felony arrests included in this analysis were for all violent felonies, arson, narcotics and dangerous drugs, and all sex offenses. Note that these offense categories may include small numbers of offenses that would not qualify, and do not include certain circumstantial offenses that would qualify for direct-filing. The rate at which counties direct-filed in adult criminal court was calculated using the CJSC's eligible juvenile felony arrest figures and direct adult criminal court filing figures to determine the rate of direct-filing per 1,000 eligible juvenile felony arrests.

Juvenile court remands to adult court were not included in the adult criminal court filing data set because they are an outcome of juvenile court procedure rather than a product of prosecutorial discretion.

III. Analysis

Part One of CJCJ's *Juvenile Justice Realignment Series* analyzed direct-filing in 2009 and found that California counties drastically vary in arrest and incarceration policies; and even radical variations in policy appear to have no effect on juvenile crime rates or trends. It noted that this result reconfirmed a consistent hypothesis that counties can feasibly incarcerate far fewer juvenile offenders at significantly reduced costs without risking an increase in youth crime (CJCJ, 2011a). This comprehensive 2003 to 2009 analysis demonstrates those same trends.

High Direct-Filing (HDF) Counties versus Low Direct-Filing (LDF) Counties

During the seven-year, 2003-09 period, counties displayed a large range of practices and strong discrepancies emerged. Out of California's 58 counties, 30 utilized direct-filing at a higher rate than the state average (herein referred to as "high direct-filing or HDF," counties), and 28 can be identified as utilizing the practice of direct-filing at a lower rate than the state average (herein referred to as "low direct-filing or LDF," counties). Ventura County stands out as an outlier in terms of radical use of direct-filing, particularly on younger defendants, and will be examined separately in the Case Example attached to this publication.

Table 1. Rate of direct-filing by California's 35 largest counties, 2003-2009

California's 35 largest counties	Rate of direct-filing per 1,000 qualifying juvenile felony arrests, 2003-2009
VENTURA	122.1
YOLO	106.9
MADERA	96.1
KINGS	84.7
NAPA	83.3
SANTA BARBARA	70.7
ORANGE	70.1
SACRAMENTO	62.8
SAN BERNARDINO	59.2
TULARE	55.2
EL DORADO	47.9
SONOMA	47.1
RIVERSIDE	42.0
HUMBOLDT	38.8
SANTA CRUZ	31.4
KERN	31.3
SAN MATEO	29.1
SOLANO	26.1
Statewide Average	25.4
BUTTE	25.1
MARIN	24.6
CONTRA COSTA	23.5
IMPERIAL	22.6
STANISLAUS	22.5
PLACER	20.2
SAN JOAQUIN	15.6
MERCED	14.4
MONTEREY	13.8
SAN LUIS OBISPO	12.4
SHASTA	11.6
SAN DIEGO	11.5
SANTA CLARA	9.5
FRESNO	8.2
LOS ANGELES	7.2
ALAMEDA	6.2
SAN FRANCISCO	1.5

Source: CJSC, 2011a, 2011b.

Table 1 shows direct-filing rates for the 35 most populous counties, which together accounted for 97.6% of 4,045 direct-files in California during the 2003-09 period. Due to their smaller populations and more erratic trends, 23 counties were removed from this section of analysis. Combined they utilized direct adult criminal court filing at a rate of 29.86 per 1,000 eligible juvenile felony arrests, between 2003 and 2009.

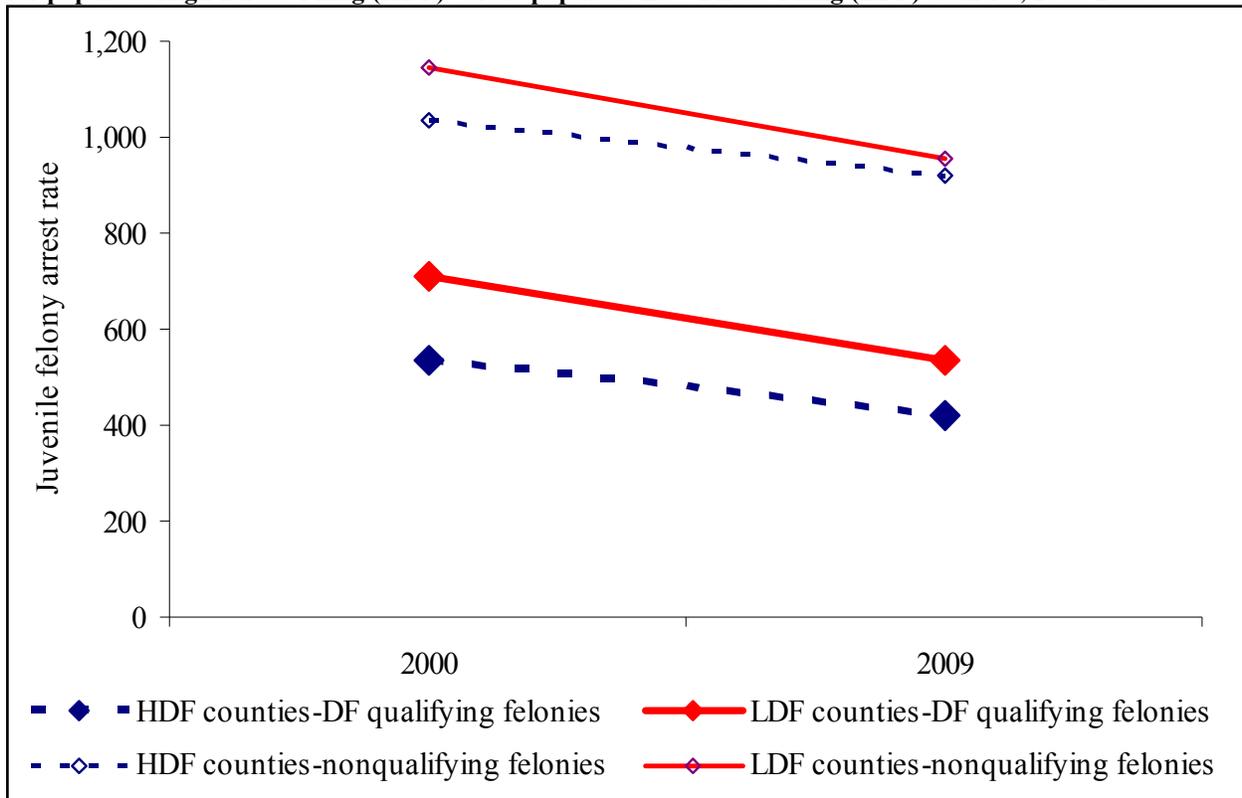
These direct-filing rates show a lack of connection between the direct-filing practices of counties and juvenile felony arrest rates. For example, of the 18 populous HDF counties, three accounted for 40% of all direct-files: Orange, San Bernardino, and Riverside counties. However, these three counties made up one-sixth of all eligible juvenile felony arrests.

The direct-filing rates shown in this publication can be compared to observations made in previous parts of this series. For example, seven of the populous HDF counties also utilized DJF at high rates in 2009 (CJCJ, 2011a), making them heavily state-dependent: Ventura, Kings, Santa Barbara, Orange, Sacramento, San Bernardino, and San Mateo counties.

On the other hand, seven of the populous LDF counties also utilized DJF at low rates in 2009 (CJCJ,

2011a), making them uniquely self-reliant: San Francisco, San Luis Obispo, Los Angeles, Santa Clara, San Diego, San Joaquin, and Stanislaus counties.

Figure 1. Change in qualifying juvenile felony arrest rates and of non-qualifying juvenile felony arrest rates, for populous High Direct-Filing (HDF) versus populous Low Direct-Filing (LDF) counties, 2000-2009.



Source: CJSC, 2011a, 2011b.

The 18 populous counties that used direct-filing the most used the procedure four times more per qualifying felony than the 17 populous counties that used direct-filing the least. If direct-filing is an effective crime reduction tool, one would expect high direct-filing (HDF) counties to experience juvenile felony declines superior to low direct-filing (LDF) counties, particularly with regard to those serious offenses qualifying for the procedure.

However, the opposite occurred (Figure 1). From 2000 through 2009, the rate of arrests of juveniles for qualifying felonies per 100,000 juveniles age 10-17 declined faster in the low direct-filing counties (down 23%) than in the high direct-filing counties (down 16%). San Francisco, for example, rarely utilized direct-filing and had a greater than average juvenile crime decline. Further, the rate of arrests of juveniles for all other felonies (those not qualifying for direct-filing) also fell faster in the low direct-filing counties (down 13%) than in the high direct-filing counties (down 6%).

Thus before direct-filing existed, the two sets of counties had significantly different juvenile arrest rates. The set of counties that minimally utilized direct-filing post-2000 had considerably higher juvenile arrest rates pre-2000 than those that embraced the procedure. However, by 2009, juvenile felony arrest rates in the two sets of counties were more similar. Thus prosecutor predilection towards direct-filing is not founded upon any demonstrable effect of reducing juvenile crime rates.

The Consequences of Direct Adult Criminal Court Filing

Prior to 2004, youth who were sentenced to prison by adult court served their time in a special Youthful Offender Unit at Tehachapi State Prison. However, after a suicide and subsequent investigation uncovering inadequate conditions in 2004, the California Department of Corrections and Rehabilitation (CDCR) entered into an agreement with DJF (then the California Youth Authority) to house all youth under the age of 18 who were sentenced to confinement by adult court in the state's youth correctional facilities. If the sentence can be served before the youth turned 21 years of age, the youth would remain in DJF for the entirety of their confinement. Thus, youths currently sentenced in adult court are not confined in adult state facilities at all prior to age 18, and only a fraction are later sent to adult facilities after age 21.

A study conducted by the National Council on Crime and Delinquency in collaboration with the Berkeley Center for Criminal Justice confirmed that while there has been an increase in direct-filing since 2003, "there has not been a major change in the number of persons under the age of 20 serving time in adult facilities, suggesting that the rise in direct files has not resulted in more young people being sent to CDCR" (NCCD, 2010, p. 9). There is no evidence that trying juveniles under age 18 in adult courts, whether by direct-filing or by other mandate, has added to the prison population of offenders ages 18-19 who were originally tried as adults.

Adding to the unexpected findings surrounding this issue, nineteen years of DJF (formerly California Youth Authority) data for more than 35,000 juvenile offenders released from 1987 through 2005 show that juveniles sentenced by juvenile courts consistently served longer sentences for the same offense than juveniles sentenced by adult courts (Males, 2008).⁵ Youths sentenced by juvenile courts served longer sentences for murder, drug offenses, and nearly all property offenses, while those tried in adult courts served longer sentences only for assault and robbery (Juvenile Research Branch, 2011b).

These data sets suggest that prosecutors are not choosing to direct-file because juvenile courts are lenient on youthful offenders, or that juvenile court procedures afford greater protection for youth dispositions. In fact, youth under the age of 18 who are sentenced to confinement by the adult court serve their time in DJF at no cost to the committing county. Had the same youth been tried in juvenile court and disposed to confinement in DJF, the county would have been responsible for a portion of the cost of housing them (*see* CJCJ, 2011b). This indicates a fiscal incentive for direct-filing that would disappear if DJF were closed and would reverse if counties were obligated to pay for some or all of the costs of sending offenders to state facilities.

Demographics of Direct Adult Criminal Court Filed Youth

Gender of direct adult criminal court filed youth. CJSJ figures show females comprised 5% and males 95% of direct adult criminal court filed cases. This is comparable to their felony arrest rates, comprised of 17% females and 83% males. While the statewide trends appear to be reflective of arrest rates, Ventura County displayed trends that were contrary to the norm and will be discussed in the Case Example.

⁵ See Males, Mike (2008, November 21). Myths and facts about "direct file," minorities, and adult-court sentencing. *CJCJ Blog* at <http://bit.ly/n6ADTf>.

Race of direct adult criminal court filed youth. CJSC figures show African Americans comprised 27% and Hispanics 55% of direct adult criminal court filed cases, which is similar to their proportions of qualifying felony arrests. There appears to be no racial biases in the high direct filing counties compared to the low direct filing counties. In fact, the HDF counties were slightly more likely to utilize direct adult criminal court filing on White (European origin) offenders compared to their populations; a trend resulting from the practices in just one county in 2003, Ventura, examined separately in the Case Example.

Age of direct adult criminal court filed youth. Table 2 demonstrates that high direct filing counties use the process on youth age 16+ about four times more, and nine times more for youth under-16, per qualifying felony arrest than low direct filing counties. Thus, the data suggest that prosecutors are utilizing direct adult criminal court filing to target a small handful of younger juvenile offenders that, if convicted and sentenced to confinement, serve their time in DJF at the cost of state taxpayers. As of December 2010, there were 214 youth in DJF who are in this category, at a taxpayer cost of approximately \$48 million annually (CDCR, 2010; DOF, 2010).

Table 2. Direct adult criminal court filing by age, HDF versus LDF counties, 2003-09.

Counties	Age of direct adult criminal court filed youth, 2003-09					Juvenile felony arrests, 2009
	12-13	14-15	16-17	18+	Total	
HDF counties	12	435	2,325	333	3,105	23,238
LDF counties	0	76	740	124	940	35,317
Percent HDF counties	100%	85%	76%	73%	77%	40%
Percent Ventura County	100%	12.7%	5.4%	1.5%	6.2%	1.3%

Source: CJSC, 2011a, 2011b.

In the thirty HDF counties,⁶ 14% of direct filed youths were 15 or younger, compared to 8% in the 28 LDF counties.⁷ HDF counties account for 40% of juvenile felony arrests but 77% of all direct filings, including 100% of those involving defendants aged 12-13, and 85% of those involving defendants aged 14-15.

For examples, San Francisco and Alameda counties have direct filed only two defendants who were under-16 in adult criminal court, whereas similarly populated Ventura and Sacramento counties direct filed 145 under-16 youth. Another example is Orange County, which direct filed 111 youth in adult criminal court, compared to its neighbor San Diego County that direct filed 7 youth. The county with the most distorted age pattern, Ventura, accounts for most of the age disparity in the HDF counties and will be examined in the Case Example.

The pattern found in Ventura County, and in other HDF counties to a much lesser extent, of using direct adult criminal court filing on younger arrestees is unexpected. The most effective strategy for prosecutors who direct-file youth would ostensibly be to focus direct filing on older juveniles, and primarily those who offended at age 17 but were not tried until after their 18th birthday. They would therefore be sent directly to adult rather than juvenile facilities. The

⁶ In addition to the 18 populous HDF counties listed in Table 1, the remaining 22 counties include: Amador, Colusa, Inyo, Mendocino, Modoc, Mono, Plumas, Siskiyou, Sutter, Tehama, Trinity, and Yuba.

⁷ In addition to the 17 populous LDF counties listed in Table 1, the remaining 11 counties include: Alpine, Calaveras, Del Norte, Glenn, Lake, Lassen, Mariposa, Nevada, San Benito, Sierra, and Tuolumne.

actual pattern of HDF counties using the procedure substantially more frequently than LDF counties for younger juvenile offenders suggests a different motive for direct adult criminal court filing than has been revealed in public discussion so far. The power granted by Proposition 21 allows prosecutors to directly force cases involving offenders ages 12-15 into adult criminal courts, in cases where juvenile courts would have ruled against the transfer and retained jurisdiction over the youth if they had been involved.

The reason for Ventura and other counties to utilize direct adult criminal court filing the most, and disproportionately target the youngest, rather than the near-adult juvenile offenders is not evident based on the data reviewed. The data identifies that it is not because of crime reduction or in pursuit of longer sentences in adult facilities. There also appears to be no pattern targeting more violent offenses over others. This trend warrants further more intensive analysis.

IV. Conclusion

The data analysis suggests that direct adult criminal court filing is being disproportionately used by prosecutors from state-dependent, high direct filing counties, primarily Ventura County, to target younger offenders. These youth, if convicted and sentenced to confinement, are housed in state youth correctional facilities. If a youth is confined at DJF as a result of an adult court commitment, the county is not charged by DJF through its sliding scale system (*see* CJCJ, 2011b). Thus, California taxpayers currently are paying for the full cost of housing these juvenile offenders, at an annual cost of over \$200,000 per youth. If DJF closes, these youth would be housed in either county-based facilities, or in a separate unit attached to an adult facility (as was the process pre-2004) at the county's (instead of the state taxpayers') expense.

The closure of DJF would require counties to develop additional secure facilities with appropriate intensive programming for this small, high-needs population. Part Two of the *Juvenile Justice Realignment Series* noted that California counties have adequate available bed capacity to absorb the current DJF population in county ranches, camps, and juvenile halls (CJCJ, 2011c). However, to be utilized as such may require additional resources to enhance security and provide the necessary services within those existing facilities.

Currently, the population of youth that are direct-filed in adult criminal court from low direct filing counties is small. Provided that resources and funding are allocated appropriately to provide secure alternatives at the county level, there is no reason to believe that prosecutors from these counties would increase their use of direct adult criminal court filing upon elimination of DJF. However, this is not necessarily true of the high direct filing counties, like Ventura, that are heavily state-dependent.

Finally, the question of radically different county practices is disturbing in terms of their widely varying treatment of youth from year to year for the same offenses, evidence of systemic racial and gender biases, and ineffectiveness in reducing crime. Prosecutors are not only criminal justice system advocates but face political considerations. Since the passage of Proposition 21, they were awarded the power to direct-file youth they determine fit for adult jurisdiction without reference to the juvenile court; however, this practice has not proven successful. It is time to explore returning court selection powers to neutral judges.

Case Example

Ventura County: A Case of Direct-File Disaster⁸

The Basics

Ventura County’s District Attorney’s Office used the power granted under Proposition 21 (2000) to “direct-file”⁹ certain qualifying juvenile cases in adult criminal court significantly more in 2003 than any other county before or since. That year, Ventura County, with just under 1% of the juvenile arrests in California for offenses qualifying for direct-file (violent, arson, dangerous drugs, narcotics, and sex-offense felonies), accounted for nearly 40% (162 of 410) of all juvenile cases direct-filed in adult courts. Ventura used direct-file in more cases than Los Angeles, San Diego, Orange, Riverside, San Bernardino, Santa Clara, Sacramento, and Contra Costa counties combined. That one year, 2003, accounted for more than twice as many of the county’s direct-files than the other six years of the 2003-09 period combined.

Ventura County’s prosecutors direct-filed approximately 74% of the arrests for qualifying juvenile offenses in 2003, compared to a statewide average of around 2%.

Table 1. Ventura County direct-file cases by age, race, sex, and year, 2003-09

Year	Direct file cases		Age		Race			Sex	
	Total		12-15	16-18	White	Hispanic	Black	Male	Female
2003	162		60	102	60	90	7	128	34
2004	0		0	0	0	0	0	0	0
2005	2		0	2	0	2	0	1	1
2006	1		0	1	0	1	0	1	0
2007	8		3	5	2	6	0	8	0
2008	41		7	34	7	33	0	39	2
<u>2009</u>	<u>35</u>		<u>7</u>	<u>28</u>	<u>7</u>	<u>27</u>	<u>1</u>	<u>33</u>	<u>2</u>
Total	249		77	172	76	159	8	210	39

Source: Criminal Justice Statistics Center, 2011.

The procedure was strongly targeted at certain groups. Direct-files were made in 87% of the qualifying offenses for Hispanic and African American juveniles, compared to 58% for White juveniles, and for 81% of qualifying offenses involving females versus 72% involving males.

The age structure of Ventura’s direct-files in 2003 was also striking. The county accounted for 79% (60 of 76 cases) of all direct-files in California involving offenders age 15 and younger. In fact, 92% of all qualifying felonies involving Ventura 15 year-olds, and 98% involving 16 year-olds, were direct-filed into adult courts in 2003, compared to just 72% of those involving offenders age 17 and older.

⁸ Sources for this case example are: CSA, 2011; CJSC, 2011b; Juvenile Research Branch, 2011c; DOF, 2011.

⁹ The term “direct-file” is used throughout this document to refer to the exercise of prosecutorial discretion to directly file youths who commit certain enumerated offenses in adult criminal court, therein bypassing juvenile court oversight, a power that was granted to prosecutors by Proposition 21 in 2000.

The use of direct-file, while very high for all ages, did not appear to relate to the offense type. For example, while a slightly higher percentage of Hispanic and African Americans' qualifying offenses were for felony violence than for Whites, just one-third of female juveniles' qualifying offenses involved felony violence, compared to two-thirds of those by male juveniles.

Exactly why young females were targeted for direct-files is not clear from the offense type.

Effect on incarceration

It is difficult to distinguish the result of 2003's extraordinary increase in direct-files. Presumably, the major goal of direct-file into adult criminal court would be to secure incarceration, especially for a longer term and in a state facility, that the juvenile court would not have imposed. Yet, as Table 2 shows, there was no surge in state or local incarceration of juveniles in 2003 or 2004; if anything, those years had lower than usual numbers of Ventura youth in confinement.

Table 2. Ventura County youth in DJF or in local detention (halls and camps), 2000-09

<u>Year</u>	<u>DJF commitments by court</u>		<u>Local hall/camp</u>	<u>Total population</u>
	<u>Juvenile</u>	<u>Adult</u>	<u>Detention Population</u>	<u>Age 10-17</u>
2000	44	0	207	95,470
2001	30	0	202	95,884
2002	36	2	178	96,298
2003	24	2	173	96,712
2004	9	1	171	97,126
2005	42	1	188	97,540
2006	16	0	192	97,953
2007	6	1	186	98,367
2008	2	1	208	98,781
2009	2	10	197	99,195
2010	5	3	191	99,609

Sources: Juvenile Research Branch, 2011; Corrections Standards Authority, 2011; Department of Finance, 2011.

Effect on crime trends

Did Ventura County's inexplicable commitment to adult criminal court trial and sentencing of juveniles in 2003 bring reductions in crime? In fact, just the opposite transpired, as Table 3 and Figure 1 indicate.

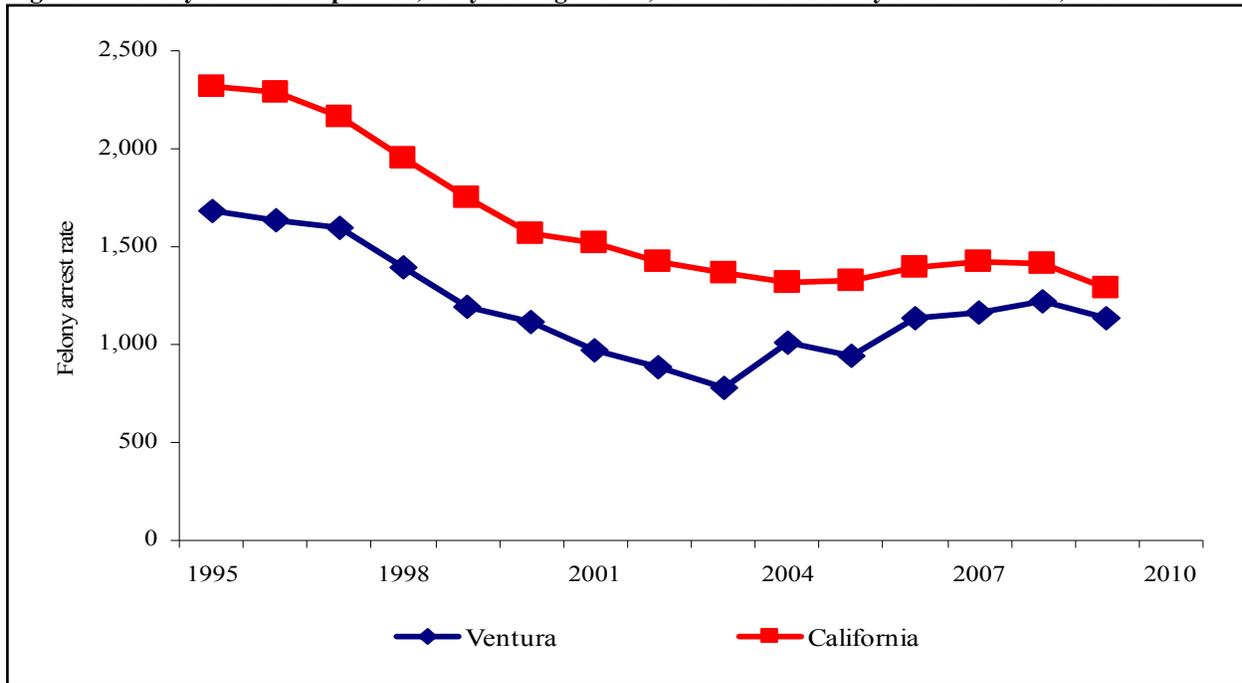
Ventura, one of the state's wealthier counties, has always had lower than average levels of youth (and adult) crime. Prior to 2004, trends were very favorable. From 1997 to 2003, juvenile felonies in Ventura County had declined for six straight years, from a peak of 1,394 in 1997 to 753 in 2003. Then, in 2004, juvenile felonies jumped by 30%, to 977, and rose to a new peak of 1,206 in 2008. A similar trend occurred for the county's juveniles under age 16.

Table 3. Trends in juvenile felonies and rates per 100,000 youth age 10-17, California vs Ventura County, 1995-2009

Year	Felony arrests		Juvenile felony rate		Violent crime arrests		Juvenile violent crime rate	
	Ventura	Ventura	Ventura	California	Ventura	Ventura	California	
1995	1,383	1,683.4	2,316.40		305	371.2	595.8	
1996	1,378	1,635.8	2,288.70		262	311.0	588.2	
1997	1,394	1,600.8	2,161.50		289	331.9	548.1	
1998	1,247	1,392.5	1,954.00		261	291.4	504.1	
1999	1,099	1,192.6	1,746.50		224	243.1	481.2	
2000	1,061	1,111.3	1,567.30		187	195.9	407.5	
2001	930	969.9	1,520.20		154	160.6	426.6	
2002	855	887.9	1,418.90		148	153.7	382.4	
2003	753	778.6	1,366.80		133	137.5	382.7	
2004	977	1,005.9	1,315.80		149	153.4	374.0	
2005	921	944.2	1,326.60		175	179.4	376.1	
2006	1,108	1,131.2	1,398.80		186	189.9	408.1	
2007	1,142	1,161.0	1,421.50		236	239.9	429.4	
2008	1,206	1,220.9	1,410.00		249	252.1	415.0	
2009	1,122	1,131.1	1,290.20		216	217.8	362.9	

Sources: Criminal Justice Statistics Center, 2011a; Department of Finance, 2011.

Figure 1. Felony arrest rate per 100,000 youth age 10-17, for Ventura County and California, 1995-2009



Sources: Criminal Justice Statistics Center, 2011a; Department of Finance, 2011.

Thus, while juvenile crime had been declining in California throughout the late 1990s and early 2000s to a record low in 2009; serious juvenile crime was actually substantially more prevalent in Ventura County in 2009 than in 2003. Ventura County's post-2003 trend reversed a previously favorable trend. From 1995 through 2003, Ventura County's juvenile felony rate had averaged less than 70% of (that is, 30% lower than) the state average and had fallen to 56% of

the state average by 2003. Then in 2004, following the prosecutor's increase in direct-files, Ventura County's juvenile felony rate rose sharply to 76% of the state average and to 88% of the state average by 2009. Violent crime trends among youth also increased in Ventura County compared to a general decline statewide.

Direct files for the entire 2003-09 period

After 2003, Ventura County's direct-files plunged before rising to average levels in 2008 and 2009. Over the seven-year period, Ventura County accounted for 1.7% of the state's juvenile felony arrests, including 1.3% of arrests qualifying for direct-filing. Yet, Ventura County accounted for 6.2% of all direct-files, including: 100% of direct-files involving defendants younger than 14; 14% involving 14 year-olds; 12% involving 15 year-olds; 7% involving 16 year-olds; and 4% involving defendants 17 or older. Additionally, Ventura County, with 2.6% of the state's White population, accounted for 18% of all direct-files involving White defendants.

Overall, a youth committing a qualifying felony between 2000-2009 was five times more likely to face direct-filing in Ventura than in other counties.

If only the youngest defendants (under age 15) are considered, Ventura County accounts for 1.25% of qualifying felony arrests but 14.72% of all direct-filing for that age.

Thus, a defendant under age 15 is nearly 14 times more likely to be transferred directly to adult court by the prosecutor in Ventura County than elsewhere in California.

While Ventura County utilized direct-filing for 77 defendants ages 14 and younger during 2003-09, many major counties such as Contra Costa, Santa Clara, Alameda, San Francisco, and Monterey reported none for that age bracket, and Los Angeles County, with 24 times more qualifying felonies, utilized the procedure in just 30 such cases.

Conclusion

Ventura County prosecutors appear to have used the direct-file powers granted by Proposition 21 in a radical, discriminatory, and ultimately unsuccessful manner. Ventura County District Attorney's Office direct-filed nearly three-fourths of all qualifying felonies in 2003, more than 30 times the state average, with particularly high rates for Hispanic, African American, female, and 15-16-year-old defendants, using criteria that bore no evident relationship to the seriousness of the offense and securing no apparent results in terms of incarceration.

The county's direct-file increase in 2003 appears unjustified by juvenile crime trends, which previously had been declining sharply since the mid-1990s. Ventura County's explosion of direct-filings coincided with a disastrous reversal in the previous crime decline and sharp increases in juvenile felonies after 2003. Ventura County's 2003 data argues the most strongly for abolishing the direct-file powers of prosecutors, whose advocacy roles in the justice system and political considerations strongly affect discretionary decisions, and returning juvenile trial discretion to neutral judges.

References

- Assembly Bill 109 (AB 109). (2011). At: http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0101-0150/ab_109_bill_20110329_enrolled.html.
- California District Attorneys Association (CDAA). (2011, February 18). Re: Governor's Budget – Public Safety, Corrections, and Realignment. At: <http://www.pacovilla.com/?p=51086>.
- Center on Juvenile and Criminal Justice (CJCJ). (2011a). *The impact of realignment on county juvenile justice practice: Will closing State youth correctional facilities increase adult criminal court filings?* Juvenile Justice Realignment Series. San Francisco, CA: CJCJ.
- Center on Juvenile and Criminal Justice (CJCJ). (2011b). *The Cost of the State's Division of Juvenile Facilities: Is there incentive for California Counties to serve youth locally?* Juvenile Justice Realignment Series. San Francisco, CA: CJCJ.
- Center on Juvenile and Criminal Justice (CJCJ). (2011c). *Closing California's Division of Juvenile Facilities: An Analysis of County Institutional Capacity 2009-2010*. Juvenile Justice Realignment Series. San Francisco, CA: CJCJ.
- Corrections Standards Authority. (2011). Online query, juvenile detention survey. At: <http://www.bdcorr.ca.gov/joq/jds/QuerySelection.asp>
- Criminal Justice Statistics Center (CJSC). (2011a). *Felony Arrests 2000-2009* [Unpublished data file]. CA: Office of the Attorney General, California Department of Justice.
- Criminal Justice Statistics Center (CJSC). (2011b). *2003-2009 Direct Files by County* [Unpublished data file]. CA: Office of the Attorney General, California Department of Justice.
- Criminal Justice Statistics Center (CJSC). (2011c). California Criminal Justice Profiles, Statewide and Ventura County, Table 3C. California Department of Justice. At: http://stats.doj.ca.gov/cjsc_stats/prof09/index.htm
- Department of Finance (DOF). (2011). Demographic profiles, 2010 census. At: http://www.dof.ca.gov/research/demographic/state_census_data_center/census_2010/view.php#DP
- Department of Finance (DOF). (2010). *California Budget 2010-11*. Sacramento, CA: DoF. At: <http://2010-11.archives.ebudget.ca.gov/>
- Juvenile Research Branch. (2011). *Parole Region and County of First Commitment, 2003-2009* [Unpublished report]. Sacramento, CA: CDCR.

Juvenile Research Branch. (2011a). *Characteristics of the Division of Juvenile Justice Population December 2010*. Sacramento, CA: CDCR. At: http://www.cdcr.ca.gov/Reports_Research/docs/research/DEC2010_CHARACTERISTI CS.pdf

Juvenile Research Branch (2011b). *Length of Stay of Division of Juvenile Justice Youth, Calendar Year 2009*. Sacramento, CA: CDCR. At: http://www.cdcr.ca.gov/Reports_Research/docs/research/CYLOS2009.pdf

Juvenile Research Branch. (2011c). *First Commitment Characteristics: Calendar Year 2009 (annual) and Characteristics of the Juvenile Justice Population, December 2010*. Sacramento, CA: California Department of Corrections and Rehabilitation. At: http://www.cdcr.ca.gov/Reports_Research/docs/research/FIRST2009.pdf

KQED Radio. (2011, January 27). *Juvenile Justice Shakeup?* Forum with Michael Krasny. [Interview with Barry Krisberg, Research and Policy Director for UC Berkeley's Law School] At: <http://www.kqed.org/a/forum/R201101270900>.

National Council on Crime and Delinquency (NCCD). (2010). *A New Era in California Juvenile Justice*. Oakland, CA: NCCD.

Proposition 21. (2000). At: <http://primary2000.sos.ca.gov/VoterGuide/Propositions/21text.htm>.

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