

## **JUVENILE JUSTICE AND DELINQUENCY PREVENTION COMMISSION** **DUTIES AND POWERS**

Welfare and Institutions Code (WIC) Section 225 requires each county to have a Juvenile Justice Commission (JJC). The JJC must be comprised of not less than seven and no more than fifteen members, including at least two between the ages of fourteen and twenty-one years. Terms of membership are supposed to be for four years, although the formality of set “terms” is not observed in many counties. All appointments are by the Juvenile Court Judge.

Although the law gives legal parameters, it does not tell how to implement or how to accomplish the intent of the law. This means that there is a great deal of latitude, and variation, in how County JJ/DP Commissions operate and what they do.

Most counties have combined their Juvenile Justice and Delinquency Prevention Commissions; although, legal authority, roles and responsibilities are different for the two Commissions.

The duties of the JJC are “to inquire into the administration of the juvenile court law” in the county. For the purpose of the JJC has access to all publicly administered institutions in the county in which juvenile offenders are housed, and has the duty of inspecting such institutions at least once each year. What does “inquire into administration” mean? It does not mean to attempt to administer. It is extremely important that any planning and/or activity in this area be done in a spirit of cooperation with the Juvenile Court and the Probation Department.

The JJC shall annually inspect any jail or lockup within the county used for confinement of any minor for more than 24 hours. A report on any inspection of a jail and/or lockup, together with recommendations, must be made to the juvenile Court and the Board of Corrections. In urban counties this inspection duty can involve a substantial amount of time, but in rural counties this time commitment is minimal. The JJC may hold hearings, and the Juvenile Court Judge has the power to issue subpoenas requiring attendance and testimony of witnesses, or the production of documents, at such hearings.

W&I Code Section 229.5 states that JJC may inquire into non confidential administrations of any group home in the county which houses wards or dependent children of the Juvenile Court. Section 229.5 regulates the manner in which inspections of group homes may be conducted, and authorize the JJC to report findings to the Juvenile Court Judge, Chief Probation Officer, or Department of Social Services. The JJC may recommend changes deemed beneficial after investigation and may publicize its recommendations.

Under the direction of the Juvenile Court Judge the JJC also nominates the Chief Probation Officer who, in turn, is appointed by the Presiding Judge. All appointments of deputy and assistant probation officers are subject to approval of the JJC. W&I Code Section 270.

## **DELINQUENCY PREVENTION COMMISSION**

WIC Section 233 also states the Board of Supervisors may establish a Delinquency Prevention Commission (DPC) in each county. In most rural counties, the Juvenile Justice Commission is designed by the Board of Supervisors to function as the Delinquency Prevention Commission, a procedure which is also authorized by WIC Section 233.

The statutory purpose of DPC is to coordinate, on a county-wide basis, the work of those governmental and non-governmental organizations engaged in activities designed to prevent juvenile delinquency. The county DPC is charged with the further duty of providing leadership and coordination in developing and improving projects in the public and private section intended to prevent juvenile delinquency. In that regard, a county DPC may:

- A. Make recommendations to the Board of Supervisors on projects and policies to encourage the prevention of delinquency;
- B. Promote a community understanding regarding the nature of delinquency and the services needed by youth;
- C. Stimulate and assist communities in the development of effective delinquency prevention projects;
- D. Coordinate that utilization of county resources and projects to assist communities in delinquency prevention efforts; and
- E. Operate delinquency prevention projects with the approval of the County Board of Supervisors.

### **In Summary:**

- Inspection and reporting responsibilities are clearly required by law. A combined Commission often tends to focus on the more specific duties of inspections and miss out on wide range of possibilities related to both the administration of juvenile court law and delinquency prevention.
- The “**may**” possibilities for a Commission are often so vague as to be overwhelming, but they also offer a wealth of possibilities. How does a Commission decide on its priorities and where to start? How do you know when you have done a good job?
- The challenge becomes how to take the law and put life into it. How does a Commission go about meeting the intent of law? The law is a base line that gives parameter. By expanding on the law, a county creates roles and responsibilities, and a direction for its JJ/DP Commission.

## **The Evolution and Role of Juvenile Justice and Delinquency Prevention Commissions**

From its inception, California's juvenile justice system has been shaped by the involvement and strong influence of lay citizens. Citizen reaction to conditions within government's provision or lack of provision for the needs of children has played a part in major reforms leading to the state's present system. Lay advocacy of the interests of children has been and must be a consequential dimension of California juvenile justice.

### **HISTORY**

With statehood in 1850, California inherited the legacy of the English Poor Laws of the sixteenth and seventeenth centuries. It was these laws which established local governmental jurisdiction over the young, poor, and criminal. Workhouses, almshouses, jails, and prisons for adult paupers, vagrants, criminals, and the insane were the common caretakers of young offenders as well. Upon admission to the Union, California's public capacity to respond to the needs of children was small indeed.

A special Panel of Commissioners determined that 300 youth under age 20 were sent to California's prisons and another 600 were detained in or committed to jails during the decade of the 1850's. Public pressure upon the legislature to separate juvenile from adult offenders led to the establishment of the San Francisco Industrial School in 1858 and the State Reform School in Marysville three years later.

This was small provision still for delinquent children outside of jails and prisons. Private groups such as the Boys and Girls Aid Society of California began to address themselves to decent care for children. Through the Society's efforts the Juvenile Probation Law was passed in 1833. The Probation Law was not only the state's first child welfare law but for the first time provided for placement of juveniles in facilities other than jails.

Despite the law, confinement of juveniles in jails continued. Miserable conditions confronted juveniles not only in jails but private institutions as well. These prompted the Boys and Girls Aid Society, the California Club, and Associated Charities of San Francisco to work for reform. Their efforts culminated in 1903 in an Act Defining and Providing for the Control, Protection, and Treatment of Dependent and Delinquent Children, California's first juvenile court law. The law prohibited the commitment of children under 12 to jail, prison, or police stations. It allowed the commitment of children to the care of the sheriff, police officer, constable, or probation officer. It required placement in a city or county facility outside the enclosure of any jail. The Act established the Board of Charities and Corrections which placed in state government the function of establishing standards for juvenile institutions. Until this provision, standards for the decent care of juveniles were informally addressed by private citizens' organizations.

The act was amended in 1905 to require the juvenile court of each county to appoint a probation committee. The precursor of juvenile justice and delinquency prevention

commissions, probation committees served as unpaid assistant probation officers and citizens' advisory groups.

The role of probation committees expanded over the years. By 1945 the law authorized probation committees to inspect and report to the court on private and public (except state) juvenile institutions. When directed by the court the committees provided friendly supervision and visitation of court wards, investigations, reports to the court and recommendations on court orders. They could establish public delinquency prevention committees and cooperate in their work. Probation committees were given the authority to nominate probation officers and assistant probation officers to the juvenile court judge.

By 1960, although the specific repertoire of functions varied from county to county, probation committee roles typically included selection of the probation officer, advice on administration, public relations and political influence for their probation departments, administrative functions in juvenile halls, and personnel matters. In lesser number, some committees were involved in preparation and presentation of budgets, and delinquency prevention functions.

The Governor's Special Study Commission on Juvenile Justice, whose work led to the Arnold-Kennick Juvenile Court Law of 1961, indicated in 1960 that there was a general feeling that the statutorily assigned functions of the probation committee was no longer appropriate to the juvenile justice system. More specifically, a number of chief probation officers felt the committees made little contribution. There was some resentment by a smaller number of chiefs of what was felt to be committee interference in probation administration and in personnel selection.

As a result, the Governor's Study Commission proposed that probation committees become part of local juvenile justice commissions. These commissions would investigate the administration of juvenile justice in its broader sense, including law enforcement, the courts, and probation departments. The traditional functions of probation committees would be relinquished.

The Arnold-Kennick Juvenile Court Law was placed in the statutes the following year. The recommendation of the Governor's Study Commission was implemented. Juvenile Justice Commissions were established replacing probation committees, except in Los Angeles County. There, the role of the Probation Committee was defined as advisory to the probation officer. The duties defined for juvenile justice commissions in 1961 by the Arnold-Kennick Law remain unchanged today.

With the demise of probation committees, the Law left authority to establish public delinquency prevention committees with the juvenile court and probation. In 1965 the Juvenile Court Law was amended to allow county boards of supervisors to establish delinquency prevention commissions or designate the juvenile justice commission to serve as such. Like the justice commissions, the duties defined in 1965 describe the duties of delinquency prevention commissions today. By 1969, 31 counties had established prevention commissions.

Government's Provision for the care of delinquent children at times falls short. The course of juvenile justice in California is marked by studies pointing to objectionable conditions suffered by children in public facilities, adult and otherwise. Public response to governmental shortcomings in its provision of care for delinquent children has led to important changes in the state's laws regarding delinquents. Its as if quality government requires citizen watchfulness and involvement.

Beginning with the Boys and Girls Aid Society, through probation committees, to the juvenile justice and delinquency prevention commissions of today, justice for juveniles calls for concerned private citizens advocating the interests of children to government. Prior to 1905 and the advent of probation committees, California juvenile law made no provision for citizen advocacy. Nevertheless, private citizens groups advocated reform. After the establishment of Board of Charities and Corrections with standard setting responsibility, and the creation of probation committees in each county, the work of private advocacy groups is not as discernable in the records of California juvenile justice. Juvenile justice and delinquency prevention commissions are today charged under the law with that tradition of advocacy of the interests of children to government and the larger public.

### **The Role of Juvenile Justice Commissions**

Section 225 of the Welfare and Institutions Code requires each county to have a juvenile justice commission. The definition of the role of juvenile justice commissions is found in Sections 229, 230, 270, and 271 of the Welfare and Institutions Code. The law requires commissions to enquire into the administration of juvenile justice in their counties. To accomplish this, commissions are granted access to all publicly administered institutions in their county authorized by the Juvenile Court Law. That included annual inspection of probation administered institutions, jails and other lockups detaining juveniles more than 24 hours. Conceivably this means not only law enforcement and probation facilities, but of those state facilities located in the county as well. It also can be considered to include those institutions operated for dependent children of the court. To gain information beyond the inspection of institutions, commissions may hold hearings and, using the subpoena power of the juvenile court judge, require testimony of witnesses and the production of papers. Commissions must report yearly the results of their inspections to the juvenile court judge and the Youth Authority. Commissions may also recommend changes that investigation indicates beneficial to any person administrating provisions of the juvenile court law. Commissions may publicize its recommendations. Justice commissions are empowered to play an important role in the appointment of the probation officer. This is not true in chartered counties where provisions of the charter control such matters or in counties with merit or civil service systems. The commissions is required to nominate the probation officer to the juvenile court judge as he/she directs. The judge must then appoint the nominee.

Thus the tools of advocacy as defined in the law are:

1. Inquiry into the administration of juvenile justice in the county.
2. Inspection of publicly operated juvenile institutions in the county authorized under the juvenile court law.
3. The holding of hearings using the subpoena power of the juvenile court judge.
4. Recommendation for changes deemed beneficial after investigation, to any administrator of the provisions of the juvenile court law.
5. Publicizing its recommendations.
6. Nomination of the chief probation officer.

### **The Role of Delinquency Prevention Commissions**

The law governing delinquency prevention commissions is found in Sections 233 and 233.5 of the Welfare and Institutions Code. Unlike juvenile justice commissions, the law does not require counties to establish delinquency prevention commissions. Boards of supervisors are allowed, if they wish, to appoint a delinquency prevention commission separate from the juvenile justice commission or to designate the juvenile justice commission as the county 's prevention commission. Most boards of supervisors who have established delinquency prevention commissions, have chosen the latter option.

The law is considerably less specific in defining the role of prevention commissions. It says the board of supervisors may establish a delinquency prevention commission to coordinate countywide, the work of governmental and nongovernmental organizations engaged in delinquency prevention. It may receive funds from private and public sources to hire an executive secretary and staff, to defray administrative expenses, and expend on specific projects. In counties with populations greater than 6,000,000, the commission may be assigned by the board of supervisors to report on pornography. The law does not define delinquency prevention. With a rather vague charge under the law, compared to that of juvenile justice commissions, the role of delinquency prevention commissions can be uncertain. When commissions fulfill both roles the result can be understandably, effort focused largely on the more concretely determined inspection function.

Nevertheless, If the thesis offered in this paper (that juvenile justice commission advocacy of the interests of governments juvenile charges is required because government can fail to provided adequate care) is valid, then the meaning of delinquency prevention becomes clearer. Prevention within this context means encouragement and coordination of the efforts of those who work to make governments' assumption of responsibility unnecessary.

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