

Juvenile Justice Commission County of Santa Clara

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SANTA CLARA COUNTY JUVENILE JUSTICE COMMISSION COURT USER PROJECT July 2015

I. Introduction

At the request of the Presiding Judge of the Juvenile Court, the Santa Clara County Juvenile Justice Commission (JJC) conducted the Santa Clara County's (County) first research study on the effectiveness of and satisfaction with the juvenile justice court process. With input and assistance from juvenile justice partners, the JJC's Court User Project (Project) team spent more than one year working on this undertaking. The Project focused on five groups: 1. Youth in custody, 2. Community-based-organizations (CBOs), 3. Out-of-custody youth, 4. Parents of in-custody and out-of-custody youth, and 5. Victims.

The following is an interim report and recommendations on the information collected on youth in custody and CBOs. Additional sections of this report will be published as each of the three remaining subject groups is completed. Some of the key findings from early focus groups are related to better communication between professionals and court users, improving the communication process between the youth, families, CBOs and victims, and the juvenile justice partners.

The task presented to the JJC by the Presiding Judge of the Juvenile Court was to identify issues that youth, their parents, victims of juvenile crime, and service providers confront in the court process, and to offer recommendations for improvement in hearing management, judicial oversight, court facilities and other aspects of the juvenile justice court process. The ultimate goal of the Project is to improve the administration of juvenile justice and the lives of youth, parents and victims in the juvenile justice system, and to enhance the effectiveness of CBOs.

This Project arose from the Juvenile Justice Court's participation in the Model Courts Program. The Juvenile Justice Court in the County has been a participant in the National Council of Family and Juvenile Court (NCFJC) Model Courts Program for more than five years. The Model Courts program provides opportunities for local courts throughout the nation to share successful programs from their jurisdictions and also offers technical assistance to help individual courts improve the administration of justice. The research study began as an idea

presented by the NCFJC staff at a technical assistance meeting with the Juvenile Justice Court in Santa Clara County.

The project also recognizes the unique nature of the Juvenile Court as defined by the California Welfare and Institution Code section 202(b): Minors under the jurisdiction of the juvenile court as a consequence of delinquent conduct shall, in conformity with the interests of public safety and protection, receive care, treatment, and guidance that is consistent with their behavior, and that is appropriate for the circumstances. This guidance may include punishment that is consistent with the rehabilitative objectives of this chapter...When the minor is no longer a ward of the juvenile court, the guidance he or she received should enable him or her to be [a] law-abiding and productive member of his or her family and the community.

II. Fundamental Principles

The working group operated on certain core principles. These principles served as primary considerations for a more effective court experience while meeting the needs of the juvenile justice court:

1. Judicial officers, attorneys, probation officers, court staff and other professionals who can meet the needs of court users must adequately staff the juvenile justice system.
2. The juvenile justice system must recognize and respect the rights and role of victims.
3. The juvenile justice system must improve its effectiveness and accountability by adopting a practice of continual improvement that relies on goals, outcomes, measures and reporting.
4. The understanding by youth, family, victims and CBOs of the court processes is vital to any successful program.

III. Project Methodology

The methodology used during the first nine months included:

- Attendance at scheduled court hearings
- Service provider input
- Review of the Juvenile Delinquency Court Assessment Report 2008
- Written input from system users
- Focus groups where feedback and clarification was received on key issues identified in questionnaires.

From a review of the input sources, the team created a questionnaire that included questions identified during the project review plus questions that were created to address the court user experience. The questionnaire was then given to users to be completed. The

questionnaire responses were compiled and focus group discussion topics were created and used to conduct the focus group meetings.

YOUTH IN CUSTODY PART ONE

I. Methodology

For the Youth in Custody portion of the report, the Project created a 26-question survey (questionnaire) that covered the entire court-user experience. Respondents were asked to rank their responses from strongly agree to strongly disagree (attached *Court User Survey-Youth*.) The results of the questionnaire were ranked in accordance with those responses. Focus group questions were then developed from results according to the strongest agreement to strongest disagreement. Subsequent focus group discussions further clarified the concerns revealed by the questionnaire responses.

During March and April, 2015, the Project team members conducted a series of nine focus groups: three with probation youth located at the Juvenile Hall, and six with youth located at the James Ranch. Participation in each focus group was voluntary. All participants spoke English. The use of focus groups provided an opportunity to gain understanding of issues identified in the questionnaire directly from the youth who experienced them. The focus groups allowed the Project to gain a better insight to the challenges experienced before, during, and after their court experience.

Before asking focus group questions, the facilitator described the project. The results of their completed questionnaires were also shared with the participants. They were informed that their names would not be used and that their responses would benefit to this project. The focus groups at Juvenile Hall involved 40 youth and at the James Ranch, 25 youth. In total, 65 youth participated in the nine focus groups at Juvenile Hall and the Ranch.

Focus group questions were the same for all nine groups. The topics of discussion included participation in court, perceptions of the juvenile justice system, perceptions of court professionals, treatment of family members, and the youth's ability to understand the entire court experience.

II. Perspectives

The goal of the focus groups was to gain the perspectives of youth at different points of involvement in the juvenile court process. Three focus groups were conducted with youth in custody at Juvenile Hall, two male groups and one female group. The other six focus groups were conducted at the James Ranch, which consisted of five male groups and a discussion with the only female youth at the Ranch. The majority of the youth in the focus groups were youth of color, primarily Hispanic.

The findings were generally consistent across all nine focus groups, with many identical themes and issues raised.

III. Findings

1. Understanding What Happens in Court

Each of the focus group discussions began with an attempt to draw out how much each youth understood what happened in court. In eight of the nine focus groups, many youth stated that they had little understanding of what happened in the courtroom. The detention hearing process was clearly not understood by the youth. Certain youth did not understand why the judge imposed the Ranch, or why their probation officer recommended a Ranch commitment. These responses were surprising because when queried in the questionnaire, the majority of the youth indicated that they understood what happened in court.

When asked about why their questionnaire response was so different from their focus question response, they explained that the questionnaire didn't allow them the ability to state how they truly felt about the subject. Frequent comments from the youth who had trouble understanding the process were: "lots of information- too much to process," "judge used big words that were hard to understand," "felt lack of attorney's time before or after to explain things to me," "probation officer didn't interact or explain things to me," and "attorney didn't always discuss my case after court."

2. Court Wait Time

Overwhelmingly the youth felt the waiting time before entering the court hearing was too long. The youth believed that delays for their cases to be heard were caused by lack of files, missing paperwork from the victim, over-scheduled courtrooms, an interpreter or attorney not being available, or a change in court appointed attorney. According to many of the youth, these problems occurred multiple times over the course of their cases. Because the youth were in custody, the long wait times were an annoyance, but not particularly disruptive to them.

Although their hearings were set in the morning, the youth reported that frequently their proceedings would be continued to the afternoon. In addition, they said the wait time imposed hardship on their parents. Most parents took time from work to come to court, and the wait time resulted in lost wages, concern about losing their jobs and child care issues for young siblings. At times, parents did not come to court because of the anticipated wait time.

3. Multiple Court-Appointed Attorneys

Many youth in the focus groups told the team that they had more than one attorney for their case. A few youth reported having as many as four attorneys during the pendency of their case. Particularly troubling is that two youth reported they had five court-appointed attorneys with their case. This lack of continuity was of concern to the youths for two reasons: first, a

belief that their new attorneys were not adequately familiar with their case, and second that the change in attorneys contributed to extending the length of their court case.

4. Continuances

There was general agreement in all the focus groups that individual cases were continued multiple times. Often the reasons for the continuances were the same as those listed above for the long wait times in court. They believed another reason for continuances was that probation reports or recommendations were not yet available. The youth reported sometimes no reason was given for the continuance. Again, the attendant delays and continuances caused parents' employment problems, with two youth stating that their parents lost their jobs due to multiple delays and appearances.

5. Family in the Court

Another overwhelming response from all of the youth in the focus groups was that it was very important to have their family with them in the court. For some high security youth, it provided the only opportunity to see or briefly visit with their family. However, according to the youth, the number of continuances negatively affected the parents. Issues ranging from parking difficulties and expense, continual meter "feeding," parking tickets, care of siblings, lack of handicap parking, and time off from work contributed to a general frustration with the court process.

IV. Summary of Interim Findings

1. There was a general perception by all in-custody youth that they did not completely understand what happened in the courtroom, whether it was information from the judge, their attorneys or probation officers.
2. There was an overwhelming response that the wait times to get into court were excessive and caused numerous side effects including hardship imposed on the parents of the youth and the loss of productive CBO time.
3. There was consensus that attorney substitution was disruptive to the continuity and timely progress of their cases.
4. There was agreement in all the focus groups that individual cases were continued multiple times that caused hardship on the families and representatives of the service providers.
5. There was overwhelming response to the importance of families being with the youth in the court. This positive effect was offset by the number of continuances that negatively affected the parent's participation, ranging from parking difficulties, "feeding the meter," care of siblings, and time off from work. All of these led to general frustration with the court process.

COMMUNITY BASED ORGANIZATIONS (CBOs) PART TWO

I. Methodology

For the CBO portion of this report, the Project modified the 26-question Court User Survey-Youth to address issues that were unique for the community service providers while still covering many of the issues that had been identified in the Youth in Custody portion of this report (see attached Court User Survey- Community Partners). This was done to reflect the issues and concerns of the service providers. The CBO questionnaire was then sent to three community service providers whom the team had selected after reviewing their organizations' involvement with youth in the court process. The questionnaires were mailed to the CBOs and subsequently returned with a response rate of over 90%. From the compiled CBO questionnaire responses, a set of focus topic areas were created that covered the major issues identified in the CBO questionnaire.

In April 2015, the Project team members conducted focus groups at three service providers' offices. Participation in the focus groups was voluntary. The use of the focus group provided an opportunity to gain better insight into the challenges the service providers who work with youth faced before, during and after the court experience and to delve into their perspective about what the youth and families encounter during and after court.

Before starting the focus group meetings, the facilitator explained the project. The results from the questionnaire they had previously filled out were shared with them.

Focus group questions were the same for all three groups. The topics of discussion included their participation in court, perceptions of the juvenile justice system, perceptions of court professionals, treatment of family members, and the youth's ability to understand the entire court experience.

II. Perspectives

After completing the questionnaires, a total of 50 members from the three service provider organizations participated in the focus groups. The goal was to gain the perspectives of the providers at different points of involvement in the juvenile court process. Findings were generally consistent across all three groups with many identical themes and issues raised. Most of the CBOs in this review provide Wraparound Services (WRAP), individual counseling, and general support for youth in the juvenile justice system. Consequently, they are involved post-adjudication and are accompanying their youth to reviews. A few went to court with the youth on a new petition. Some attended the actual hearing with their youth and none attended a contested hearing.

III. Findings

1. Understanding of What Happens in the Courtroom

The service providers reported that many parents would say, “I understand,” but often needed an explanation about what happened in the courtroom after the court proceeding was over. Feedback from the parents to the CBOs suggested the parents felt intimidated by the court experience. The service providers acknowledged during the focus groups that they also felt intimidated by the court process.

2. Court Wait Time

There was general agreement that court wait times were too long. One focus group reported that at least half of the youth must wait 4-6 hours beyond their scheduled court time. Other participants stated that there was no advanced notification for court delays to the afternoon. These long wait times give rise to several negative perceptions about the court process. Service providers felt that the court does not value their time or respect their role.

The CBOs reported that youth anxiety increases in proportion to the length of their wait time. Service providers also reported that parents had to ask for a full day off from work because they could not be sure they would be done in the half day scheduled for court. After a few such delays, some parents would “turn the kid over” to the CBO for the court appearance. One provider said, “the kids hate the long wait” and get frustrated. Some youth would leave and have to be talked back into the waiting room. The team was told the parents sometimes would not ask for an interpreter in an effort to reduce the wait time or would ask the CBO to sit in for the parent because of the wait time uncertainty.

3. Court Access for CBOs

Many CBOs reported that they were not allowed to accompany the youth into the inner waiting room and the courtroom. They stated that there did not seem to be a consistent reason for this to occur. Many of the focus group respondents stated the court access seems to be arbitrary and up to the attorney. Several speculated that they were unsure if the attorneys even knew they were in the outer waiting room which resulted in their presence not consistently noted or communicated at reception. The resulting lack of access to the inner waiting area and the courtroom for the CBOs has added to the overall frustration of waiting. Some said they bluffed their way into the inner waiting room, while others gained access because the parents and youth insisted that the service provider come with them.

Also the service providers were concerned about not being invited to participate in the discussions involving the attorney, parent, youth, and probation officer. Some providers felt that they were not treated as an integral part of the services to the youth. Since they provide court-ordered services to the youth, the CBOs argued that they are in a unique position to offer an informed perspective of the youth’s needs and progress in the program that may not be reflected in the review report. Other participants stated that some attorneys as well as the public need to be better informed about the role of CBOs.

Adding to their frustration is the difficulty in maintaining HIPAA-required confidentiality or private conversations in either of the court outer or inner waiting rooms. Opportunities afforded by waiting times for meaningful conversations between the youth and their CBO provider are minimized by the lack of privacy.

4. Continuances

The CBOs reported that over 75% of their youth have encountered continuances. They stated the main reason for the delay was the attorney not being prepared or not knowing their cases. Service providers reported that sometimes the youth is okay with a continuance, but the parents are unhappy. It takes time away from school and more productive activities. CBOs also expressed frustration that they could be doing meaningful work with other clients, although the time with the youth can allow for trust building and limited therapy. Other causes for continuances mentioned by the CBOs ranged from late probation report, late or unavailable psych report or for some “unknown” reason (which was the second most identified factor). Many felt there was too much “last-minute” preparation between the attorney and probation officer. Five CBO focus group participants reported they had multiple attorneys for a single case. The reasons offered were replacements (temporary or permanent) and no shows.

5. Families in Court

As noted in the youth focus groups, the CBOs also identified the importance of the parents’ involvement in the court process. Unfortunately, impediments to their involvement as stated by the CBOs are: parents who cannot take time off from work, parents who do not have dependable transportation, parents who are not involved with the youth (e.g., foster youth), or the parent was “worn out” because of so many court appearances. One CBO reported that half the time they were the only ones who went to court with the youth.

6. CBO Requests

During the course of the focus group meetings, the team asked participants what changes they would like to see in the current court user process. Responses were:

- The ability to accompany youth to court at all times.
- Access to the court report to determine the youth’s progress prior to going into court.
- Access to discussions in private areas with youth, family, and attorneys.
- Open communication between the court appointed attorney and the service provider.
- Training/tours so that they can better understand the juvenile justice system,
- Being asked to provide input in the courtroom.
- Parking passes for parents.
- Judges should ask the youth what they heard, rather than just if they understood what they heard.

- The probation officer and the attorney contact the service provider about the youth's progress one or two days before the hearing rather than on the hearing date or not at all.

IV. Summary of Findings

1. Feedback from the service providers about the parents of youth in custody suggested that in addition to not understanding completely what was happening in the courtroom, the parents also felt intimidated. The service providers reported they also felt intimidated by the court experience.
2. As reported in the youth in custody section, there was general agreement that court wait times were too long. As an example, a focus group reported that 50% of the youth have to wait four to six hours beyond their scheduled court time which gave rise to negative perceptions about the court process.
3. Many of the service providers reported that they were not allowed to accompany the youth into the courtroom, there seemed to be no consistent reason for this occurrence. Service providers were concerned by not being able to participate in the discussions involving the attorney, parent, youth and probation officer. A high level of frustration was expressed in maintaining HIPAA-required confidentiality in the outer or inner waiting rooms.
4. Service providers reported that over 75% of their youth have encountered continuances because of the lack of preparation or the lack of familiarity with the case on the part of the youths' attorneys, late probation reports, late or unavailable psychiatric evaluation report or for some other "unknown" reason. Three CBO focus groups participants reported they had multiple attorneys for a single case.
5. As previously noted, the importance of parental involvement in the court process cannot be over-emphasized. However, as has been discussed, there are substantial impediments to parental participation as noted by the presence of only the service provider with the youth.

INTERIM RECOMMENDATIONS: PARTS ONE AND TWO

The following recommendations are made to address the issues identified in Parts One and Two of this interim report. The Project will add recommendations as the final three sections are completed:

- Create a team of juvenile justice partners identified in this report under the direction of the Presiding Judge of the Juvenile Court to address these recommendations and report on their status to all juvenile justice partners.

- Change the court scheduling processes to reduce the pre-court wait time.
- Create mechanisms that assure the continuity of attorney representation.
- Decrease continuances.
- Create a parking policy that assists the parents.
- Create areas in the waiting rooms that provide privacy and comply with HIPPA confidentiality requirements.
- Develop processes that enhance the parent’s understanding of and engagement in the court process.
- Create a process that improves the CBO understanding and involvement with the court.
- Expand the youth orientation process at Juvenile Hall to educate the youth regarding the detention hearing process.

Research Instruments

1. Questionnaire
2. Questionnaire Results

Approved by the Santa Clara County Juvenile Justice Commission on:

Raul A. Colunga, JJC Chairperson

Date

Ray Blockie, Court User Team Chair

Date

JUVENILE JUSTICE COMMISSION: COURT USER SURVEY - YOUTH

How was your overall experience going through Court?

	Strongly Agree	Agree	Disagree	Strongly Disagree	Does Not Apply
Before my first Court date, I received detailed directions about what to do once I got to Court.					
It was hard finding a place to park.					
Parking was difficult (cost and time limits)					
The people at the metal detector have always been polite and respectful when I have gone through the Metal Detector.					
The people at the front desk (glass booth) where I checked-in have always been polite and respectful.					
I was comfortable in the outer waiting room.					
I was comfortable in the inner waiting room.					
All of the waiting rooms were clean.					
The bathrooms were clean.					
I have had privacy in the bathroom to give a drug test sample (urine sample).					
I had enough privacy in the waiting room to talk with my attorney, my probation officer and everyone who came with me.					
I have had to wait a long time before I went into court. If you agree, what do you think was the cause of the long wait? - Other cases called before my turn? _____ - Interpreter was not available? _____ - My attorney was busy? _____ - Don't know? _____					
My attorney treated me with respect.					

	Strongly Agree	Agree	Disagree	Strongly Disagree	Does Not Apply
My attorney told me what was going to happen in Court so that I could understand.					
My attorney listened to me and presented to the judge what I wanted the judge to know.					
My attorney told me the reason for the advice he/she gave me about my case.					
The judge treated me with respect.					
The judge explained to me what was happening in Court in words that I understood.					
The judge gave me the chance to say what I wanted to say.					
After we left the courtroom, my attorney told me what happened in court.					
After the hearing where the judge told me what my probation orders were, a probation officer					
- Went over the probation orders with me					
- Had me sign the probation orders					
- Gave me a copy					
I was happy to have any or all of the following people with me in Court.					
- My parent(s)					
- My mentor/case worker/support person					
- My education representative					
I think I had to go to court too many times					
The probation officer assigned to me went over my probation orders the first time I saw him/her.					

Please continue to the next page.

JUVENILE JUSTICE COMMISSION: COURT USER SURVEY Community Partners Survey

The Juvenile Justice Commission has been ask to provide the Juvenile Justice Court with information on how well the public is served when in the Juvenile courts. To this end we ask you to take a few minutes to thoughtfully complete this survey, and then to participate in a focus group. All responses are anonymous.

In what capacity did you attend Santa Clara County Juvenile Justice Court? _____

How was your overall experience going through Court?

	Strongly Agree	Agree	Disagree	Strongly Disagree	Does Not Apply
I went to court with an out-of-custody youth.					
I went to court with an in-custody youth.					
It was hard finding a place to park.					
Parking was difficult (cost and time limits)					
When I have gone through the Metal Detector, the people there have always been polite and respectful.					
The people at the front desk (glass booth where I check in) have always been polite and respectful.					
I was comfortable in the outer waiting room.					
I was comfortable in the inner waiting room.					
All of the waiting rooms were clean.					
The bathrooms were clean.					
We had enough privacy in the waiting room to talk with the juvenile, the attorney, the probation officer, and everyone else who came with us.					

	Strongly Agree	Agree	Disagree	Strongly Disagree	Does Not Apply
I have had to wait a long time before going into the courtroom. If you agree, what do you think was the cause of the long wait? - Other cases called before my turn? _____ - Interpreter was not available? _____ - Our attorney was busy? _____ - Don't know? _____					
The juvenile's attorney treated me with respect.					
The juvenile's attorney told me what was going to happen in Court.					
The juvenile's attorney informed me of what the probation officer(s) said and listened to what I had to say.					
I went with the juvenile into the courtroom.					
The judge treated me with respect.					
The judge explained to those at the hearing what was happening					
The judge gave me a chance to say what I wanted to say.					
After we left the courtroom, my juvenile's attorney answered any questions I had about what happened in court.					
I think we had to wait too long for the case to be called into court.					
I think we had to go to court too many times.					
The reason(s) I was given for the continuances made sense to me.					

More about you.

I am the juvenile's _____

Right now, my juvenile is:

In custody

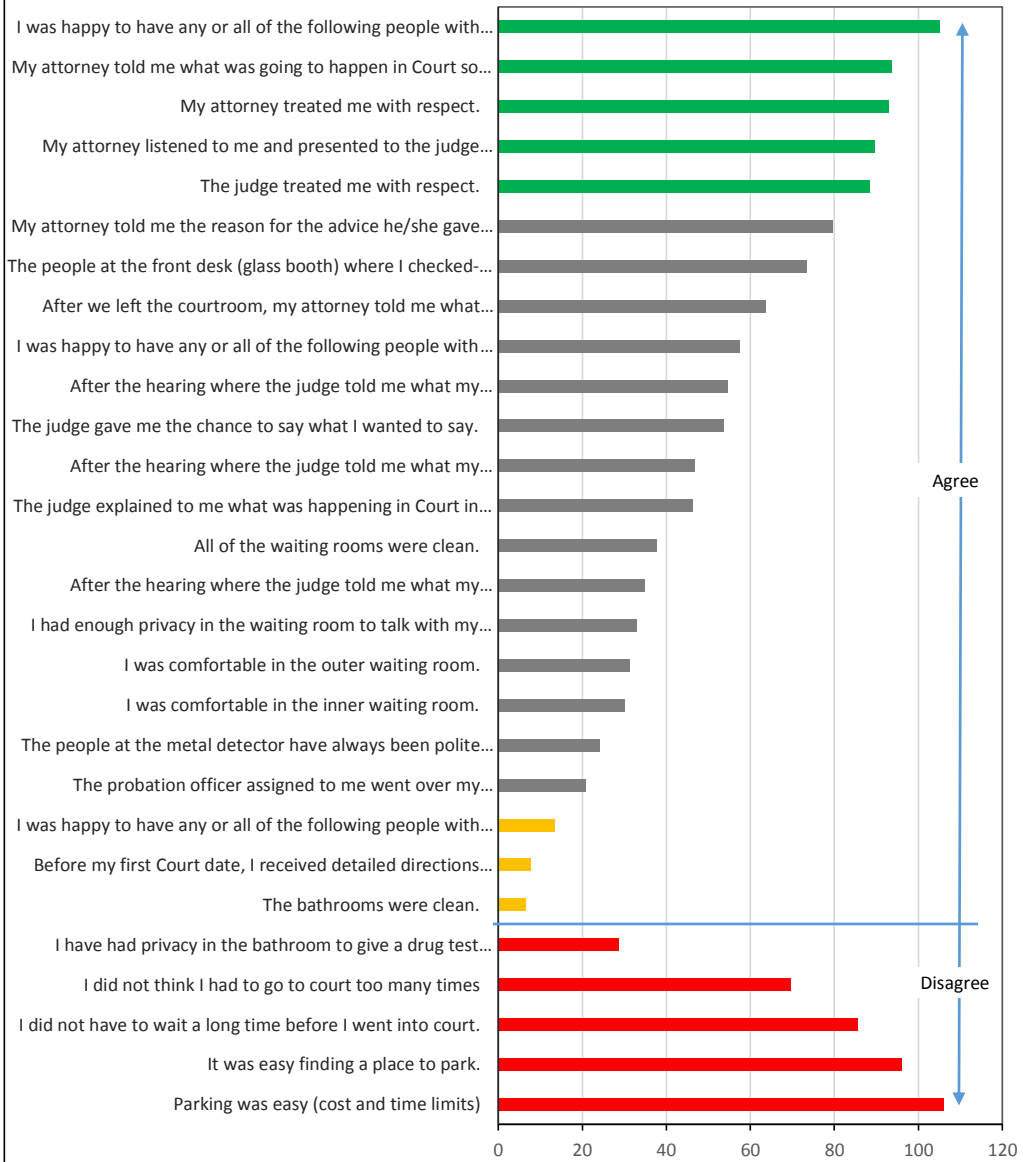
On probation

Any other information you feel might be helpful to improve the court experience: _____

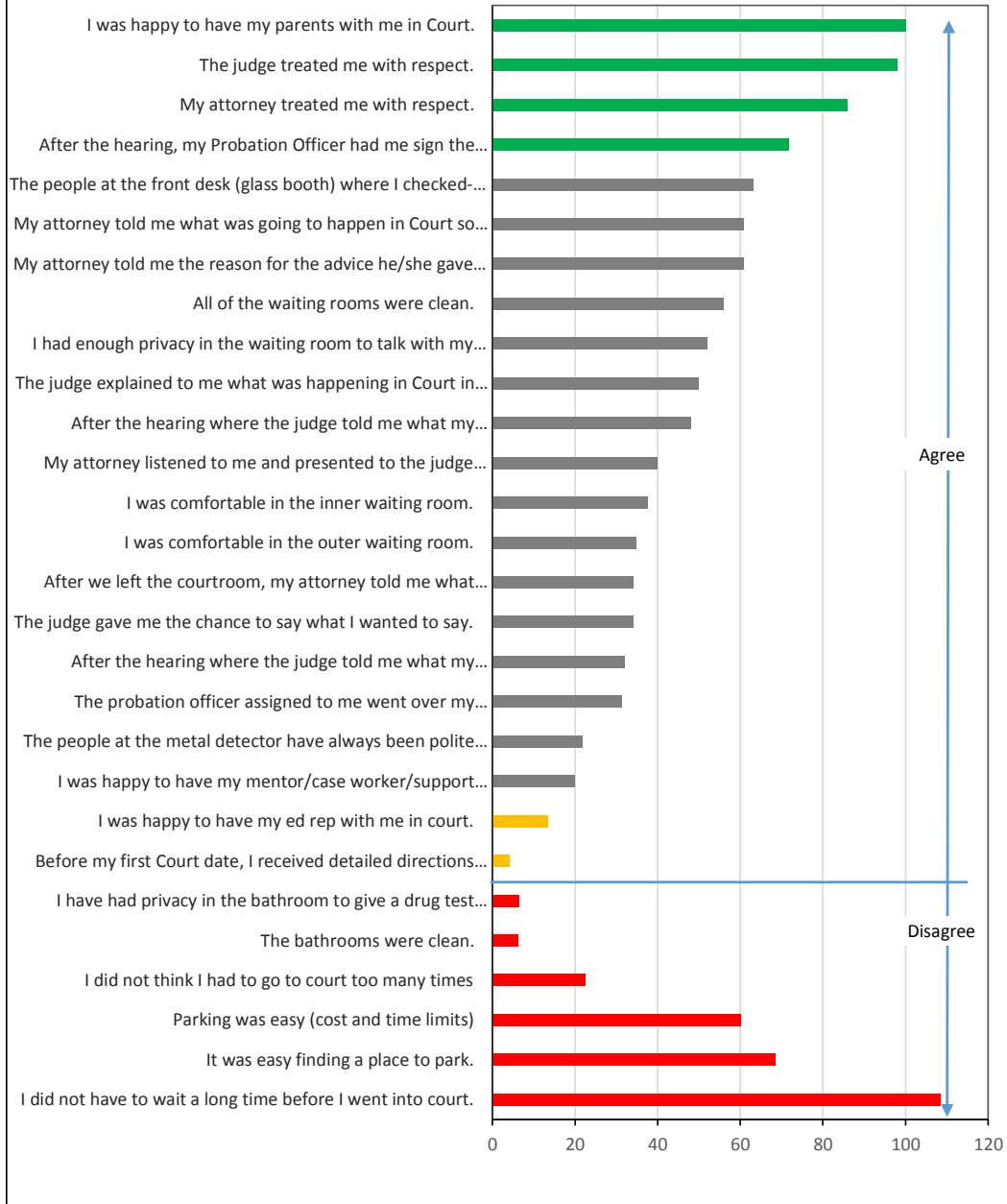
Anything else that you might tell us about you, or your relationship to the youth: _____

Thank you for answering these questions!

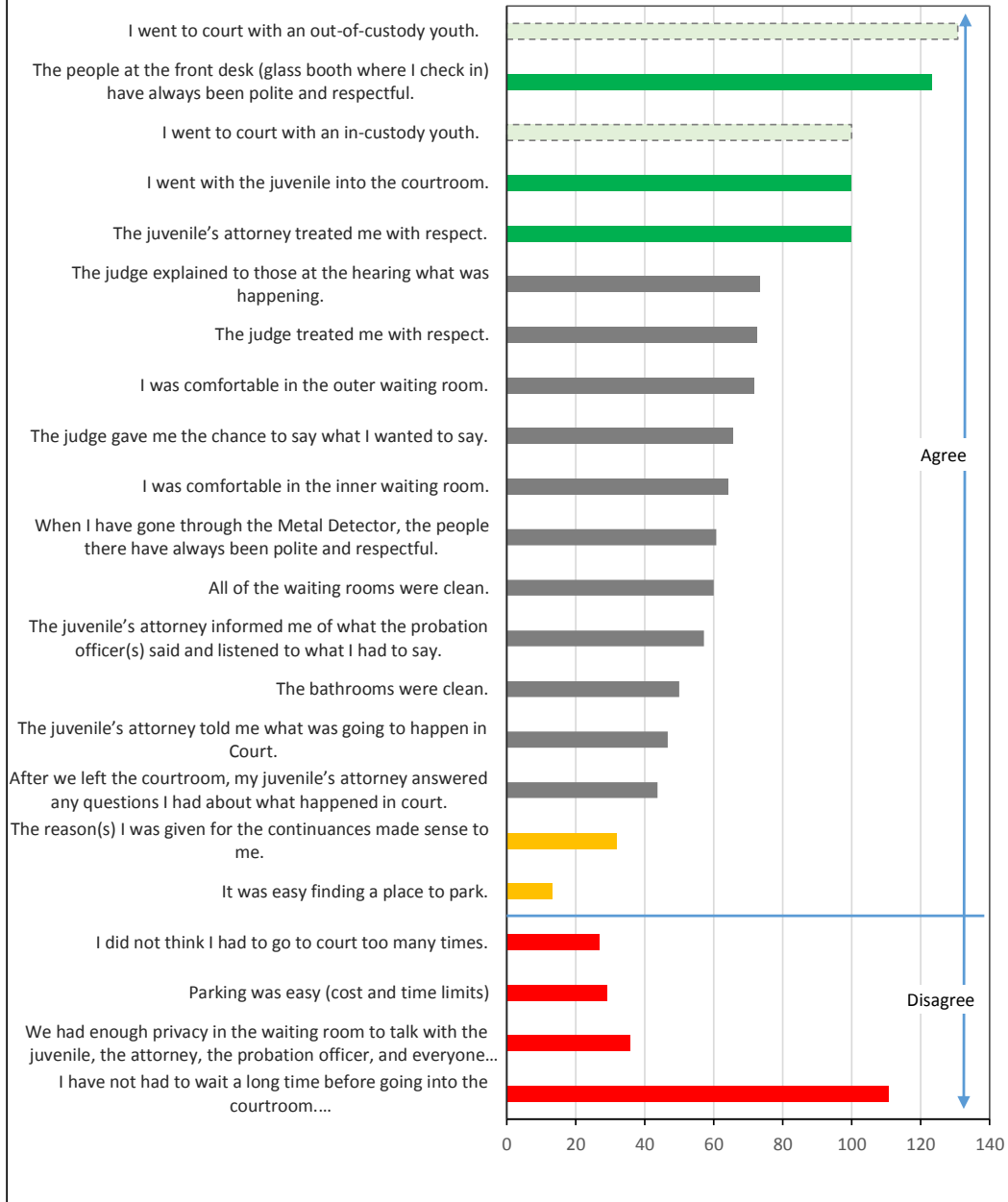
Juvenile Hall Youth Survey Result



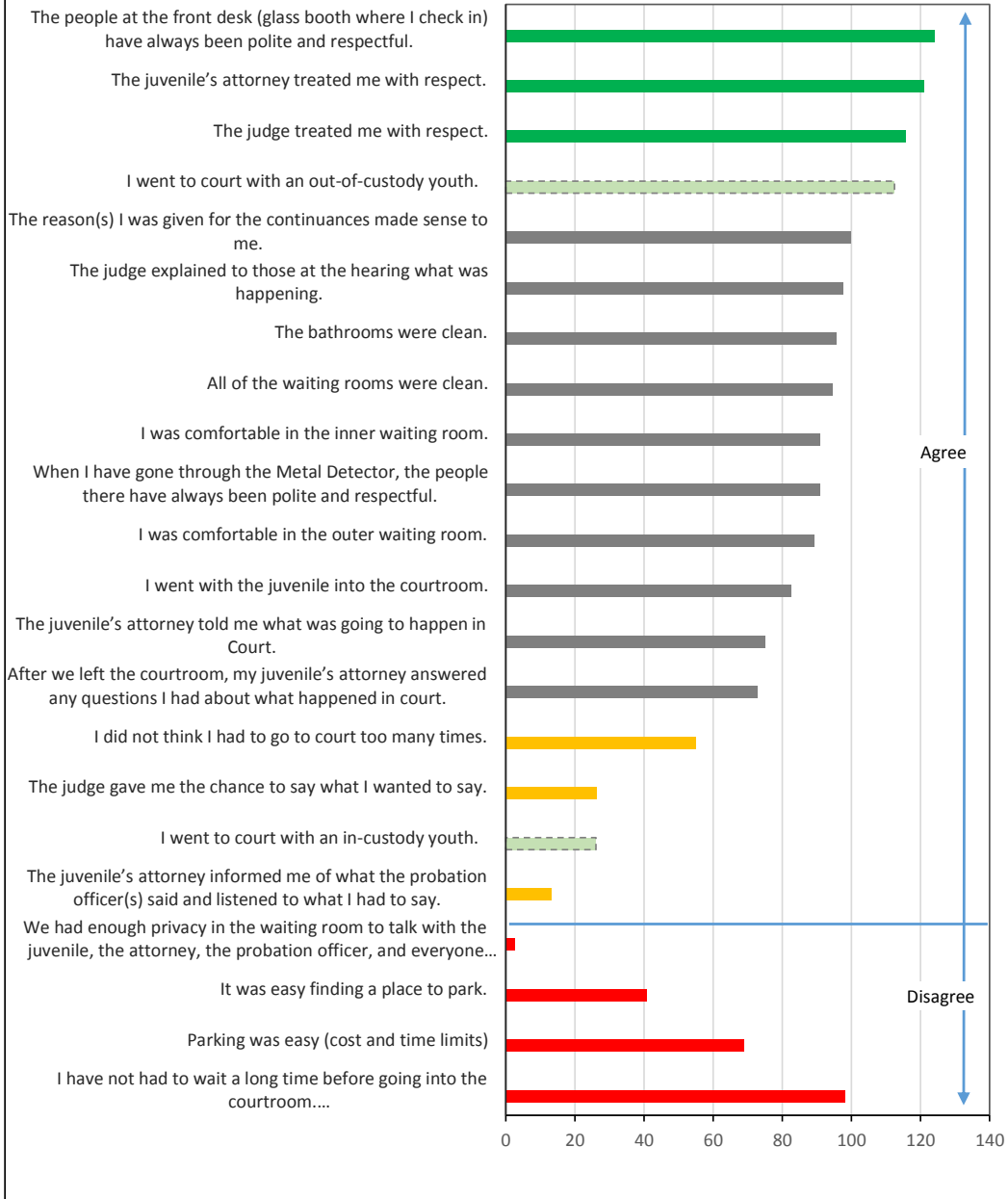
Youth Survey Result - James Ranch



CBO Survey Result: CBO #1



CBO Survey Result: CBO #2



CBO Survey Result: CBO #3

