

Probation Officer Opposed To Handling Juvenile Delinquent Cases In Inferior Courts

During the grand jury investigation Tuesday into the method of handling juvenile problems in Santa Cruz county and the extent of juvenile delinquency, County Probation Officer J. Ernie Balke said he was definitely opposed to the inferior courts handling juvenile problems.

"Do you feel juvenile cases, with the exception of traffic cases should be held in the lower courts?" Dr. Alfred Phillips, grand jury member, asked Balke.

"Definitely no," he replied. He said that was the opinion held by all probation departments in the state. He went into an explanation of how San Jose has one day a week set aside in its superior court for juvenile hearings.

"In two weeks' time the number of cases would match those that we have here all year," Balke stated.

Balke said that he first became temporary juvenile officer in 1939, and that he was appointed in 1942.

His records, unlike those of the other witnesses who testified, were for the period from January 1, 1952 to December 31, 1952.

His figures were confusing, in that the number of cases investigated by him were grouped in two ways, first from the department from which they were referred and then the number actually handled by that department.

He said 103 boys and 43 girls were referred from the Santa Cruz police department, with 84 boys and 32 girls being handled by the department itself. Similarly, there were 97 boys and 16 girls referred from the sheriff's office, with 35 boys and six girls handled by the department. Watsonville reported 31 boys and 16 girls, with eight boys and 11 girls handled by the department.

Nine boys and seven girls were referred in by the Capitola police department, Balke said.

The California highway patrol referred eight boys and four girls, with two boys and four girls disposed of by the department.

Balke startled some of those persons present by stating that immediately a child is taken to juvenile hall they are under arrest.

"Even when they are in protective custody?" he was asked.

"When they are no longer at liberty, they are arrested," he answered.

Adding to the confusion, he pointed out that the city of Salinas, during 1952, had 105 children who were arrested and detained and 36 who were arrested and not detained.

He said that here in Santa Cruz county, 262 boys and 82 girls were received from all departments dealing with juveniles and sent to juvenile hall.

Asked what percentage of parents do a satisfactory job of steering their children in the proper channels after they have run afoul of the law for the first time, Balke replied about 80 per cent.

Balke said the case load was lower now than it was five years ago. All other officers reported an increase. He said he supposed the reason for the drop could be attributed to the expanded programs in the sheriff's office and that of

the police departments, which are taking care of their own cases.

In addition, he said, not as many cases are being referred to his department now as in the past.

"Do you feel that formal court treatment serves as a deterrent on juvenile delinquents?" Richard L. Hayden, secretary of the grand jury asked Balke.

"Sometimes, yes, sometimes, no, each case is individual," he answered.

"Do you have sufficient facilities?" Hayden asked.

Balke said he did not. He said he was allowed additional assistant by the board of supervisors, but he could only pay \$244 a month plus a \$5 cost of living increase.

Hayden asked Balke to explain his side of the story about the juvenile delinquent described by Sgt. Charles Derby of the police department whom, Derby said, had committed a series of crimes and was still at large.

Balke said the boy was handled first by the police department, then was sent to court, then sent away to be with relatives, and then something went wrong, and he was back in town again.

"We're still trying to nurse him along," Balke said. Then he added, "We don't see eye to eye with officers from time to time in the handling of these cases. . . . This boy doesn't have the capabilities to learn. He hasn't done anything this time (since his return)."

Balke said one additional man wasn't sufficient, but it would be necessary to show the supervisors that such was the case.

He said that about 10 per cent of the requests for petitions to certify juveniles to court, requested by juvenile officers, were not granted. He said the average was about the same from year to year.

Derby, in his testimony, said that about 10 per cent of the petitions he asked for he received from Balke.

Mrs. Alice Wilder wanted to know what the longest time was a juvenile had spent in the juvenile hall. Balke said there was a 12-year old girl there now who had been admitted January 11. She is still there and will be there until the disposition of criminal charges against her father, still pending in the superior court.

"Don't you think a parcel of experts could sit in with you to decide who should go to court, or do you feel your opinion is enough?" Balke was asked.

"Anyone who refuses to help is foolish," Balke stated. "Sometimes it would help, sometimes not," he said in answering the question. Then he went on, "I have the probation committee to refer to."

Mrs. Norman Shockley asked Balke how many times he had referred to the committee this year. He said four times as a group and nine or 10 times as individuals.

"Have you ever conferred with the California Youth Authority asking for a survey to see if our problems are different than those in other counties?" Mrs. Lee Meehan asked.

Balke said he had not.

At the beginning of the session, Hayden told the group:

"Please bear in mind that the grand jury can do no more than make recommendations."

Those members of the grand jury who took part in the Tuesday hearing were Lloyd Hebborn, the foreman, from Santa Cruz, who opened the session; Richard L. Hayden, Santa Cruz, the secretary, who conducted the questioning; Charles Klein, Mrs. Marion C. Shenk, Richard Snyder, Joseph A. Scaroni, Clyde E. White and Dr. Alfred Phillips, Santa Cruz; Donald G. Ley, Felton; Edwin M. Petersen, James B. Nielsen, and Ed Rilovich, Watsonville.

Those who did not attend were William T. Jones, Ben Lomond; Edward Moceo, Mrs. Helen Adele Strong, Alfred O. Haber and Cecil M. Aldrich, Santa Cruz, and David H. Hopkins and Paul Opdyke, Watsonville.

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