

## JUVENILE JUSTICE SYSTEM



According to the American Correctional Association (ACA), a juvenile is a person under the age of twenty-one, or as defined by the local jurisdiction as under the age of majority which is typically 18 years old. Most states do not set a minimum age for juvenile adjudication, but for those states that do, the range is from 6-12 years old.

This is a basic description of the U.S. Juvenile justice system.

The juvenile justice system starts the same way as the general process; a crime is committed and a report is usually completed by the police. In many counties, there is a special court and a designated prosecutor to handle juvenile cases. Once the prosecutor reviews the police report, he or she will issue a **Petition** (called the **Complaint** in adult cases) which lists the charges against the juvenile defendant.

Juvenile proceedings involve people under the age of 17 who are charged with violation of a criminal law or with a status offense. A **status offense** is an act that would not be considered a crime if committed by an adult. The most common status offenses tend to be truancy (or missing school), running away from home, curfew violations in counties that have curfews, or being a minor in possession of alcohol.

To help flesh this out, a case study of “Allen” will be described.

Allen is a 15 year old white male. He has always had some behavioral problems in school that earned him suspensions and detention. However, in the past year, he has begun using marijuana and has also gotten in several more serious fights with classmates. Allen had one previous fight that led to a Petition being filed for a Disorderly Fighting charge. Allen did 6 months probation.

Two months ago, Allen got into a fight on school property. Once he was taken to the principal’s office, his backpack was searched by the school police officer and marijuana was found. The school turned over the report to the Prosecutor and Allen was charged with Possession of Marijuana and an Assault and Battery.

So, in cases like Allen’s, the goals of the Juvenile Court is to **rehabilitate** the youth offender. Generally, the court is not seeking to just punish the defendant, but to put in place some treatment or services that will help the defendant avoid future criminal activity. The safety of the public, often times the neighborhood or school, is at the forefront of decision making.

Once the **petition** is filed, the defendant will attend an **initial hearing** at the court, similar to the adult arraignment. At this point, the court can choose to proceed one of several ways. The

court can deny to authorize the petition, which essentially dismisses the case and ends the process. Otherwise, the court can set the case on the consent calendar or the formal calendar. Some areas have a **Teen Court** alternative as well. In addition, the court can also waive jurisdiction and try the defendant as an adult. This is most common for cases of repeat offenders or for violent crimes.

Teen Court allows the defendant to avoid the formal criminal process. Instead, the defendant is required to admit guilt to the offense charges and is then “sentenced” by a group of his or her peers instead of a judge. This jury as it is called and given an opportunity to ask questions of the defendant and then deliberates together to determine the most appropriate consequence. Many times this includes community service and a formal apology to the injured party.

If the defendant is successful in the Teen Court process, charges are dismissed and there is no formal conviction record. If the defendant fails to complete the consequences ordered by the jury, then the court may choose to authorize the original Petition and move ahead in the formal legal system.

The court can choose to put the case on the consent calendar. This means that the defendant is essentially put under the supervision of the court much like an adult might be put on probation. This is usually done when a formal conviction isn’t deemed necessary, but the court wants the defendant to participate in some services without disrupting his or her home and school life.

On the other hand, the court can choose to put the case on the formal calendar. This means that the defendant is formally charged with a crime and the process is very much the same as for an adult criminal defendant. A juvenile defendant has all the same rights as an adult, such as the right to remain silent, to have an attorney, to have a trial by jury, and to confront the witnesses against him or her.

Let’s return to our case study, Allen. Based on the fact that Allen has had some previous criminal issues, the court decided to put the case on the formal calendar. Allen was appointed an attorney to represent him and his attorney attended the Pre-Trial conference with the Prosecuting Attorney. At this conference, much like in the adult system, plea offers were discussed. The Prosecutor in Allen’s case offered to let him plead guilty to reduced charges of Use of Marijuana and to a Disorderly Fighting Charge. In return, the Prosecutor would dismiss the more serious charges and Allen would avoid having to go to trial and risk being convicted on the more serious charges.

If defendant is found guilty at a trial, or admits to the crime by making a guilty plea, this is called **adjudication**. The court then determines the consequence, or disposition much like the sentencing in adult proceedings.

The **disposition** is the area that most differs between the adult and Juvenile system. As previously mentioned, the purpose of the juvenile court is to rehabilitate and not punish. Once individuals are in the adult system, the purpose tends to be a little more of both.

Dispositions in juvenile cases tend to involve things like probation, classes to treat underlying issues, community service, paying restitution or paying back what victims lost, and possibly being sent to live in a juvenile detention facility (or the juvenile version of jail).

In our case study, Allen discussed his options with his attorney and the likelihood of defending himself or winning at trial. Based on that discussion, Allen decided that he would go ahead and plead guilty to the reduced charges. As is the case in adult proceedings, the decision to plead guilty is the decision of the defendant and no one else, not even his or her parents or attorney.

Allen went before the judge for Adjudication and the case was set for Disposition at a later date. In the meantime, Allen's probation officer conducted a review and made a recommendation for the judge for the Disposition.

Allen's Disposition included probation, substance abuse counseling, and an evaluation to ensure that Allen has no untreated issues that might be contributing to his behavior.

In some cases, the court will designate that a defendant will become a state ward. This would only be in cases where the defendant requires some very intensive supervision requiring a residential placement. The court will order review hearings regularly to determine if it should continue.

Just as in the adult cases, a juvenile defendant can appeal his or her Adjudication or Disposition.

In most cases, juvenile defendants will not have their adjudications on their records forever. When the person turns 30, most juvenile adjudications are expunged or erased off of his or her record. Cases that were referred to an alternative method besides the formal calendar can usually be expunged soon after the defendant turns 18. Some things, however, are on the record to stay and those differ from state to state.

Just as with adult criminal process, the social consequences of a juvenile adjudication are sometimes the most damaging. Many youth offenders end up getting a bad reputation in their school or community, they lose the ability to find gainful employment, and may lose privileges like participating in community or athletics. All of those things can be damaging to a juvenile's ability to make positive connections in the community and avoid future criminal activity. It is for this reason that many juvenile courts prefer to use alternative methods of handling criminal offenses whenever possible to create the best possible future for these youth offenders.

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