Juvenile Justice

CJ 3650

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Chapter 9
Early Juvenile Courts

- Through the 1800s there was only one system of justice in the United States.
  - All offenders, regardless of age, were processed in the same system.
  - This was grounded in common law which established the age of 7 as the point where a juvenile could receive the same punishment as an adult.

- 1899 – Cook County, Illinois
  - By 1910, 22 states had established juvenile courts.
  - By 1925 all but two states lacked JJ courts
  - By 1945 all states in the Union had separate JJ systems.
The System Today

- Juvenile courts have jurisdiction over all acts of delinquency.
- Delinquency is any behavior prohibited by the juvenile laws of a state.
- There are two general categories of delinquency:
  - Criminal acts
  - Status offenses
- Courts also serve in the protective role:
  - Adoption
  - Abuse
  - Neglect
  - Parental rights
Categories of Delinquency

• About one half of the states include status offenses as delinquency.

• Other states classify status offenders as:
  – CINS
  – CHINS
  – PINS
  – JINS
  – MINS.

• The classifications are expected to remove the stigma associated with the term delinquency.
Diversion

• When a case enters the JJ court system there are several points that can recommend diversion:
  – Intake officer
  – Prosecutor
  – Judge
Juvenile Court Personnel

• The Judge
  – Provides the leadership in managing the system
  – Has the primary responsibility for the operation of the court
  – Is an important decision maker
  – Posses tremendous power
  – Can impose requirements on
    • Juvenile
    • Parent
      – Require parents to assist in the treatment of the offender.
        ❖ Attend counseling sessions
• Selection of judges
  – Elected
  – Appointed
    • Governor
    • Legislature
    • The Missouri Plan
      – Combines the previous two processes.
      – Gubernatorial appointment – perhaps 4-6 years
        ❖ Runs in an uncontested election
        ❖ Governor will appoint a new judge if the judge is not reelected
Referee

• Some jurisdictions with heavy case loads rely on an intermediary to assist the judge with the workload.
  – Referee
  – Commissioner
  – Master
    • Are usually attorneys appointed by the judge.
    • May be a lay person
    • Presides over preadjudication hearings
    • Also presides over detention hearings
Prosecutor

- Represents the interests of the state in bringing the case against the offender.
  - Larger jurisdictions have prosecutors solely handling juvenile matters.
  - Smaller jurisdictions may handle both.

- Has several key responsibilities:
  - Dismiss
  - Adjudicate
  - Plea bargaining
  - Divert
Defense Attorney

• Primary responsibility is to
  – Present the best possible case during adjudication hearing
  – Negotiate a settlement through plea bargaining if applicable
  – Ensure that the rights of the juvenile are not violated.

• Either retained or appointed.
  – *In re Gault* gave juveniles the right to representation of counsel.
Probation Officer

• Perform three basic functions:
  – Intake screening
    • Determines if the case will be formally or informally handled.
  – Predisposition reports
    • Assist the judge in determining most appropriate disposition of the case after adjudication.
  – Monitor juveniles on probation.
Intake

• Juveniles enter the system through some form of referral.

• Two main sources:
  – Police
  – Parents, victims, schools and probation officers
  – The vast majority are referred through the police.

• Intake occurs after a referral with 2 important decisions:
  – Detain the juvenile
  – Petition
Detention

• Not all juveniles face the possibility of detention.
  – The police may directly proceed based on
    • The severity/nature of the offense
    • If the juvenile is believed to be a threat
    • The juvenile is at risk in the community
    • A flight risk

• In 2000, close to 330,000 juveniles were detained after being accused of committing an offense.
• 28% of these juveniles were accused of committing a violent offense.
• 33% were accused of committing a property crime.
• 28% for public order offenses.
• 11% for drug offenses.
• Detention hearings (DH) generally held within 24-72 hours.
• 50% of the DHs result in further detention.
  – *Schall v. Martin* upheld the practice of preventative detention.
The Right to Bail

• Traditionally, juveniles have not been afforded a qualified right to bail.
  – Bail is not a punishment;
  – It is expected to ensure future court appearance
  – Most juveniles are released to their parents
  – *Parens patriae* is the principle behind not affording juveniles the right to bail.

• Recent trends in the “get tough” approach to juvenile crime is eroding the principle of *parens patriae.*
Petition

- The second major decision in the intake process.
- A petition is a document that states the allegations against the juvenile;
- Requests that the court adjudicate the juvenile.
- At this point there are three alternatives:
  - Dismissal and release to parents
  - Handle informally
  - Follow through petition
Dismissal

- Generally involves minor or first-time offenders.
- If a case is dismissed the probation officer will warn the juvenile that future violations will be formally handled.
Informal handling cases

• Approximately 26% of the cases referred to juvenile court are handled informally.

• Typically involves:
  – Victim restitution
  – Community service
  – Attend school
  – Counseling

• often referred to as
  – Deferred prosecution
  – Informal probation
  – Informal adjustment
Prosecutorial decision making

• Receives the case after the intake decision is made.
• Frequently, the intake decision is approved prior by the prosecutor.
• Determines if evidence is sufficient to substantiate the complaint.
• Various options:
  – Dismiss
  – Handle informally
  – Petition
  – Waiver
Adjudication

• If a petition is filed the next step is the arraignment.
• At the arraignment the juvenile is made aware of
  – Right to counsel
  – Right to an adjudication hearing
  – Right to confront and cross-examine witnesses
  – Right to present witnesses
• Enters a plea
Adjudication Hearing

- At the arraignment the juvenile enters a plea
  - Guilty
  - Not guilty
- Held to determine if the juvenile committed the offense.
- Much like an adult trial
  - Jury trials are the exception, not the rule
- Standard of proof – beyond a reasonable doubt
  - Due to possibility of incarceration
  - *In re Winship*
Disposition

• If adjudicated a delinquent then a predisposition report is completed.
• Assists the judge in making an appropriate disposition.
• Typically completed by a probation officer
• Three main functions:
  – Provides a comprehensive picture
  – Assists in determining the needs of the juvenile
  – Includes treatment history of juvenile
Disposition hearing

• Most juvenile courts are **bifurcated**
  – The adjudication and disposition hearings are held separately.
  – The disposition hearing is not as formal and allows
    • Hearsay
    • Relaxed rules of evidence

• **Includes three basic options:**
  – Suspend judgment
    • Rooted in principles of probation – sets conditions
  – Probation
  – Residential placement