A Walk Through the Juvenile Justice System

“What is typically called the juvenile justice ‘system’ is far more complex, complicated, confusing, and confounding than the term itself would suggest...So what is called a system may be something more like a nonsystem.”

- Donald Shoemaker & Timothy Wolfe
Learning Objectives

At the end of this module, the participant will be able to:

1. Understand the basic structure & terminology of the juvenile justice system
2. Understand the process by which young people move through the juvenile justice system
3. Identify strategic points for intervention where youth can be diverted into community alternatives
## Who is a Juvenile in the Justice System?

### California

<table>
<thead>
<tr>
<th>Activity</th>
<th>Age Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buy liquor</td>
<td>21</td>
</tr>
<tr>
<td>Enlist in the military</td>
<td>17 w/ parental consent, 18 w/o</td>
</tr>
<tr>
<td>Drive a car</td>
<td>16</td>
</tr>
<tr>
<td>Consent to sex</td>
<td>18</td>
</tr>
<tr>
<td>Get married</td>
<td>18, no minimum age w/ parental &amp; judge consent</td>
</tr>
<tr>
<td>Buy cigarettes</td>
<td>18</td>
</tr>
<tr>
<td>Be tried in court</td>
<td>N/A</td>
</tr>
<tr>
<td>Admitted to juvenile detention</td>
<td>12</td>
</tr>
<tr>
<td>Be tried as an adult</td>
<td>14</td>
</tr>
<tr>
<td>Be sentenced to life without parole</td>
<td>16</td>
</tr>
</tbody>
</table>
Many of the laws restricting youth from engaging in certain behavior are based on the rationale that most adolescents are not yet mature enough to handle the responsibility of engaging in certain activities.

During adolescence, the pre-frontal cortex, also called the “CEO of the Brain” is still developing. The pre-frontal cortex controls:

- **Decision-making**
- **Consequential Thinking**
- **Impulse Control**
Think of something you did in your adolescence where you just didn’t fully think through the consequences of your actions.
Youth are charged as juveniles or adults depending on: (1) the age of the youth; and (2) the severity of the charges.

- **Juvenile Delinquent**: typically youth under 18 charged with misdemeanors and less serious felonies.

- **Youth Charged as Adults**: Youth under the age of 18 charged with serious felonies.
The “adult crime for adult time” backlash against juveniles in the 1990s led to legislative changes to allow or mandate many more youth to be tried as adults. Today, all 50 states allow for prosecuting juveniles as adults in criminal courts either through:

- **Judicial Waiver**: 45 states allowing juvenile court judges discretion to “waive” serious cases to adult criminal court.

- **Direct Filing**: 15 states allow for prosecutors to decide whether to try youth in juvenile or adult court.

- **Statutory Exclusion**: 29 states automatically require youth to be tried in adult court based on the alleged crime.
Under what circumstances can youth be tried as adults in your state?
Local Focus: California

14+ years (automatic): Murder with special circumstances, certain sex offenses with extenuating circumstances

14+ years (prosecutorial file): Capital crimes; use of a firearm during felony; and 707(b) offense with prior offense, gang involvement, hate crime, elderly or disabled victim

14+ years (fitness hearing): 707(b) offenses

16+ years (prosecutorial file): 707(b) offense; prior felony at age 14+ and felony against elderly or disabled victim, constituting a hate crime, or that is gang-related
The juvenile justice system has its own language and terminology distinct from the adult criminal justice system. The juvenile justice system was originally created to allow more flexibility in providing rehabilitation/treatment instead of punishment.
## Language and Terminology

<table>
<thead>
<tr>
<th>Criminal Justice System</th>
<th>CA Juvenile Justice System</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td>Police</td>
</tr>
<tr>
<td>Judge</td>
<td>Judge</td>
</tr>
<tr>
<td>Probation Officer</td>
<td>Probation Officer</td>
</tr>
<tr>
<td>Defendant</td>
<td>Respondent</td>
</tr>
<tr>
<td>Prosecutor</td>
<td>District Attorney</td>
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</tbody>
</table>

### Formal Court Processing

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Indictment</td>
<td>Petition</td>
</tr>
<tr>
<td>Defense Attorney</td>
<td>Public Defender or Defense Attorney</td>
</tr>
<tr>
<td>Bail Hearing</td>
<td>Detention Hearing</td>
</tr>
<tr>
<td>Trial</td>
<td>Adjudicatory Hearing</td>
</tr>
<tr>
<td>Conviction</td>
<td>Adjudication/True Finding</td>
</tr>
</tbody>
</table>
## Language and Terminology

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<thead>
<tr>
<th>Criminal Justice System</th>
<th>CA Juvenile Justice System</th>
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</thead>
<tbody>
<tr>
<td><strong>Post-Sentencing</strong></td>
<td></td>
</tr>
<tr>
<td>Sentencing</td>
<td>Disposition</td>
</tr>
<tr>
<td>Incarceration</td>
<td>Commitment</td>
</tr>
<tr>
<td>Parole</td>
<td>Parole</td>
</tr>
<tr>
<td>Parole Violation</td>
<td>Parole Violation</td>
</tr>
</tbody>
</table>
#### Key Differences

<table>
<thead>
<tr>
<th>Adult Criminal System</th>
<th>Juvenile Justice System</th>
</tr>
</thead>
<tbody>
<tr>
<td>Probation does not enter the picture until after sentencing</td>
<td>The Probation Officer often has the first opportunity to divert a case</td>
</tr>
<tr>
<td>The defendant is judged by a <em>jury</em> of his or her peers</td>
<td>The judge makes all the decisions</td>
</tr>
<tr>
<td>The sentence is based on the nature of the crime</td>
<td>Once a young person is adjudicated delinquent, the “disposition” (sentence) is typically a standard length of time determined by the young person’s need for rehabilitation.</td>
</tr>
<tr>
<td>The defendant’s life circumstances (employment status, alcohol use) are usually <em>irrelevant</em> when it comes to sentencing</td>
<td>A young person’s life circumstances (school attendance, level of family conflict, need for mental health service) are often <em>deciding</em> factors in the “disposition” (sentence) given to a young person.</td>
</tr>
</tbody>
</table>
Tatiana through the System

- Tatiana is a 15-year old girl who is in the park at 10:30 PM when a fight breaks out between a group of youth…

…what happens next is up to you
The Juvenile Justice Superhighway

The juvenile justice system can seem like a superhighway transporting young people further and further along a road that leads to incarceration.

The data shows that:

- Youth who are initially detained are more likely to be placed at disposition.
- Keeping low-risk youth under court supervision for long periods of time actually increases the likelihood of future incarceration.
- Trying youth as adults increases the likelihood of future offending.

Despite evidence that over-restrictive juvenile justice sanctions often do more harm than good, many jurisdictions continue to process youth deeper into the system.
The juvenile justice system is not one continuous process, but a series of decisions made by different actors at different points in time. At every decision-making point, youth can be advanced deeper into the system, or diverted from further involvement.
On-Ramps and Exit Signs

“ON-RAMPS”

ADVANCING A CASE TO THE NEXT LEVEL OF JUSTICE SYSTEM PROCESSING

“EXIT SIGNS”

DIVERSIONS & COMMUNITY-BASED ALTERNATIVES
2.5 C.

**Arrest**

**NEXT STEP:** Referral

**ALTERNATIVE PROGRAM:**
Arrest Diversion

**DECISION MAKER:**
Police Officer
Initial Detention Decision

**NEXT STEP:**
Detention

**ALTERNATIVE PROGRAM:**

**DECISION MAKER:**
Probation Officer
Juvenile Court Intake

NEXT STEP:
Refer to District Attorney to File Petition

ALTERNATIVE PROGRAM:

DECISION MAKER:
Probation Officer
Decision to Prosecute

NEXT STEP:
Filing Petition

DECISION MAKER:
Prosecutor

ALTERNATIVE PROGRAM:
Detention Hearing

DECISION MAKER: Judge

NEXT STEP: Detention

ALTERNATIVE PROGRAM: Alternative-to-Detention (ATD) Program
Formal Processing

**2.5 H.**

**Decision Maker:** Judge (w/ Prosecutor & Defense Attorney)

**Next Step:** Adjudicatory Hearing (Trial)

**Alternative Program:**

COMMUNITY CONNECTIONS for Youth
Disposition

NEXT STEP:
Youth Camp, Commitment

ALTERNATIVE PROGRAM:
Probation or Alternative program

DECISION MAKER:
Judge
**Violation Hearing**

### Decision Maker:
Judge, w/ input from Prosecutor & Probation Officer

### Alternative Program:
Continued probation with additional supervision / services

### Next Step:
Probation Violation
Revocation Hearing

NEXT STEP: Return to detention

ALTERNATIVE PROGRAM: Continue probation / parole with additional supervision / services

DECISION MAKER: Judge, w/ input from probation / parole
Reflection...

- Based on your knowledge of the juvenile justice system thus far, what do you see as the most likely point(s) of intervention for your program?

- What actors in the juvenile justice system do you already have relationships with, and who are your most likely partners for developing alternatives to incarceration for youth?

- If you are already serving youth with justice system involvement, is there an earlier decision-make point where your services might result in a less restrictive outcome for youth?