




A11 Introduction to the Juvenile Justice System – Probation 101

Wednesday, June 13, 2018 10:30 a.m. - 12:00 p.m.

Cathy Roland

Salon 2

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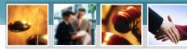


Juvenile Justice: 101

The Court Process
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Resource Center for Family-Focused Practice

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History of Probation



- 1841 – John Augustus, the “Father of Probation”
- Latin “*probatio*” - period of proving or trial
- The most common form of juvenile disposition

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Probation Basics

- Protection of the community
- Reduce Recidivism
- Investigate & provide reports to court
- Provide supervision & services to offenders
- Rehabilitation of the offender

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How does a juvenile justice case get started?

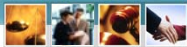


Arresting police officer's options

1. Release the youth
2. Write a citation
3. Transport youth to the local Detention Facility



Intake and Investigation



1. Release youth with a warning
2. Grant Informal Probation
3. Submit to DA for filing

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District Attorney files the petition

Youth may be released or remain in custody



Petition Filing Deadlines



- Felony time limits
- Misdemeanors time limit
- Or release from custody

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Detention Hearing



- Placement - Home vs Custody
- What can happen
- Right to attorney representation



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Detention Hearing – cont.



- Question Witnesses
- Court presumes Guilt
- Best Interest of youth



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Youth are detained in custody when...

- Failure to obey court orders
- Severity of Offense
- Protection of victim and/or community
- It has been demonstrated that continuance in the home is contrary to the minor's welfare



Jurisdiction Hearing




- Do you understand the charges?
- True or Not True
- Judges Decision
- Minor's rights

Dispositional Hearing

Judge considers:

- How to protect community safety?
- How to restore victim's injury or loss?
- What's best for youth?

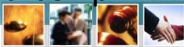




Judges' Orders on behalf of youth:

- Probation Supervision Options
- Removed from home – Placement in an out of home facility
- Secure Facility
- Determines maximum time or custody credits

Types of Probation & Wardship



- Voluntary without a petition or court involvement W&I 654
- Formal probation without wardship W&I 725(a)
- Formal probation with wardship 725(b) or W&I 602
- Deferred Entry of Judgement W&I 790

What is W & I 790?




- Deferred Entry of Judgement – DEJ
- Age at time of Offense
- Felony Offense
- No Previous DEJ Grant
- Eligible Offenses Only
- Eligible for Probation
- Not previously declared a ward for a felony offense

Probation Supervision



Judge will set:

- Terms and conditions of probation
- They can be strict, must give up some rights.
- Conditions should be reasonable and applicable
- Best interest of the youth.

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Juvenile Supervision Classification



- Olivia, age 14, has been arrested for petty theft
- Her mother has turned her in to the stores when she discovers stolen merchandise
- Her parents have provided consequences for her behavior
- Parents are cooperative with the PO department

Juvenile Supervision Classification



- Victor, age 16, originally adjudicated for VC 10851 as a felony.
- Subsequently he was recently arrested for violation of probation terms and detained in the county juvenile hall.
- The DPO plan is to recommend placement as his mother is unable to exercise supervision, care and control of the youth.
- Victor, has an active IEP, problematic school attendance

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Juvenile justice and a dependency case at the same time (“dual Status”)



Dependency Matters

- W&I Code 300
- Department of Children & Family Services
- Which agency can best serve youth
- Case suspended

Juvenile Justice

- W&I Code 602
- Probation Department
- Which agency is best for youth & society's protection
- Takes precedence

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Those present in juvenile court



- Probation: Court officer for Probation
- District Attorney: People of California
- Attorney: Youth
- Court: Judge, stenographer, court clerk, and bailiff

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After the Case is Over



- Appeal
- Ask to have decision set aside
- More restrictive disposition
- Automatic record seal upon dismissal of petition



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Juvenile & Adult Court Differences



Juvenile Court

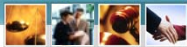
- Allegations found true or not true
- Minor
- Petition
- Automatic record sealing with dismissal of petition

Adult Criminal Court

- Proceedings determine guilt vs innocence
- Defendant
- Complaint
- Expungement

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Criminal Court differences cont.



Juvenile Court cont.

- No Bail
- No Jury Trial
- Sustained or not sustained
- Disposition

Adult Court cont.

- Bail
- Right to Trial by Jury
- Guilty or not guilty
- Sentence

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When youth were treated as adults?



- Prior to 11/9/16, DA's could file the petition in Adult Court – Direct Filing

- Youth were treated as an adult

- Sentencing, laws and procedures were as an adult

- Adult Court Judge could still decide on a juvenile disposition



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Youth Offenders in Adult Court



- Proposition 57 (11/9/2016)
- Judges decide whether to try juveniles as young as 14 in adult court
- If handled in adult court sentencing, laws and procedures are as an adult
- Judge may still decide on a juvenile disposition



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Transfer Reports



With the enactment of Proposition 57 the Court now considers:

- If the minor should be "transferred" to a court of criminal jurisdiction
- Eliminates the concept of fitness
- Replaces term fitness with "transfer"



Probation Is -----



- Court-ordered
- In lieu of detention
- Probationer must meet & agree to certain standards of conduct.



Probation Department Responsibilities



- Protection of the community
- Reduce Recidivism
- Investigate & provide reports with recommendations to the court
- Provide supervision & evidence-based services to offenders
- Rehabilitation of the offender



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Juvenile Supervision Classification



- Matthew, age 16, has a history of property destructions and auto theft
- Blew up a toilet at the school
- Set a fire on a vacant lot
- Mother is unable to control Matthew's behavior
- Whereabouts of father are unknown

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Juvenile Supervision Classification



- Mother reports to PO Susie, age 16, has been arrested for violation of H&S 11377 – Possession of a controlled schedule 3,4 or 5 controlled substance
- Associates with drug using peers
- Leaves home for extended periods of times without Mom's knowledge
- Mother believes that Susie is having sex with others in exchange for drugs
- Mother reports to PO, her daughter is 2 months pregnant

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Referral and Services



Broad range of services to include:

- Crime & Delinquency Prevention
- Victim Restitution Program
- Community Service Programs
- Multi-agency collaboration



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QUESTIONS ????????



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Juvenile Delinquency Case Flow

