

A Guide to Understanding the Juvenile Justice System



County of San Diego Probation Department

Building a Safer Community since 1907

The Arrest

When a law enforcement officer arrests a person under the age of 18, the officer has several options: release the minor; take the person to a community agency for shelter or counseling services; prepare a written notice for the minor to appear before a probation officer and then release the minor; or deliver the custody of the minor to a probation officer at Juvenile Hall.

Probation Intake Decision

If the minor is taken to Kearny Mesa Juvenile Detention Facility (a.k.a. “Juvenile Hall”), a probation officer will first determine whether the minor should be booked and kept in custody or released to a parent or guardian, pending further proceedings. Juvenile Hall has a bed capacity of 537, and houses both males and females (in separate housing units). Due to the scarcity of detention beds, only the most serious offenders are held in custody. If released, the minor may be required to submit to house arrest or be placed on electronic surveillance. In these cases, a probation officer will see the minor daily and if he/she is found to be in violation of their release conditions, he/she will be returned to Juvenile Hall.

If a minor is initially detained, the probation officer has 48 judicial hours (i.e. days when court is in operation) to request a petition filing by the district attorney’s office, which means the minor has to answer charges in Juvenile Court. The district attorney must file the charges with the Court in the same time frame. If the probation officer believes the minor should remain in custody, a court hearing, called a detention hearing, must be held the following judicial day after the petition is filed.

If the probation officer chooses not to request a petition, the officer has these options: refer the case to Juvenile Traffic Court (for certain less-serious offenses); institute a 6-month program of intervention with the parent’s consent; or require a brief program of community service, mediation or counseling services, restitution payment, and/or other meaningful consequences for the delinquent behavior. If the circumstances do not warrant further involvement, the probation officer has the option to not pursue the matter further.

If a law enforcement officer arrests and releases the minor to

his/her parents, the arresting agency may refer the case to the Probation Department. The amount of time the probation officer has to make a decision on how to handle the case depends on how long it takes the arresting agency to send the referral to Probation and when the district attorney advises on the legal sufficiency of the case against the minor. The probation officer has the same options for handling the referral as were noted above: take the matter to court; institute a 6-month supervision program; require meaningful actions by the offender; or simply close the case at the intake level. In making the intake decision, the probation officer may require the minor and parent to meet with the officer to review the arrest information, prior delinquent history, school and community adjustment, the minor's needs, and other social factors.

There are certain crimes and circumstances that by law (WIC 653.5) require the probation officer to submit the case to the prosecutor. The prosecutor then has discretion to file a petition in Juvenile Court to begin legal proceedings. In other cases, the juvenile law states that when, in the judgment of the probation officer, the interest of the minor and community safety can be protected, a petition does not have to be requested. The probation officer will review many considerations before determining how to proceed.

The District Attorney's Office

Cases received by the District Attorney's (D.A.) Juvenile Court Division are handled in various ways, depending on the type of case and custody status of the minor. (Note we did not say defendant. That term is not used for juveniles). All in-custody cases received by the D.A. must be screened and filed within 48 hours of the arrest, excluding non-judicial days and holidays.

The screening Deputy D.A. reads all in-custody reports and decides whether or not to file a charge based on the completeness of the case. Cases with inadequate reports, which do not fully set out the elements of the offense and the identification of the perpetrator, stand little chance of being filed.

Some in-custody cases such as homicides and sex offenses are assigned to deputies for individual handling, from screening through sentencing. In sex cases, the assigned D.A. must person-

ally interview the victim before filing the case, in order to assess the victim's credibility and presentation. Out-of-custody cases are distributed for screening to all Juvenile Division attorneys. Because there are only two weeks between a juvenile's arraignment and trial, there is little time for investigation after a case is filed. A case must be sufficiently investigated and provable at the time of filing. For minors who are in custody at the time of filing, the next step in the Juvenile Court process is the detention hearing.

Detention Hearing

When a petition has been filed with the Juvenile Court and the probation officer believes it is necessary to place the minor in custody, it's for one of these reasons: the minor has violated a court order; escaped from the commitment of the Juvenile Court; is a risk to flee the court's jurisdiction; or it is a matter of immediate and urgent necessity for the protection of someone's person or property to seek the court's jurisdiction. The officer then schedules a detention hearing with the Juvenile Court. The purpose of the hearing is for the judge to hear evidence on whether the minor should be detained pending further proceedings in the case. If the minor or parent has not retained an attorney, he/she will be represented at this hearing by the County's Office of the Public Defender. The court will have read the report submitted by the probation officer, and hear arguments from the district attorney and defense counsel.

The minor's parents or caretakers will be notified of the hearing and are expected to be present. If they are not, the court may delay the hearing and order the parents to appear. The court wishes to hear from the parent(s) or caretaker regarding the minor's behavior at home, school, and in the community, and wants to know that the parent or caretaker will effectively supervise the minor if he/she is released.

The court may decide to order detention in Juvenile Hall or another suitable place, or release the minor to a parent or guardian. If the minor is detained at home, the court may impose restrictions on the minor's freedom or order the probation officer to visit the minor daily on the Home Supervision Program to ensure that the

minor is complying with the court's orders. An electronic surveillance program (using an ankle monitor) may also be ordered. If the minor is detained in Juvenile Hall, he/she is not eligible for bail.

Fitness Hearings

In all cases of minors who have allegedly committed a criminal offense when they were 16-18 years old or in certain murder cases allegedly committed by a minor who is at least 14 years old, the district attorney has the discretion to bring the issue before the Juvenile Court and argue the minor should be tried in an adult court. For certain serious or violent offenses (WIC 707b or d), the burden is on the minor to prove he/she is fit for Juvenile Court. Although many cases may qualify as being unfit for Juvenile Court, very few are filed.

The issue of fitness for Juvenile Court is decided prior to trial. The judge must follow strict legal guidelines for determining fitness and will consider the probation officer's report addressing how much criminal sophistication was shown by the minor; whether the minor can be rehabilitated prior to the expiration of the court's jurisdiction; the minor's previous history of delinquency; success of previous attempts by the court to rehabilitate the minor; and the circumstances and gravity of the offense(s) allegedly committed by the minor. The district attorney and defense counsel may give evidence to support their arguments on the issue.

Readiness Hearing

If the minor has not been detained in Juvenile Hall, this will be the first court appearance for the minor and parent or guardian. At this hearing the court will hear motions from both the district attorney and defense attorney and determine if the minor wishes to enter a plea on the petition. If no plea is entered, the matter will be set for trial.

Trial Hearing

Juveniles are not entitled by law to jury trials. A judge hears evidence on the matter and determines guilt or innocence. All laws of evidence and constitutional rights afforded adults are in effect in Juvenile Court. The standard of proof is guilt beyond a reasonable doubt. The equivalent of a guilty verdict in Juvenile Court is called a “true finding”.

Probation Violation Petitions & Hearings

When the court places a minor on probation, the court orders conditions for the minor to follow. If the minor violates any of these conditions, the probation officer may seek a petition to return the minor to court. The same procedures and legal safeguards apply as have been described above. If the judge finds that the minor has violated his/her probation order, the judge might impose greater punishment to impress upon the violator the necessity to obey laws and persons of authority.

Disposition Hearing

The “dispositional hearing” is the juvenile system’s version of a “sentencing hearing” in the adult system. That is, the judge has found that the minor broke the law and will decide what consequence is appropriate. The judge may order the minor to be declared a ward of the Juvenile Court and determine where the minor will live and under what conditions. A probation officer will have investigated the case thoroughly and gathered information on prior delinquent history, current offense information, school grades, attendance and behavior, gang involvement, drug/alcohol history, statements of parents and the minor, etc. The officer will prepare a written report and make a recommendation to the judge on what orders should be made to protect the community and to attempt to rehabilitate the minor.

The court may order the minor to live at home and receive counseling along with his/her parents or may order the minor to be removed from their parent’s care and placed in custody. The judge may also order community service work, restitution payment, loss of driving privilege, forfeiture of certain rights affecting search and

seizure and association with certain persons or groups, strict curfew, and the like. Generally, a minor is on probation for at least one year. If he/she doesn't follow instructions, it may be longer. Parents are expected to support and enforce court conditions, provide proper supervision and care for their child, and cooperate with the probation officer.

Sentencing Alternatives

1. Residential Treatment Facilities

The definition of these facilities ranges from a community group home of four-to-six minors to a large institution with a population of 200. The County of San Diego approximately 200 wards at any one time in these facilities. The placement alternatives include schools that provide offense-specific treatment for sex offenders and minors with severe substance abuse problems. The average stay is less than one year, but placements are made for program objectives and not time periods. Upon return, these wards are often placed in the After Care Program, an intensive supervision program that helps the transition back home.

2. Breaking Cycles Continuum

A second sentencing alternative is Breaking Cycles, which includes a series of graduated sanctions that includes the Short Term Offender Program, Juvenile Ranch Facility, the Reflections Programs, Youth Day Centers and the Community Unit.

Short Term Offender Program (STOP)

This one to three month program provides behavior modification for immediate impact on first-time offenders. It combines work, education, counseling, and sports.

Juvenile Ranch Facility (JRF)

Rancho del Rayo and Rancho del Campo together form the local boys' rehabilitation camp in San Diego County known as the Juvenile Ranch Facility (JRF). Each camp is rated for 125 minors, with programs between 180 and 240 days. Wards are 12-18 years old and include serious offenders.

The Girl's Rehabilitation Facility (GRF)

GRF is the local girls rehabilitation facility. It is located adjacent to Juvenile Hall and houses 50 girls. It is a minimum-security facility offering drug, alcohol, and gang counseling in six-month and one-year programs.

Reflections Programs

These programs, located in San Diego and North County, also feature a day-school setting with intensive counseling, education, and mental health therapy, with family intervention when needed.

Youth Day Centers

Located in central San Diego and North County, the Youth Day Centers are located at schools and the minor attends the program from 8 a.m. to 5 p.m., Mon.-Fri. They are on home supervision or electronic surveillance during non-school hours.

Community Unit

This in-home program provides intensive monitoring and interventions by a team of probation officers, youth and family counselors and alcohol and drug counselors.

3. Department of Juvenile Justice

A third sentencing alternative is the Department of Juvenile Justice (DJJ), which can be considered the institution of last resort for delinquent youths in California. Of the DJJ cases, 10% are there for murder, 17% for robbery, 21% for assaults, 15% for burglary, 14% for drug offenses, and 3% for rape. The average age of a DJJ ward is 19 years and the average length of stay is 22 months.

Confidentiality

Juvenile Court proceedings are confidential, not secret. The public is allowed into court if the minor is charged with certain enumerated felonies. The court may admit others who have a "direct and legitimate" interest in the particular case or the work of the court (W & I #676). The release of arrest information of juveniles is subject to the local Juvenile Court.

What is the difference between adult and juvenile probation?

Juvenile

DA files Petition
Detention Hearing
Dispositional Hearing
True Finding
Wardship

Adult

DA files Complaint
Arraignment
Sentencing Hearing
Conviction
Granting of Probation

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www.sdcounty.ca.gov/probation