



## **Juvenile Justice System Legal Process**

The following information regarding the Juvenile Justice System was based, in part, on materials received from Probation Department.

### *Juvenile Probation Services: An Overview*

The County of San Diego Probation Department is an organization of highly skilled individuals with a shared mission to protect public safety by supporting their clients to restore their lives, families, and communities. Our team of more than one thousand San Diegans are dedicated to providing services while balancing support and accountability. The traditional mission of Probation Services is to act as an arm of the Court. In this capacity, Probation provides investigative and supervisory services for youth in order to rehabilitate them. In the County of San Diego, Probation administrators have developed a variety of outreach programs to strengthen families, suppress gang activity, reduce substance abuse, and assist youth to acquire the skills to “get back on the right track”. These programs were created in collaboration with schools, health agencies, the Courts, other law enforcement agencies, social service agencies, and community-based organizations.

### *Intake and Investigation*

This unit determines whether a case will be diverted from the juvenile justice system, handled informally, or referred to the District Attorney for filing of a petition. If the Court makes a true finding, investigation probation officers will conduct a comprehensive investigation for the Court in order to make recommendations for the minor’s case during the disposition hearing. The investigation will include circumstances regarding the offense and the minor’s delinquent and social history. Recommendations are then made to the Court based on all of the information obtained during the investigation.

### *Community Supervision*

When a youth is placed on probation by a juvenile court judge, the youth will be supervised in the community by a probation officer who may make regular contact with them at their home, school, and work. Youth supervised by the Probation Department are assessed according to their individual risks and needs and placed in a corresponding program of rehabilitation and supervision. Youth may also be required to participate in specific rehabilitation programs, attend school, perform community service, or pay restitution, in addition to maintaining a law-abiding lifestyle.

The Probation Department's Youth Development and Community Support Services is organized to provide a continuum of appropriate services for youth at all stages of the juvenile justice system.

### *Probation Services: Legal Process*

The following section describes some of the legal terms, issues and circumstances evaluators may encounter and need to understand as they work with Probation cases.



## *Arrest*

A law enforcement officer, who arrests a juvenile, has four options:

- Release the youth;
- Take the youth to a county contracted agency for counseling or shelter;
- Prepare a written notice for the youth to appear before a probation officer, and then release the youth; or
- Deliver the custody of the youth to a probation officer at Juvenile Hall. By law (W.I.C. 653.5), the probation officer must submit specific cases to the prosecutor for certain crimes and circumstances. The prosecutor then has discretion to file a petition in Juvenile Court in order to commence legal proceedings against the youth. In other cases, the probation officer has the discretion not to file a petition when that officer determines that it is in the youth's best interest and the community is not at further risk. It is important to note that the term "defendant" is not used with youth.

## *Hearings*

The following is a short description of hearings that take place in the Juvenile Justice Division of Juvenile Court.

**Detention Hearings** are scheduled for all youth who are brought into custody. The purpose of these hearings is to present evidence to the judge to determine if the youth should remain in custody pending further legal proceedings. The judge may decide to order detention in Juvenile Hall or other suitable place, or to release the youth to a parent or guardian with or without Home Supervision.

A **Transfer Hearing** (formerly Fitness) (pursuant to W.I.C. 707) is held to determine a youth's amenability to rehabilitation while under the jurisdiction of the Juvenile Court. Due to the nature of the offense, the District Attorney may request a 707 hearing. The probation officer is required to investigate and submit a report and social history of the youth being considered for transfer. Following the submission of the report and any other information the petitioner or minor may wish to submit, the Juvenile Court may find the youth should be transferred from the juvenile division of the court to the criminal division of the court. Specifically, the Juvenile Court may conclude that the youth would not be amenable to the care, treatment and training programs available in the juvenile division. This decision could be based on an evaluation of the youth's criminal sophistication, ability to be rehabilitated prior to the expiration of the Juvenile Court's jurisdiction, delinquent history, success of previous attempts at rehabilitation, and the gravity of offense. In this context the Juvenile Court may order that a psychologist or psychiatrist conduct an evaluation. This evaluation provides a mental health assessment and review of the youth's records in order to submit a written report specifically addressing criteria cited in W.I.C. 707 as well as recommendations to the Court.



**Readiness Hearings** are held to review motions presented by the prosecutor and defense attorneys. The judge also determines if the youth desires to enter a plea on the petition. If no plea is entered, the matter is set for trial.

**Adjudication Hearings** (trials) are held by a judge to hear evidence on the matter at issue and to determine the guilt or innocence of the youth. By law, juveniles are not entitled to a jury trial. The Juvenile Court adheres to all laws of evidence and constitutional rights afforded to adults. The standard of proof is “guilt beyond a reasonable doubt.” In Juvenile Court, a “true finding” is equivalent to a guilty verdict in adult court.

**Disposition Hearings** are held to determine the consequences to be imposed upon the youth following a “true finding.” This is the equivalent of a “sentencing hearing” for an adult. The judge may order the youth to be declared a ward of the Juvenile Court, and determine where and under what conditions the youth may live. For these hearings, the probation officer prepares and submits a written report to the Court. In the report, the probation officer makes recommendations to the Court concerning orders the judge may make to protect the community and rehabilitate the youth. The Court may order the minor to be returned to the parent(s) or guardian’s custody. Alternatively, the Court may order the minor to be removed from the parent’s care and placed into custody. The Court may also order the minor to participate in counseling, complete community service work, provide restitution payment, lose the privilege of driving, forfeit certain rights affecting search and seizure, avoid association with specific individuals or groups, and adhere to a strict curfew. Typically, a youth is placed “on probation” for one year. Probation may be extended if the youth violates the Court orders.

**Probation Violation Hearings** are held when a youth has been alleged to have violated the terms and conditions of his/her probation orders. The probation officer seeks a petition to return the youth to Juvenile Court. The same procedural guidelines and legal safeguards in “trial hearings” are adhered to. If the judge determines that the youth has violated the terms of his/her probation, then the judge may impose additional sanctions on the youth.