

* Juvenile Court Process

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- * Juvenile Process- similar in most counties but not exactly the same
- * Some differences in York County and now 6 other counties because we have a “Juvenile Ticket Procedure” 19 years ago
- * Explain more about that later in presentation

* Juvenile Process

- * Important to know the numbers
- * Statistics from SC DJJ website- FY 2016-2017 is the latest
- * There were 13,591 juvenile charges that year (Side note: in 2001, there were 28,550 juvenile charges- juvenile crime has been decreasing over the past 18 years)
- * Of those charges, 1,397 considered serious and violent offenses
- * This means only 10% of charges serious and violent and so 90% charges were non- serious non-violent; Important to note this.

***The Numbers-90%
non-serious/non-violent**

- * Also, that same data shows statewide 53% of the 13,591 juvenile charges were dismissed or diverted by the Solicitor keeping those charges from court
- * This means 7,203 charges were diverted in a Solicitor diversion program or dismissed because that was the appropriate thing

*** Over 53% of cases
dismissed or diverted
by the Solicitor**

- * Gold standard for diversion programs is the Juvenile Arbitration that has a program in every circuit
- * The statistics show that historically approximately 90% of the juveniles that go through that program do not reoffend
- * Incredible program with great outcomes

* Example of Diversion Program- Juvenile Arbitration

- * Same data sheet - of the 6,387 juvenile charges prosecuted statewide, 1060 charges resulted in commitments to DJJ (determinate or indeterminate sentence)
- * Only 169 charges of those 1,060 resulted in an Indeterminate Sentence for the juvenile
- * This is consistent with the number we often hear about the Average Daily Population at DJJ is around 120 juveniles
- * If 169 charges of the 13,591 juvenile charges receive indeterminate sentence that means that only 1.2% of juvenile charges result in long term incarceration
- * Work that is being done at the front end of the system with Solicitor's diversion programs and also simply handling juvenile cases in an appropriate manner.

*** 1.2 % result in long term incarceration**

- * Now to the Juvenile Process
- * Juvenile “taken into custody”- Does not mean detention- it means juvenile was charged
- * Example: Juvenile- 14 year old- shoplifting at Walmart; caught on camera and by security; law enforcement called; juvenile charged
- * In this example and in what I estimate to be 75-80% of all cases, this juvenile would not be placed in detention but would be released to the parent until case is diverted into a program or brought to court

*** Majority of juveniles
NOT detained**

- * Next step- case goes to DJJ and then to Solicitor
- * Solicitor makes decision- dismiss, divert, prosecute
- * More than likely, first time or even second time the juvenile will be diverted and not taken to court
 - * Many Solicitor's offices have multiple diversion programs
 - ** Juvenile Ticket Procedure -juvenile given a ticket with date and time for Initial Appearance and Court Appearance and IA is within 30 days (or less in some cases) and juvenile will get the diversion program at that time; if not diverted, will see PD about case

*** Non- serious, Non - violent
example; generally not
detained**

- * More serious case by comparison
- * Juvenile charged with assaulting someone with a weapon- Assault and Battery 1st degree
- * Law enforcement concerned because victim injured- serious case- wants to detain
- * LE notifies parent; calls DJJ on call to alert them
- * DJJ informs state detention juvenile coming; Notifies Solicitor's Office
- * Some Solicitors are on call with law enforcement.
- * Case scheduled on court docket by Solicitor within 48 hours excluding weekends/holidays
 - * PD is appointed;
 - * law enforcement transports juvenile to hearing;
 - * officer testifies for probable cause and judge hears from all parties about continued detention

*** More serious charge;
May be detained**

- * Judge decides after hearing from all parties (Solicitor, PD, DJJ)
 - * Release with no restrictions (Solicitor could consider putting juvenile in a Diversion Program)
 - * Release on House Arrest with or without GPS
 - * Release to Short Term Alternative Placement --DJJ must secure this
 - * Continue Detention; Judge could order that juvenile be released to a Short Term Alternative Placement when available-- DJJ must secure this)
 - * 10 days
 - * 30 days
 - * Indefinitely until plea or trial

* Options for Judge at Detention Hearing

- * Serious nature of charge
- * Flight risk
- * Weapon involved in the case
- * Unwillingness of parent to take home (DSS notified)
- * No ankle monitor available
- * Close proximity of juvenile to victim (if any)
- * Serious prior record

*** Reasons a juvenile
may be held in
detention**

- * So, in either case, the Juvenile either released or remains in detention
- * Case scheduled for plea or trial
- * An example makes it easier to understand
- * Example 1- Low weight offender- shoplifting- already been in a program (or even two)
- * Admits guilt in court; adjudicated delinquent; if evaluation not necessary, judge can basically have the dispositional hearing (sentencing hearing) without evaluation.
- * Hears recommendations from all parties (Sol, PD, DJJ)

*** Dispositional hearing follows the plea (no evaluation needed)**

- * Compare that to Example #2 where the juvenile has more issues or case is more serious and Judge may want to commit the juvenile, evaluation is ordered prior to dispositional (sentencing) hearing
- * Evaluation is ordered on that day- community (at home or at Short Term Alternative Placement) or secure which is at one of the DJJ Evaluation Centers
- * Break in the process
 - * Takes about 40 days for Evaluation to be completed;
 - * Solicitor, PD, DJJ review and make recommendations
- * Judge reviews the report has sentences the juvenile

*** Evaluation needed;
Dispositional hearing
follows later**

- * Probation with terms (Community service, Alcohol and Drug Treatment, Mental Health Counseling, etc.)
- * Determinate Sentence (up to 90 days)
- * Determinate Sentence with release to Alternative Placement (secured by DJJ)
- * Determinate Sentence followed by probation
- * Indeterminate Sentence (with or without Byer's Order which allows DJJ to place the juvenile)
- * Straight Indeterminate Sentence means the Parole Board will release juvenile based on guidelines

* Possible Sentences

* After Dispositional Hearing- Court Process ends and DJJ supervision begins

* commitment,

* probation, or

* placement

* Questions?

* **Juvenile Court Prosecutor-
Ouida Dest**