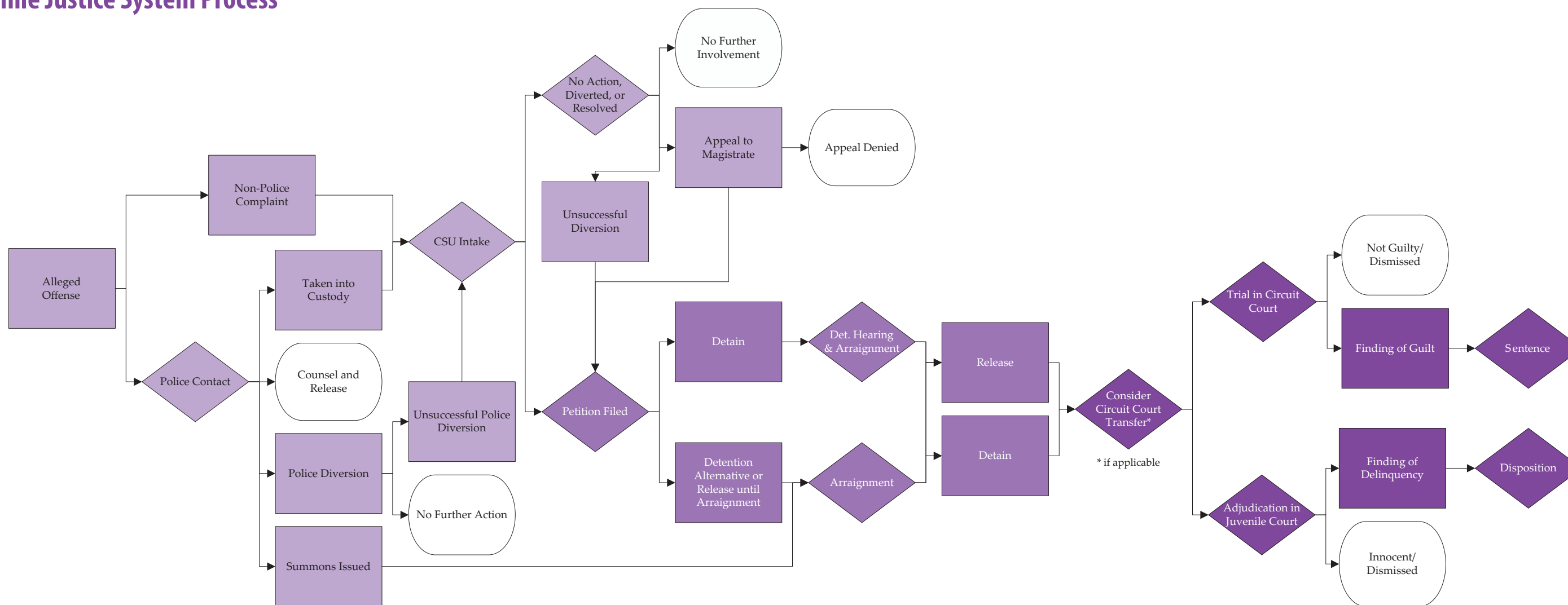




## Juvenile Justice System Process



### Steps in the Juvenile Justice System

#### Intake

- » When an offense is alleged against a youth, any individual (e.g., parents, agency representatives, law enforcement personnel) may file a complaint with a CSU intake officer.
- » When the youth has contact with law enforcement, the youth may be taken into custody, summonsed and released until a hearing on the matter, diverted, or counseled and released with no further action.
- » The intake officer reviews the circumstances of the complaint to determine whether probable cause exists.
- » If the intake officer finds that no probable cause exists, the complaint is unfounded, and no further action is taken. The complaining party may appeal this decision to the magistrate if the offense is a felony or Class 1 misdemeanor.
- » If probable cause exists, in many cases the intake officer has the discretion to informally process or divert the case, file a petition to initiate court action, or file a petition with an order placing the youth in a JDC.

#### Petition and Detention

- » The filing of a petition initiates official court action on the complaint and pre-court services are offered to youth and families prior to scheduled court hearings.
- » If the intake officer releases the youth, the next court appearance is the arraignment, where the youth is informed of the offenses charged in the petition, advised of the right to an attorney, and may be asked to enter a plea. The youth does not have the right to an attorney at the arraignment hearing.
- » If the youth is detained pending the hearing, a detention hearing must be held within 72 hours of the detainment. At the detention hearing, the youth has the right to an attorney and is arraigned on the offenses charged in the petition. The judge decides whether to hold the youth in a JDC or release the youth, with or without conditions, until the adjudication.

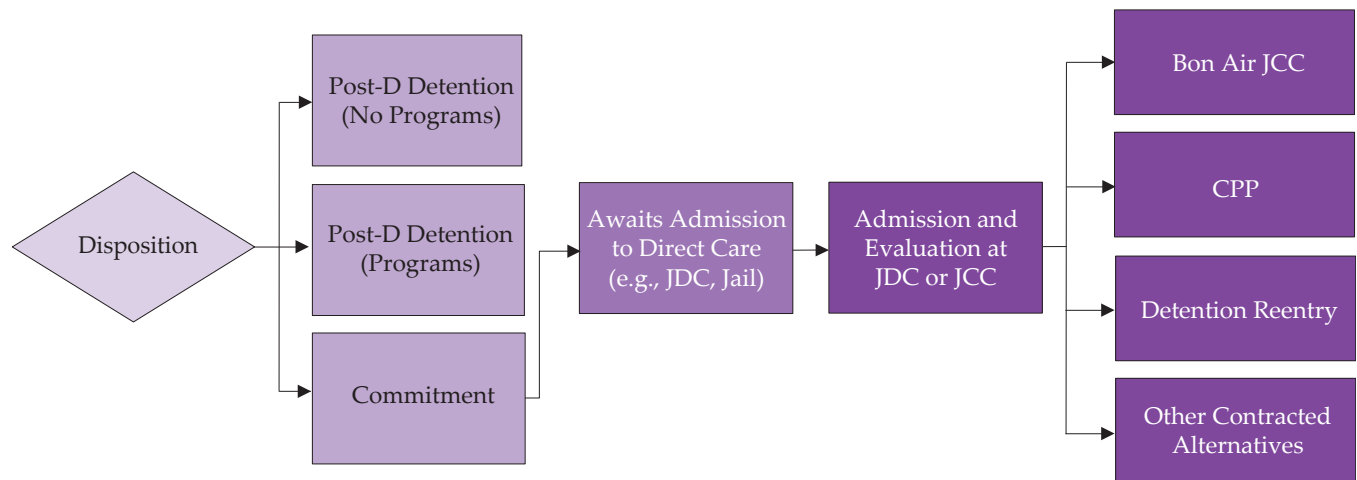
#### Adjudication or Trial

- » A youth who is adjudicated in J&DR district court does not have the right to a jury trial but has all the other constitutional protections afforded in criminal court, such as the right to an attorney, the right to call and cross-examine witnesses, and the right to refrain from self-incrimination. All delinquency charges must be proven beyond a reasonable doubt.
- » If the judge finds the youth delinquent, the case is usually continued to another day for the judge to make a dispositional decision. The judge’s adjudication and dispositional decisions may be appealed by either party to the circuit court for a *de novo* review (as if the first adjudication never occurred).
- » When a youth is tried in circuit court as an adult, the trial is handled in the same manner as a trial of an adult. In the case of a jury trial, the court determines the sentence. The conviction and sentencing in circuit court may be appealed by either party to the Court of Appeals.



## Court Dispositions in Secure Facilities

The information below provides a general overview of dispositions for post-D detention and commitment. This page is not inclusive of all possible dispositions. (See page 8 for examples of court dispositions.) Committed youth may move between placements while in direct care.



### Post-D Detention

- » JDCs provide temporary care for youth under secure custody pending a court appearance (pre-D) and those held after disposition (post-D). Dispositions for post-D detention include the following:
  - › **Post-D Detention without Programs:** the youth is ordered to a JDC without special programs provided, typically up to 30 days. All JDCs offer post-D detention without programs. In FY 2024, the average LOS for post-D detention without programs was 14.0 days.
  - › **Post-D Detention with Programs:** the youth is ordered to a JDC for up to six months (or 12 months for felony or Class 1 misdemeanor offenses resulting in death) with structured programs of treatment and services intended to build and maintain community ties. As of June 30, 2024, 19 JDCs offer post-D detention with programs. In FY 2024, the average LOS for post-D detention with programs was 5.0 months.

### Commitment

- » Commitment places youth in the custody of DJJ for a determinate or indeterminate period of time. Most youth await admission to direct care in a JDC before officially entering the direct care population.
  - › **Indeterminate Commitment:** DJJ calculates the youth's LOS based on statutory requirements and the LOS Guidelines. In FY 2024, the average LOS for direct care releases with an indeterminate commitment was 14.4 months.
  - › **Determinate Commitment:** the court specifies the length of the commitment. In FY 2024, the average LOS for direct care releases with a determinate commitment was 28.1 months.
  - › **Blended Sentence:** the circuit court orders the youth to an active sentence to VADOC upon completion of their commitment to DJJ. In FY 2024, the average LOS for blended sentences was 31.1 months.
- » Once youth are admitted to direct care, they are evaluated at either a JDC or the JCC. The process includes medical, psychological, behavioral, educational, and career-readiness evaluations. A team meets to discuss and identify each youth's treatment and mental health needs, determine projected LOS (indeterminate commitments), recommend where the youth should be placed, and develop a CRCP.
- » DJJ utilizes multiple placement options for youth in direct care. Placement options include Bon Air JCC, a secure residential facility operated by DJJ; CPPs and detention reentry, structured residential programs operated in a JDC; and other contracted alternatives. CPPs are intended to place youth in smaller settings closer to their home communities to facilitate a smoother transition after release and to increase family engagement. Detention reentry allows youth to begin transitioning back to the community 30 to 180 days before their scheduled release date.

