

Youth and the Law

Presented by
The Crime Prevention Unit

Objectives

- Explaining the juvenile justice system and the differences between it and the adult system.
- Discussing juveniles rights and responsibilities

Who is a juvenile?

- The North Carolina Juvenile Code defines a juvenile as any person who has not reached age 18 and is not married, emancipated or a member of the armed services.

What is an undisciplined juvenile?

- An undisciplined juvenile is a youth under age 18 (and at least 6) who is regularly disobedient to and beyond disciplinary control of the juvenile's parent, guardian, or custodian.

What is a delinquent juvenile?

- A delinquent juvenile is any juvenile who, while at least 6 years of age but not yet 16, commits an offense that would be a crime under state law or under an ordinance of local government, including violation of the motor vehicle laws, if committed by an adult.

What is the court authority for juveniles in North Carolina?

- In NC juvenile cases are handled in the state district courts. The court may keep jurisdiction over any undisciplined or delinquent juvenile until the juvenile reaches 18.

What happens if a youth is found to be undisciplined or delinquent?

- After a judge finds that a youth is undisciplined or delinquent, the judge orders a disposition (similar to a sentence in the adult system). This disposition could be probation, paying a fine, paying money to the victim, performing community service, send to group home, detention center or training school.

The disposition depends on:

- The seriousness of the offense the juvenile committed
- The juvenile's prior record
- The juvenile's needs
- The protection of the community

What is probation?

- Probation requires a delinquent juvenile to abide by conditions set by the court and to cooperate with supervision by a court counselor. If the juvenile violates the conditions of probation the juvenile may be returned to court, and the judge may order a different disposition, such as detention or training school.

What is protective supervision?

- Protective supervision is similar to probation, but is only for undisciplined juveniles. A court counselor supervises the juvenile's compliance with the conditions set by the court and tries to offer appropriate services to the juvenile and the juvenile's family. If a violation occurs the juvenile could be held in contempt and placed in detention.

What is the hearing procedure in juvenile court?

- Juvenile hearing occur in two steps. In the first step, the adjudication, the court is concerned with the facts of the case and whether the juvenile actually committed the offense. In the second step, the disposition, the court determines which disposition best meets the needs of the juvenile and the interests of the state.

How is an individual brought into juvenile court?

- A complaint is made to the intake counselor of the court who evaluates the case and determines if it should go to court. If so determined, the counselor approves the complaint. The juvenile is notified that a petition has been filed when a summons to appear in court and a copy of the juvenile petition are served on the juvenile and his/her parents.

What happens after a complaint is received?

- The intake counselor determines if the juvenile is undisciplined or delinquent
- The intake counselor interviews the complainant or victim
- The intake counselor interviews the juvenile and his/her parents
- Interviews are conducted with others with information about the juvenile

How long does it take for the intake counselor to make a decision?

- The counselor has 15 days (which can be extended to 30 days) to determine whether the complaint should be filed as a petition and for the petition to actually be filed if that is the decision.

Does the cases have to go to court?

- In the most serious cases, the intake counselor must approve the filing of a petition if there are grounds to believe the juvenile committed the offense.
- In all other delinquency/undisciplined cases, the intake counselor may divert the case.

What is a juvenile petition?

- A juvenile petition is similar to an adult criminal complaint. The juvenile petition alleges what the juvenile has done, or not done, which causes him to be under purview of the juvenile justice system.

What is a juvenile diversion?

- When the juvenile is referred to appropriate community resources in lieu of taking the action to court.
- The intake counselor, the juvenile, and the juvenile's family may enter into a diversion contract which sets out what each of them will do, or face returning to court.

May a youth be arrested?

- The term arrest is not used in reference to juveniles. However, under some circumstances a juvenile may be taken into temporary custody for up to 12 hours or longer without a court order.

When may a youth be taken into custody?

- If grounds exist for the arrest of an adult under similar circumstances
- If the juvenile is undisciplined under state law
- If the juvenile has run away from a training school or detention facility
- If there are reasonable grounds to believe the youth is abused and neglected and would be injured further if not taken into custody
- The juvenile has or may harm himself/herself

When may a youth be taken into custody?

- The juvenile is charged with a felony and is a danger to property or persons
- The juvenile is charged with a misdemeanor that includes assault and is a danger to persons
- The juvenile failed to come to court on a pending delinquency charge
- The court believes the juvenile will not come to court

Can a youth be released on bail?

- Juveniles have no constitutional right to be released on bail after being taken into custody.

What is the difference between a secure and non secure order?

- Secure custody is the physical placement of a juvenile in an approved detention facility pursuant to a court order
- Non secure custody can be releasing the juvenile to a parent, foster home or a group home. This is used for some undisciplined juveniles as well as abused, neglected or dependant juveniles

Does a youth have a trial like an adult?

- Youths have juvenile hearing that are similar to adult trials.

May a juvenile be represented by a lawyer?

- Yes. In delinquency cases a juvenile must be represented by a lawyer.

Does a juvenile have a right to a jury trial?

- Juveniles have no constitutional right to a jury trial in juvenile court.
- The NC Juvenile Code does not provide for jury trials in any juvenile proceeding

When are juveniles brought into adult court?

- A juvenile 13, 14, or 15 years of age who commits a felony may be transferred to Superior Court for trial as an adult.
- A District Court judge, after finding probable cause under juvenile procedures in District Court, decides whether to keep the matter in District Court or to transfer the case to adult Superior Court

What happens when the juvenile is in adult court?

- If the case is transferred to adult court, the juvenile has all the constitutional rights of an adult and may be sent to prison if convicted. In addition, the juvenile no longer has any protections of confidentiality.

May anyone attend a juvenile court hearing?

- The judge has discretion in determining whether the hearing or any part of the hearing is open or closed to the public.
- If the juvenile requests the hearing to be open, the judge must allow it to be open.
- Generally, the media is not allowed to publicize the names or photographs of youths who are in juvenile court.

May a juvenile be detained in an adult jail?

- Usually, a juvenile may not be detained in an adult jail. However, a juvenile who has allegedly committed a serious felony may be detained in secure custody in a holdover facility for up to 72 hours.
- If no acceptable alternative placement is found the juvenile may be placed in jail away from the adult population.

How is a juvenile's case handled by the court?

- The court conducts a dispositional hearing at which the judge must consider reports of social, medical, psychological and educational information about the juvenile to determine which of the authorized dispositions are appropriate.

What are the dispositional levels?

The various dispositional levels are organized into 3 levels.

- Level 1: Community dispositions
- Level 2: Intermediate dispositions
- Level 3: Training school

Level One Dispositional Level:

- Probation
- Community Service
- Other various options

Level Two Dispositional Level:

- Intensive Probation
- Community Services Hours

Level 3 Dispositional Level:

- Training School
- Other Disposition as found appropriate by the judge

What happens if the juvenile admits guilt?

- The judge would have a conference with the juvenile to inform the youth of his/her right to remain silent, to deny charges and to confront any opposing witnesses.
- The juvenile must understand the charges and be satisfied with their attorney
- The judge informs the juvenile of the most severe disposition that is applicable to the situation

What is a delinquent act?

- A crime that is committed by a person under 16.

What two categories of crimes are there?

Misdemeanors and felonies

- A misdemeanor is the less serious crime that is divided into four classes (A1, 1, 2, and 3) according to their seriousness
- A felony is the most serious crime and is divided into classes (A through I), according to their seriousness

What are categories of offenses?

- Violent Offenses (Class A-E felonies)
- Serious Offenses (Class F-I felonies) and class A1 misdemeanors
- Minor Offenses (Class 1, 2, and 3 misdemeanors)

What is an expunction of records?

- Expunction is the destruction of juvenile records

What are the three types of juvenile records?

- Law enforcement records
- Legal records or the juvenile file kept at the courthouse by the clerk of Superior Court
- Social records kept in the files of the chief court counselor and sometimes training school or DSS.

When may the files not be expunged?

- Any offense a juvenile committed that was a serious felony may not be expunged.
- A petition seeking expungement must be filed in the same court where the original petition was filed.

What is Teen Court?

- Teen court is an alternative program to the court system, allowing first time juvenile offenders between the ages of 12 and 17 to be tried by their peers for misdemeanor offenses. Student volunteers take the roles of attorneys, clerks and jurors. Local attorneys volunteer their time and serve as teen court judges. Teen court does not determine guilt or innocence; admission of guilt is a requirement for being offered this diversion from juvenile court.

What is typical behavior that leads juveniles to the court system?

- Fighting
- Running away from home
- Truancy
- Drug and alcohol use and abuse
- Weapons

What are things juveniles can do to stay out of the court system?

- Positive friends
- Sports
- YMCA
- After school and summer programs
- Church activities
- Creative hobbies

Questions????

Prepared by Corporal D. R. Duckett
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