

**JUVENILE CORRECTIONS
OFFICER**

BASIC CORE COURSE

**UNIT 2.0 – CALIFORNIA
CRIMINAL JUSTICE SYSTEMS
ORIENTATION**

San Diego County Probation

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Mission of the California Justice System

Module 2.1.1

Due process for individuals accused of committing crimes

A “process” of reasonable and well-defined steps, beginning with the arrest of an offender and concluding with the offender’s re-entry into society

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Mission of the Juvenile Justice System

To exercise jurisdiction over Delinquent (Welfare & Institutions Code 602) and Dependent (Welfare & Institutions Code 300) Wards of the Court

Public Safety

Rehabilitation

Treatment

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San Diego County Probation Department Mission Statement

Mission:

Through Probation team members and client-centered partnerships, we will stand in our values and become innovative through evidence-based and best practices in continuum of care, supervision, accountability, and a restorative practice philosophy within a culture of caring in promoting public safety.

Vision:

To provide the highest quality of service through a continuum of services, family and community engagement, restorative practices, and employee-focused enrichment.

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Penal Code (P.C.)1170(a)(1)

The Legislature finds and declares that the purpose of imprisonment for crime is punishment. This purpose is best served by terms proportionate to the seriousness of the offense with provision for uniformity in the sentences of offenders committing the same offense under similar circumstances. The Legislature further finds and declares that the elimination of disparity and the provision of uniformity of sentences can best be achieved by determinate sentences fixed by statute in proportion to the seriousness of the offense as determined by the Legislature to be imposed by the court with specified discretion.

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(P.C. 1170 (a)(1) continued)

DETERMINATE SENTENCING

- UNIFORMITY
- DETERMINED BY THE LEGISLATURE
- FIXED-TERM SENTENCE IMPOSED BY THE COURT
 - DEFENDANT SENTENCED TO "30 DAYS IN COUNTY JAIL" OR "FIVE YEARS IN STATE PRISON" HAS RECEIVED A DETERMINATE SENTENCE.
 - DEFENDANTS WHO RECEIVE DETERMINATE SENTENCES AT LEAST KNOW THE MAXIMUM PERIOD OF INCARCERATION AS SOON AS THEY ARE SENTENCED

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Welfare & Institutions Code 202

The purpose of this chapter is to provide for the **protection and safety** of the **public and each minor** under the jurisdiction of the juvenile court and to **preserve and strengthen the minor's family ties whenever possible**, removing the minor from the custody of his or her parents only when necessary for his or her welfare or for the safety and protection of the public. When removal of a minor is determined by the juvenile court to be necessary, reunification of the minor with his or her family shall be a primary objective. When the minor is removed from his or her own family, it is the purpose of this chapter to secure for the minor custody, care, and discipline as nearly as possible equivalent to that which should have been given by his or her parents.

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ROLE OF JUVENILE CORRECTIONS OFFICER

W&I 202 con't

- PROTECTION AND SAFETY
 - THE PUBLIC
 - MINORS UNDER COURT JURISDICTION
- REMOVE FROM CUSTODY OF PARENTS ONLY WHEN NECESSARY
 - PROVIDE CARE AND DISCIPLINE EQUIVALENT TO WHAT THE PARENTS SHOULD HAVE GIVEN

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ROLE OF JUVENILE CORRECTIONS OFFICER

The overall mission of the juvenile corrections officer is to ensure safe, secure, humane, and constructive care for minors under the juvenile corrections officer's supervision and control.

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ROLE OF JUVENILE CORRECTIONS OFFICER

Ensure Safety

- Includes protection of the minor's health and physical well-being.

Ensure Security

- Maintaining minors in custody as humanely and legally required for the protection of the community and themselves.

Ensure Constructive Care

- Includes minimizing any destructive effects of custody and promoting positive change in unacceptable behavior patterns.

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ROLE OF JUVENILE CORRECTIONS OFFICER

- GROUPS OF FIVE'ISH
- 15 DUTIES YOU PERFORM

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ROLE OF JUVENILE CORRECTIONS OFFICER

**ADMISSIONS/
ORIENTATION**

**Supervising Recreation
and Leisure**

CASEWORK

Searching and Securing

**Booking, Receiving
and Releasing**

Record Keeping

Supervising Work Details

Supervising Care & Custody

Escorting and Transporting

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ROLE OF JUVENILE CORRECTIONS OFFICER

Supervise Other Personnel
Communicating
Handling Emergencies
Report Writing
Perform Physically Demanding Tasks
Supervising Non Inmate Movement and Visitors

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ROLE OF JUVENILE CORRECTIONS OFFICER

Module 2.1.2

THE PROBATION OFFICER

- PROTECTION OF THE COMMUNITY
 - ENFORCE COURT ORDERS
 - ENFORCE SANCTIONS
- PROVIDE RESOCIALIZATION OPPORTUNITIES TO OFFENDERS
 - REFERRALS TO EDUCATION OPPORTUNITIES
 - REFERRALS TO COMMUNITY ORGANIZATIONS

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County of San Diego

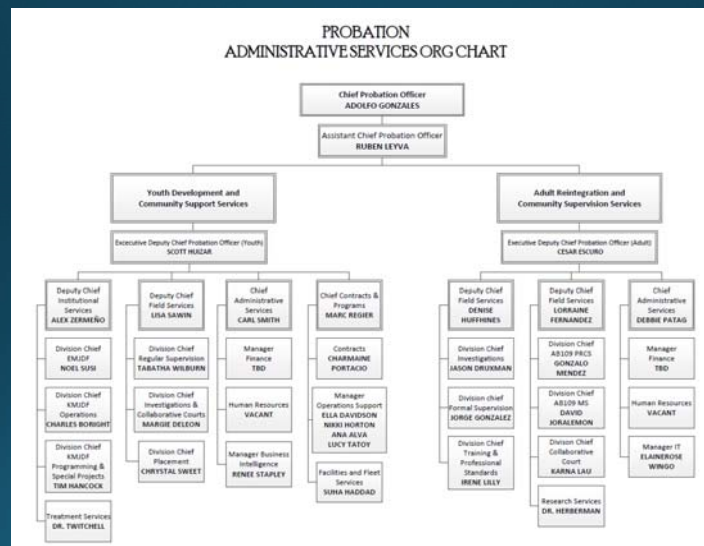
➤ Chief Probation Officer

- ❖ Appointed by the Board of Supervisors, with input from the Bench
- ❖ Is an at-will employee without Civil Service protection
- ❖ Can be removed by the Board of Supervisors at any time and for any reason

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Organization of our Department



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Parole, Probation, and Correctional Officers—Authority as Peace Officers Defined

P.C. 830.5: "...Peace officers whose authority extends to any place in the state while engaged in the performance of the duties of their respective employment and for the purpose of carrying out the primary function of their employment..."

- To conditions of parole or of probation by any person in this state on parole or probation.
- To the escape of any inmate or ward from a state or local institution.
- To the transportation of persons on parole or probation.
- To violations of any penal provisions of law which are discovered while performing the usual or authorized duties of his or her employment.
- To the rendering of mutual aid to any other law enforcement agency.

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Juvenile Halls and Camp

W&I 210 - **The Board of State and Community Corrections (BSCC) shall adopt minimum standards for the operation and maintenance of juvenile halls for the confinement of minors**

W&I 210.1 - The BSCC shall develop guidelines for the operation and maintenance of non-secure placement facilities for persons alleged or found to be persons coming within the terms of Section 601 or 602

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Juvenile Halls and Camp (W&I 885)

THE Board of State and Community Corrections SHALL ADOPT AND PRESCRIBE THE MINIMUM STANDARDS OF CONSTRUCTION, OPERATION, PROGRAMS OF EDUCATION AND TRAINING, AND QUALIFICATIONS OF PERSONNEL FOR JUVENILE RANCHES, CAMPS, OR FORESTRY CAMPS ESTABLISHED UNDER SECTION 881.

THE Board of State and Community Corrections SHALL CONDUCT A BIENNIAL INSPECTION OF EACH JUVENILE RANCH, CAMP, OR FORESTRY CAMP SITUATED IN THIS STATE THAT, DURING THE PRECEDING CALENDAR YEAR, WAS USED FOR CONFINEMENT OF ANY MINOR FOR MORE THAN 24 HOURS (W&I 209).

THE CUSTODIAN OF EACH JUVENILE RANCH, CAMP, OR FORESTRY CAMP SHALL MAKE ANY REPORTS THAT MAY BE REQUIRED BY THE BOARD TO EFFECTUATE THE PURPOSES OF THIS SECTION.

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The primary role of the Juvenile Counselor or Correctional Officer (CDPO's) is to provide:

Safety

Security

Juvenile Counselors or Correctional Officers (CDPO's) are required to be trained in:

CPR

FIRST AID

FIRE SAFETY

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Questions to consider:

Are Juvenile Counselors or Correctional Officers required to be trained to provide clients with legal advice?

When a juvenile is detained in JH, we have a legal obligation according to Title 15 requirements to provide them with what information?

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Detainee Rights

Visiting Hours

Facility Rules

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MANDATED REPORTER

Pursuant to [PC 11166](#) and Policy & Procedure:

All employees who in their professional capacity, discover known or suspected child abuse are

REQUIRED TO REPORT IT!!

There is no civil or criminal liability to Probation employees who, in good faith, report suspected child abuse.

There may be civil and/or criminal liability for Probation staff who knowingly fail to report any instance of child abuse.

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Types of Abuse

Physical Abuse
Sexual Abuse
Emotional Abuse
Neglect
Human Trafficking

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Liabilities For Failure To Make A Required Report

A person who fails to make a required report is guilty of a misdemeanor punishable by up to six months in jail and/or up to a \$1000 fine, or both.
(P.C. 11166(b)).

He or she may also be found civilly liable for damages, especially if the child-victim or another child is further victimized because of the failure to report.

Discipline within the Probation Department,
including possible termination.

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Mandated Reporter PC 11166 - 11172

Items of information which must be included in the report:

Name of the reporter

Name of child

DOB of child

School of child (if applicable)

Name of parents/guardian/caregiver

Nature of injury/neglect

Sources of information that lead to the suspicion of child abuse

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THE CPS FAX REPORT

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The Juvenile Counselor

• Our Profession Defined:

- BODY OF SPECIALIZED KNOWLEDGE
- USE OF THE SCIENTIFIC METHOD TO ENLARGE THE BODY OF KNOWLEDGE
- EDUCATION WITHIN INSTITUTIONS OF HIGHER EDUCATION
- CONTROL OF PROFESSIONAL POLICY & PROFESSIONAL ACTIVITY
- CODE OF ETHICS
- LIFETIME COMMITMENT OF MEMBERS OF THE PROFESSION SERVICE TO PUBLIC

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The Juvenile Counselor

BODY OF SPECIALIZED KNOWLEDGE

- **EMPLOYEE TRAINING STANDARDS:**

- **PENAL CODE 6035 (a):** For the purpose of raising the level of competence of local corrections and probation officers and other correctional personnel, the board shall adopt, and may from time to time amend, rules establishing minimum standards for the selection and training of these personnel employed by any city, county, or city and county who provide for the custody, supervision, treatment, or rehabilitation of persons accused of, or adjudged responsible for, criminal or delinquent conduct who are currently under local jurisdiction.

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The Juvenile Counselor

BODY OF SPECIALIZED KNOWLEDGE (Continued)

- **EMPLOYEE TRAINING STANDARDS ARE ALSO ESTABLISHED BY**
 - **Board of State and Community Corrections (C.S.A.)**
 - **HIRING STANDARDS**
 - **CORE TRAINING REQUIREMENTS**
 - **PEACE OFFICER STANDARDS AND TRAINING (P.O.S.T.)**
 - **STANDARDS FOR PEACE OFFICER ARREST**

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The Juvenile Counselor

BODY OF SPECIALIZED KNOWLEDGE

(Continued)

- TRAINING
 - STANDARDS AND TRAINING FOR CORRECTIONS (S.T.C.)
 - CORE TRAINING STANDARDS
160 hours minimum
 - ANNUAL TRAINING REQUIREMENTS
CDPO-24hrs DPO-4ohrs SrPO-4ohrs
 - SPECIALIZED TRAINING

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The Juvenile Counselor

USE OF THE SCIENTIFIC METHOD TO ENLARGE THE BODY OF KNOWLEDGE

- VALIDATION STUDIES
- REVIEW OF JOB TASKS
- EMPLOYEE SURVEYS

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The Juvenile Counselor

EDUCATION WITHIN INSTITUTIONS OF HIGHER EDUCATION

- CRIMINAL JUSTICE COURSES
- COMMUNITY COLLEGES
- UNDERGRADUATE PROGRAMS
- GRADUATE SCHOOL

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The Juvenile Counselor

CONTROL OF PROFESSIONAL POLICY & PROFESSIONAL ACTIVITY

- POLICIES AND PROCEDURES
- PROFESSIONAL STANDARDS
- PROFESSIONAL ORGANIZATIONS

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The Juvenile Counselor

CONTROL OF PROFESSIONAL POLICY & PROFESSIONAL ACTIVITY (con't)

- PROFESSIONAL ORGANIZATIONS
 - AMERICAN PROBATION AND PAROLE ASSOCIATION (A.P.P.A.)
 - CALIFORNIA PROBATION, PAROLE AND CORRECTIONAL OFFICER ASSOCIATION (C.P.P.C.A.)
 - PROBATION EMPLOYEES' ASSOCIATION (SDCPOA)
 - BLACK PROBATION OFFICERS ASSOCIATION (B.P.O.A.)
 - MEXICAN-AMERICAN CORRECTIONAL ASSOCIATION (M.A.C.A.)
 - ASIAN-ISLANDER PROBATION ASSOCIATION (A.I.P.A.)
 - WOMEN LEADERS IN LAW ENFORCEMENT (WLLE)

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The Code Of Ethics

REGULATES THE INTEREST OF THE PROFESSION

- PEACE OFFICER
- DEPARTMENTAL
- PROFESSIONAL ASSOCIATIONS

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SAN DIEGO PROBATION DEPARTMENT CODE OF ETHICS

- *Act Without Prejudice and Respect the Rights of All Persons – We will respect cultural, racial, and individual differences and not tolerate behavior based on prejudice*
- *Uphold the Law with Dignity – Couple firmness with fairness, value restorative justice for offender, victim, and community*
- *Be Objective in the performance of your Duties – Support the principles of this department*
- *Cooperate with Fellow Workers, Other Agencies, and the Public*
- *Protect as Appropriate, Confidences Entrusted to you in your Official Capacity*
- *Improve your Professional Standards by Continuously Enhancing your Knowledge and Expertise (don't ever stop learning!)*

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CHARACTERISTICS OF JUVENILE CORRECTIONS OFFICER

CODE OF ETHICS

- ETHICAL RESPONSIBILITIES: Each employee has an obligation to the citizens, to the people's elected representatives, to fellow employees, and to the administration, to:
 - cooperate in accomplishing the county's goals
 - to expose corruption wherever discovered
 - to refrain from disclosing any confidential information
 - to preserve and safeguard the county's assets
 - to uphold these principles, **ever conscious that public office is a public trust.**

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The Juvenile Counselor

LIFETIME COMMITMENT OF MEMBERS OF THE PROFESSION FOR SERVICE TO PUBLIC

- "THE NOBLEST MOTIVE IS THE PUBLIC GOOD"
- "PUBLIC SERVANTS"
- JUVENILES AND THEIR FAMILIES
- COMMUNITY
- PRINCIPLES AND GOALS
 - COMMON AMONGST PROFESSIONALS
 - GOALS NOT CLEAR OR ABSOLUTE
 - CHANGING TIMES
 - OTHER GOVERNMENT AGENCIES

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CHARACTERISTICS OF JUVENILE CORRECTIONS OFFICER

INTENT OF THE LEGISLATURE

- CHANGES IN THE LAW
 - PROTECTING THE COMMUNITY
 - SAFETY AND SECURITY (DETENTION) FOR DELINQUENT YOUTH
 - REHABILITATION AND PUNISHMENT

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ETHICAL AND MORAL STANDARDS

- **ETHICS**
 - "The principles of conduct governing an individual or a group"
- **INTEGRITY**
 - "Firm adherence to a code of especially moral or artistic values"
- **MORALS**
 - "Moral practices or teachings : modes of conduct"
- **CONSCIENCE**
 - "The sense or consciousness of the moral goodness or blameworthiness of one's own conduct, intentions, or character together with a feeling of obligation to do right or be good"

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ETHICAL AND MORAL STANDARDS

WHY ACT ETHICAL?

- **A PEACE OFFICER WITHOUT ETHICAL STANDARDS?**
- **A PROFESSION**
 - A "COMMITMENT"
- **ETHICAL CODE**
 - NON-ADHERENCE YIELDS CONSEQUENCES

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ETHICAL AND MORAL STANDARDS

WHY ACT ETHICAL?

- A JUVENILE CORRECTIONS OFFICER MAINTAINS A LIFETIME COMMITMENT FOR SERVICE TO PUBLIC
- WHAT IS A VIOLATION OF THIS COMMITMENT?
- EFFECTS
 - PROFESSIONALLY
 - PERSONALLY

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ETHICAL AND MORAL STANDARDS

WHY ACT ETHICAL?

- TO PROMOTE PROFESSIONALISM
 - ROLE MODEL
 - YOU ARE IN THE PUBLIC VIEW
 - MAINTAIN THE PUBLIC TRUST IN THE PROFESSION

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ETHICAL AND MORAL STANDARDS

WHY ACT ETHICAL?

- **GAIN PUBLIC SUPPORT FOR THE PROFESSION**
 - THE PUBLIC TRUST IS SUPPORT FOR THE PROFESSION
- WHEN FUNDS ARE NEEDED
 - **NEW PROGRAMS**
 - **NEW FACILITIES**
 - **NEW EQUIPMENT**
 - **TRAINING**

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ETHICAL AND MORAL STANDARDS

WHY ACT ETHICAL?

- EARN RESPECT AND CONFIDENCE OF PEERS
 - **INTEGRITY**
 - **DEDICATION TO THE PROFESSION**
- TO MAINTAIN A SENSE OF SELF WORTH AND PRIDE
- CONFIDENCE IN THE PURPOSE OF THE PROFESSION
- CONFIDENCE THAT YOUR PEERS SHARE THE SAME IDEAS AND PURPOSE OF THEIR PROFESSION

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ETHICAL AND MORAL SCENARIOS

SCENARIO ONE – Taking Gratuity

SCENARIO TWO – Throwing away Detainee Grievance

SCENARIO THREE – O.C. Spray

SCENARIO FOUR – Late Hall Check

SCENARIO FIVE – Shift swap

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ETHICAL AND MORAL STANDARDS

GROUPS OF FIVE

SCENARIOS

- WHAT IS THE ISSUE?
- IS IT ILLEGAL?
- DOES IT VIOLATE POLICY?
- WHAT ARE SOME APPROPRIATE ACTIONS?

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ETHICAL AND MORAL STANDARDS

- REPORTING MISCONDUCT
 - EXPRESSING VERBAL DISAPPROVAL OF MINOR INFRACTIONS OF CO-WORKERS
 - IT STARTS OUT SMALL, THEN GETS BIGGER IF NO ACTION IS TAKEN
 - CLEARLY STATE YOUR EXPECTATIONS AND STANDARDS
 - REINFORCE THE STANDARDS OF THE ORGANIZATION AND THE PROFESSION
 - DISCUSSING CONTINUED INFRACTIONS WITH A SUPERVISOR
 - MAINTAINING THE CHAIN OF COMMAND
 - KEEPING SUPERVISORS INFORMED FACILITATES CONTINUITY IN THE STANDARD OF WORK PERFORMED
 - FACILITATES A NON-HOSTILE WORK ENVIRONMENT

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ETHICAL AND MORAL STANDARDS

- REPORTING MISCONDUCT
 - TO A SUPERVISOR
 - MAINTAINS THE WORK STANDARD AND PROFESSIONALISM
 - PROTECTS STAFF
 - PROTECTS THE MINORS
 - HELPS TO MAINTAIN THE LIABILITY SHIELD FOR THE ORGANIZATION
 - PREVENTING CRIMINAL BEHAVIOR
 - FACILITATES THE SAFETY OF MINORS AND STAFF
 - MAINTAINS THE PUBLIC TRUST
 - DETERS FUTURE CRIMINAL CONDUCT
 - PROTECTS THE ORGANIZATION FROM LIABILITY

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~NEWS ARTICLES~

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"Probation Nazis"

clip

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“Operation Endless Summer”

[clip](#)

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“Probation officer arrested for drugs”

[clip](#)

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“Suspect shot to death by Texas cop in jail struggle”

[Video: Suspect shot to death by Texas cop in jail struggle](#)

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“Vermont woman in custody”

[clip](#)

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Cookie Monster

Charfauros

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EMPLOYEE LAW VIOLATIONS

PUBLIC DISTRUST FOR THE LAW

PUBLIC DISTRUST FOR PROFESSION

- WEAKENS PUBLIC TRUST
- WEAKENS EFFECTIVENESS OF OTHER EMPLOYEES

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EMPLOYEE LAW VIOLATIONS

NON ENFORCEMENT

- MIXED MESSAGES
 - AS TO THE MEANING AND THE APPLICATION OF THE LAW
- PUBLIC EXPECTATION OF CONSTITUTIONAL GUARANTEES
- EQUAL PROTECTION UNDER THE LAW
- PUBLIC EXPECTATION THAT THE CORRECTIONAL EMPLOYEE WILL CARRY OUT THE LAW AS GUARANTEED BY THE CONSTITUTION

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ACCEPTANCE OF GRATUITIES

- GRATUITY
 - "Something given voluntarily or beyond obligation usually for some service"
- ARE THEY ILLEGAL?
- DO THEY VIOLATE POLICIES AND PROCEDURES?

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ACCEPTANCE OF GRATUITIES

- POSSIBLE PROBLEMS
 - ANY GIFT CREATES AN OBLIGATION
 - AN APPEARANCE OF IMPROPRIETY
 - A FRIENDLY GESTURE, OR A BRIBE?
 - WILL THOSE WHO DO NOT PROVIDE THE GRATUITY RECEIVE THE SAME SERVICE?

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ACCEPTANCE OF GRATUITIES

CREATES A NEGATIVE PUBLIC IMAGE

- POOR PUBLIC RELATIONS
- WEAKENS THE PUBLIC TRUST
- UNPROFESSIONAL

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ACCEPTANCE OF GRATUITIES

OBLIGATES THE OFFICER TO THE GIFT GIVER

- COULD BE ILLEGAL
- WEAKENS THE EFFECTIVENESS OF THE OFFICER RECEIVING THE GRATUITY
- WEAKENS THE EFFECTIVENESS OF OTHER OFFICERS

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ACCEPTANCE OF GRATUITIES

ACCEPTANCE OF LARGER GIFTS

- COFFEE, THEN MEALS, THEN VACATIONS, THEN...

SERIOUS MISCONDUCT

THE COMMISSION OF A CRIME

- MONEY – BRIBES
- DOING ILLEGAL FAVORS FOR PEOPLE IN CUSTODY

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MISCONDUCT OF OTHER CORRECTIONAL PROFESSIONALS

REPORTING MISCONDUCT

- TO MAINTAIN THE PUBLIC TRUST
- THE PUBLIC EXPECTS THE PROFESSION TO BE ABLE TO POLICE ITSELF

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MISCONDUCT OF OTHER CORRECTIONAL PROFESSIONALS

REPORTING MISCONDUCT

- IT IS REQUIRED BY DEPARTMENT POLICY
- MAINTAINS PROFESSIONAL STANDARDS
- DETERS FUTURE MISCONDUCT

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MISCONDUCT OF OTHER CORRECTIONAL PROFESSIONALS

REPORTING MISCONDUCT

- PERMITS CORRECTIVE ACTION
- NO COVER-UPS
- **ALLOWS SYSTEM TO WORK**

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JUVENILE JUSTICE SYSTEM AND PROCESS

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PROBATION PENDULUM



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HISTORY OF THE JUVENILE COURT

1840s – JOHN AUGUSTUS

- BOSTON
- BAIL OUT OFFENDERS (Probation created)

1850 – CALIFORNIA STATEHOOD

1852 – SAN QUENTIN

1872 – FIRST CA. PROBATION LAW

- SECTION 1203 PENAL CODE

1891 – WHITTER SCHOOL BUILT

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HISTORY OF THE JUVENILE COURT

- 1891 – WHITTER SCHOOL BUILT
- 1899 – JUVENILE COURT, ILLINOIS
 - *PARENS PATRIAE* – "THE STATE AS PARENT"
- 1903 – JUVENILE COURT, CALIFORNIA
 - DELINQUENCY COURT
- 1909 – CA. COUNTY JUVENILE HALLS

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HISTORY OF THE JUVENILE COURT

- 1905 – *COMMONWEALTH V. FISHER* (197 US 11)
 - "TO SAVE A CHILD FROM BECOMING A CRIMINAL, OR CONTINUING IN A CAREER OF CRIME, TO END IN MATURER YEARS IN PUBLIC PUNISHMENT AND DISGRACE, THE LEGISLATURES SURELY MAY PROVIDE FOR THE SALVATION OF SUCH A CHILD, IF ITS PARENTS OR GUARDIANS BE UNWILLING OR UNABLE TO DO SO, BY BRINGING IT INTO ONE OF THE COURTS OF THE STATE WITHOUT ANY PROCESS AT ALL, FOR THE PURPOSE OF SUBJECTING IT TO THE STATE'S GUARDIANSHIP AND PROTECTION."
 - *Commonwealth v. Fisher*, [213 Pa. 48](#)

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HISTORY OF THE JUVENILE COURT

1909 – SPLIT DETENTION

1941 – CALIFORNIA YOUTH AUTHORITY

1954 – U.S. JUVENILE PROBATION

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HISTORY OF THE JUVENILE COURT

1966 – *Kent V. U.S.*

- Courts must provide “essentials of due process” in transferring juvenile to the adult system

1967 – *In Re Gault*

- Institutional commitment hearing – Four Rights
 - Notice and Counsel
 - Question Witnesses
 - Protection Against Self Incrimination
 - Encouraged right to appellate review

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HISTORY OF THE JUVENILE COURT

1970 – *In Re Winship*

- Reasonable Doubt
- Juvenile Courts designed to “save” and not “punish” children

1971 – *McKeiver v. Pennsylvania*

- Jury trials not required in delinquency matters

1974 – J.J.D.P.A.

- Juvenile Justice Delinquency Prevention Act
 - Four Related Requirements
 - 1974 – Deinstitutionalization of status offenders and non-offenders
 - 1974 – “Sight and Sound” separation
 - 1980 – Juveniles not detained or confined in adult
 - 1992 – Disproportionate Confinement of Minority Youth

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HISTORY OF THE JUVENILE COURT

1975 – *Breed v. Jones*

- Double Jeopardy

1977 – *Oklahoma Publishing Co. v. District Court*

- Publishing a juveniles face
- If obtained legally, no restrictions

1979 – *Smith v. Daily Publishing Co.*

- Under certain circumstances may publish
- If obtained legally, no restrictions

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HISTORY OF THE JUVENILE COURT

1982 – *Eddings v. Oklahoma*

- Juvenile age is mitigating circumstance

1984 – *Schall v. Martin*

- Preventative detention is allowable

1988 – *Thompson v. Oklahoma*

- 8th Amendment– excessive bail / cruel and unusual punishment
- 14th Amendment- equal protection
 - Under 16 years of age at the time of his or her offense- mitigating factor

1989 – *Stanford v. Kentucky*

- Minimum age for Death Penalty = 16

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HISTORY OF THE JUVENILE COURT

1991 – *Reno v. Flores*

- 5th amendment- due process/ self-incrimination and 8th Amendment- cruel and unusual punishment
 - Detention of unaccompanied immigrant child does not violate Due Process rights

1992 to 1997 – Increase in Mandatory Minimums

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HISTORY OF THE JUVENILE COURT

1994 – Proposition 184

- “Three Strikes and Your Out”
 - Violent or Serious Felonies
 - Two Strikes = Twice the Term
 - Three Strikes = Life, minimum 3x the term
- 16 years of age – Strike Offenses
- Previous felonies prevent alternates to prison

1998 – Proposition 21

- Gang Violence and Juvenile Crime Prevention Act
 - DIRECT FILE – 14 YEARS OLD WITH PRIOR
 - MANDATORY MINIMUMS
 - LIMITS “INFORMAL” FOR FELONIES
 - CONFIDENTIALITY
 - GANG ENHANCEMENTS
 - INCREASES AMOUNT OF VIOLENT OR SERIOUS FELONIES

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HISTORY OF THE JUVENILE COURT

2002 – *Manduley v. Superior Court*

- Upheld Proposition 21
 - Direct Filing – Separation of Powers
 - No Fitness Hearing – Due Process
 - No Violation of Equal Protection Clause
- 2003 - *Lockyer v. Andrade* and *Ewing v. California*
 - Upheld “Three Strikes”

2005- *Roper v. Simmons*

United States Supreme Court declared the execution of juveniles unconstitutional, citing the 8th amendment (cruel and unusual punishment).

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HISTORY OF THE JUVENILE COURT

2005- Overhaul of the California Department of Corrections (CDC) and the California Youth Authority (CYA).

Due to the CDC changing to the California Department of Corrections and Rehabilitation (CDCR), CYA changed its name to the Division of Juvenile Justice (DJJ) of the CDCR.

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History of the Juvenile Court

2007 Senate Bill 81 / Assembly Bill 191

The Department of Juvenile Justice will only accept a ward whose most recent offense was WIC 707(b) and/or the offense was a specified Sex Offense per PC 290.

For prior non 707(b) commitments sent to DJJ, the Court and the Chief Probation Officer will have the option to recall early some, all, or none of the offenders.

All non 707(b) offenders in DJJ that are released to Parole after will be returned to the County of commitment.

All non 707(b) offenders whose Parole is suspended, cancelled, or revoked will be returned to the County of commitment

Detention of a ward 19 years of age or older, but under 21 may be allowed to come into or remain in contact with any other person detained in the institution.

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Assembly Bill 1628

2010

Wards released from DJJ will no longer be on Parole, but will return to the county of origin and will be placed on Juvenile Probation, up until the age of 25 or when jurisdiction is terminated.

San Diego County Probation

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2011 Assembly Bill 109 (adult)

Public Safety Realignment

Non-violent (latest offense) will do their time in County Jail, not state prison.

Shifted supervision from state parole to County Probation.

Violations- maximum time reduced from one year in prison to 180 days in county jail.

San Diego County Probation

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TRENDS

- STANDARDS FOR TREATMENT
- EXCLUSION OF STATUS OFFENDERS
- FORMALIZING LEGAL PROCESS
- SERIOUS OFFENDERS
 - TREATMENT
- MORE COMMUNITY BASED PROGRAMS
- INDIVIDUAL CIVIL RIGHTS
 - COLLABORATIONS

San Diego County Probation

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TRENDS

- RUNAWAY PROGRAMS
- DRUG PROGRAMS
 - DRUG COURT
- YOUTH GANGS
 - VIOLENCE
- *EVIDENCE BASED PRACTICES

San Diego County Probation

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STATISTICS

1973 TO 1997

- JUVENILES INVOLVED IN ¼ VIOLENCE

1980s and 1990s

- ARREST RATE INCREASE FROM 300 PER 100,000 TO 550 PER 100,000

1987 TO 1994

- ARREST FOR 10-12 INCREASE BY 63%
- FEMALE ARRESTS DOUBLED
- MALE INCREASED BY 2/3

1994 TO 2004

- JUVENILE VIOLENT CRIME WENT DOWN

San Diego County Probation

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Estimated arrests of persons under age 18 in the United States for Violent Crimes

(according to [Office of Juvenile Justice and Delinquency Prevention](#))

2005- 94,680

2006- 99,510

2007- 95,780

2008- 95,040

2009- 85,890

2010- 75,900

San Diego County Probation

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TRENDS

DIVERSION PROJECTS

- COMMUNITY SERVICE

RESTITUTION PROGRAMS

- WEEKEND WORK
- WORK PROJECTS

BUDGET CONSTRAINTS

- CURRENT PROPOSALS
 - PRIVATE BUSINESS PRISONS
 - GPS
- AB 109

San Diego County Probation

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STATISTICS

1960 TO 1996

- COURT HANDLED 4X DELINQUENCY CASES

1987 TO 1996

- DELINQUENCY ADJUDICATIONS UP BY 64%

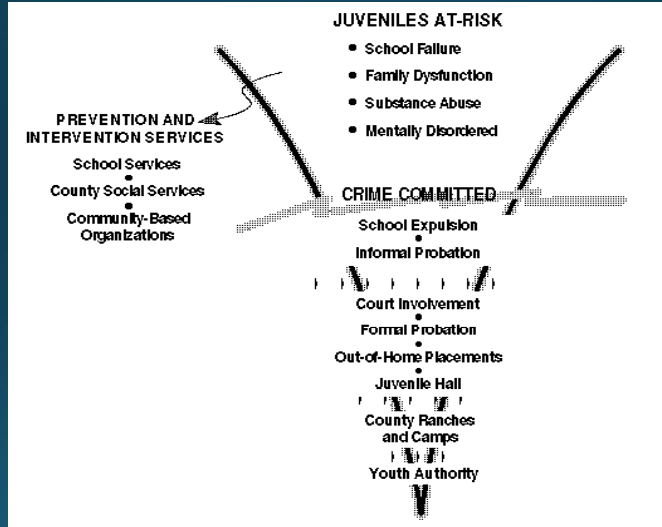
DEATH ROW

- 76 INMATES COMMITTED CRIME PRIOR TO AGE 18

San Diego County Probation

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JUVENILE JUSTICE SYSTEM PROCESS – FLOW CHART



San Diego County Probation

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JUVENILE JUSTICE SYSTEM PROCESS

...or How a Kid becomes a Ward

San Diego County Probation

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JUVENILE JUSTICE SYSTEM PROCESS

ARREST

- ARREST REPORT
- DIVERSION BY LAW ENFORCEMENT

TO JUVENILE HALL

- RELEASE TO GUARDIANS
(Promise To Appear)
- BOOK AND DETAIN
- RELEASE TO HOME SUPERVISION

San Diego County Probation

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JUVENILE JUSTICE SYSTEM PROCESS

PETITION FILED

- SEE W&I CODE
- MISDEMEANOR
- FELONY

DETENTION HEARING WITHIN TIME LIMIT

- SEE W&I CODE
- ATTORNEY APPOINTED (PD, APD, PANEL, PRIVATE)

San Diego County Probation

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JUVENILE JUSTICE SYSTEM PROCESS

READINESS HEARING OR TRIAL

- MINOR EITHER PLEADS GUILTY OR IS FOUND GUILTY OF CHARGES

PROBATION REPORT COMPLETED

- SOCIAL STUDY – CASE HISTORY REPORT
- FITNESS REPORT

DISPOSITIONAL HEARING

- ADJUDICATION

San Diego County Probation

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TYPES OF JUVENILE CASE DISPOSITION

WARDSHIP - OWN HOME

- PROBATION SUPERVISION
- HOME SUPERVISION
- ELECTRONIC MONITORING

WARDSHIP - RELATIVES' HOME

San Diego County Probation

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TYPES OF JUVENILE CASE DISPOSITION

WARDSHIP – FOSTER HOME

WARDSHIP – 24 HOUR SCHOOL

- RESIDENTIAL TREATMENT FACILITY

WARDSHIP – CAMPS

- JUVENILE RANCH FACILITY
- CAMP BARRETT

WARDSHIP – YOUTHFUL OFFENDER PROGRAM (YOU)

San Diego County Probation

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TYPES OF JUVENILE CASE DISPOSITION

DIVISION OF JUVENILE JUSTICE (formerly CYA)

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION (IF CHARGED AS AN ADULT)

San Diego County Probation

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