

COMPARISON OF JUVENILE AND CRIMINAL JUSTICE SYSTEMS

JUVENILE JUSTICE SYSTEM	COMMON GROUND	CRIMINAL JUSTICE SYSTEM
<p>Operating Assumptions</p> <p>Youth behavior is malleable.</p> <p>Youth are in families, not independent.</p> <p>Rehabilitation is usually a viable goal.</p>	<p>Primary goal of community protection.</p> <p>Law violator accountability.</p>	<p>General deterrence works.</p> <p>Emphasis on sanctions proportional to offense.</p>
<p>Public Access to Information</p> <p>Limitations on public access to information.</p>		<p>Open public access to all information.</p>
<p>Diversion from the System</p> <p>Youth are informally diverted from the system by intake or probation and into juvenile court system.</p>	<p>Many people are diverted from the system formally and informally by the prosecutor.</p>	
<p>Intake-Prosecution</p> <p>Decision to file a petition for court action may or may not be made by the prosecutor.</p> <p>Decision to file petition based on both social and legal factors.</p>	<p>Probable cause must be established.</p> <p>Prosecutor acts on behalf of the state.</p> <p>Plea negotiation is common.</p> <p>Prosecution discretion exists in charging and plea agreements.</p> <p>Previous history of violation is valuable and is used in charging, disposition, or sentencing.</p>	<p>Prosecution decision based primarily on legal facts.</p>
<p>Adjudication-Conviction</p> <p>Usually trial is by judge, not jury.</p> <p>If guilt is established, the youth is adjudicated delinquent or a status offender.</p>	<p>Constitutional rights apply.</p> <p>Standard of “proof beyond a reasonable doubt”.</p> <p>Guilt must be established on individual offenses charged for conviction or disposition.</p> <p>Presumption of innocence applies.</p> <p>Defense attorney is appointed if accused is unable to retain private counsel.</p>	<p>Right to jury trial.</p> <p>Unanimous verdict usually necessary to establish guilt.</p>

Comparison of Juvenile and Criminal Justice Systems continued

JUVENILE JUSTICE SYSTEM	COMMON GROUND	CRIMINAL JUSTICE SYSTEM
<p>Disposition-Sentencing</p> <p>Dispositional philosophy includes significant rehabilitation component.</p> <p>Dispositional alternatives cover wide range of community-based and residential services.</p> <p>Disposition may be indeterminate.</p> <p>Periodic court review of offender.</p> <p>Juvenile court jurisdiction ends at specific age (ranges from 17-24).</p> <p>Disposition orders may be directed at parents.</p>	<p>Decision influenced by current offense, offending history, and mitigating or aggravating factors.</p> <p>Offender accountability is the goal.</p> <p>Victim's views available to court.</p> <p>Restitution may be afforded to victim.</p>	<p>Sentencing philosophy based largely on proportionality, punishment, and offender's criminal history.</p> <p>Sentence often is determinate.</p> <p>Fines often imposed on offender.</p>
<p>Aftercare-Parole</p> <p>Combines surveillance and reintegration activities.</p>	<p>System of monitoring behavior on release.</p> <p>Violation of conditions can be incarceration or modified conditions of probation.</p>	<p>Primarily a surveillance and reporting function to monitor illicit behavior</p>
<p>*Juveniles/minors are youth who have not yet reached the age at which he or she is treated as an adult. In most states, this age is 18, although in ten states it is 17, and in three states it is 16.</p> <p>**Young adults are persons who are under age 21 but not considered a juvenile in his or her state (e.g., an 18- to 20-year-old). See exceptions above.</p>		

Excerpted from "Sentencing and Dispositions of Youth DUI and Other Alcohol Offenses: A Guide for Judges and Prosecutors," NHTSA, September 1999, DOT HS 808 891.