**JUVENILE JUSTICE LECTURE NOTES**

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Historically, in early England, all issues related to children were referred to the Lord Chancellor by the King. As the number of petitions increased in volume, the Lord Chancellor established the Court of Chancery which became the precursor to a juvenile court system. Still, a child was considered no different from an adult under early English Common Law. Offenses punishable by death or other severe retribution were considered appropriate for both. In America, recognition that children should be treated differently thanadults by the court was first acknowledged in the 1860s. The state of New York was the first state to establish houses of refuge to confine juveniles away from adult prisoners. The first juvenile court was created in Cook County, Illinois, in 1899. Prior to this time, children were tried under the same court system and subject to the same penalties as adults. In California, laws were drafted in 1903 that were different from the adult penal system. At that time, the first California juvenile court was established in Los Angeles.

**A juvenile:**

* is under the age of 18
* can be referred to the court for truancy from school or failure to obey parents
* has no right to bail and is released to the custody of a parent or guardian
* has a hearing which is private and confidential (with certain statutory exceptions Welfare and Institutions Code Section 676)
* does not have a jury
* appears before a judge who considers a juvenile's behavior before sentencing (disposition)
* can be committed for up to the maximum period allowed by state law

**An adult:**

* is 18 years old or older
* cannot commit the crimes of truancy and failure to obey
* has the right to bail
* has a trial which must be public
* has the right to a jury trial
* will report to the judge any information to prove they are a responsible citizen

Juvenile court has authority to administer punishment, but the nature of the form of punishment is rehabilitative rather than retributive. This does not mean that minors will not be held accountable for the results of their actions. Punishment must be consistent with the rehabilitative objectives of the court.

The list below is examples of the forms of punishment under Welfare and Institutions Code Section 202(e).

**Punishment** may mean, but is not limited to:

* payment of a fine by the minor
* compulsory community service
* limitations on the minor's liberty (probation or parole)
* can be commitment to a local detention or treatment facility (such as juvenile hall, camp or ranch), or commitment to the Department of the Youth Authority

**California Youth Authority**

The Division of Juvenile Justice (DJJ), originally known as the California Youth Authority (CYA), was created by statute in 1941 and began operating in 1943, providing training and parole supervision for juvenile and young adult offenders.

In a reorganization of the California corrections agencies in 2005, the CYA became the DJJ within the Department of Corrections and Rehabilitation, whose Secretary reports directly to the Governor and serves on his cabinet.

As part of the state's juvenile justice system, the DJJ works closely with law enforcement, the courts, district attorneys, public defenders, probation, and a broad spectrum of public and private agencies concerned with, and involved in, the problems of youth.

Currently, the DJJ receives its youthful offender population from both juvenile and superior court referrals. Those youths are sent to the DJJ to receive various training and treatment services.

The DJJ carries out its responsibilities through three divisions: the Division of Juvenile Facilities, the Division of Juvenile Programs, and the Division of Juvenile Parole Operations. The Juvenile Parole Board, an administrative body separate from DJJ, determines a youth's parole readiness.

The DJJ's mission, as described in Section 1700 of the Welfare and Institutions Code, is to protect the public from criminal activity.

**The law mandates the division to:**

* Provide a range of training and treatment services for youthful offenders committed by courts
* Direct youthful offenders to participate in community and victim restoration
* Assist local justice agencies with efforts to control crime and delinquency
* Encourage the development of state and local programs to prevent crime and delinquency

Youths committed directly to the DJJ do not receive determinate sentences. A youth's length of stay is determined by the severity of the committing offense and their progress toward parole readiness; however, the DJJ is authorized to house youths until age 21 or 25, depending upon their commitment offense.

The DJJ also provides housing for youths under the age of 18 who have been sentenced to state prison. Youths sentenced to state

prison may remain at DJJ until age 18, or if the youth can complete his or her sentence prior to age 21, the DJJ may house him or her

until released to parole.