

Determining Dispositional Options For Delinquent Juveniles



Janet Mason
Institute of Government
UNC at Chapel Hill
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What would the court do next if:

- Jake is adjudicated delinquent for the Class I felony and the Class 1 misdemeanor; and
- Jake has two prior adjudications for Class I felonies, on two different dates, in an adjacent county?



Juvenile vs. Criminal

Up to disposition, how is a juvenile case different from a case in criminal court?

- Extra Miranda warning
- Detention with no bail
- No self-representation
- No jury trial
- _____



This Is Not Criminal Court!



Dispositions Are Not Sentences!

Disposition Hearing

[G.S. 7B-2501]

- Presumed to be open to public
- Predisposition report, including risk and needs assessment (in most cases)
- Court may consider relevant, reliable evidence, including hearsay
- Hearing is informal



G.S. 7B-2500

“The court shall develop a disposition in each case . . .”



Dispositional Factors:

1. Seriousness of offense
2. Need to hold juvenile accountable
3. Protecting public safety
4. Degree of juvenile's culpability
5. Juvenile's rehabilitative and treatment needs
6. Available resources



Dispositions Available in Every Case:

- Dismissal
- Continuance – up to 6 months to allow family to take appropriate action
- Order for evaluation / treatment
- Referral of mentally ill or developmentally disabled juvenile to area mental health director



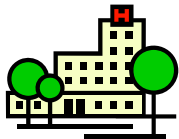
Categories of Additional Dispositions:

Available in every case

- Level 1 - Community (p. 2)

Available only if certain conditions are met

- Level 2 – Intermediate (p. 3)
- Level 3 – Commitment (p. 3)



Level 1 and Level 2

- Probation is not a necessary element of every disposition.
- Maximum probation = 12 mos. + 12 mos.
- Restitution requires ability to pay.
- Court must specify timing of intermittent confinement.
- Disposition must be related to the juvenile's needs.




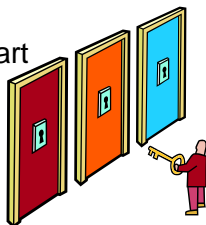
Level 3 – Commitment to DJJDP

1. Always for minimum of 6 months
2. Always (almost) for indefinite period
3. Absolute maximum (18, 19, or 21)
4. Maximum before right to notice/hearing
 - a. adult maximum for same offense, or
 - b. age 18, if extended commitment is option



Four Steps to Determine Which Options Are Available

1. Offense Classification
2. Delinquency History Level
3. The Chart 
4. Exceptions to the Chart





Offense Classification:

- Violent: A-E felony
- Serious: F-I felony or A1 misdemeanor
- Minor: Class 1, 2, or 3 misdemeanor






- For what ONE offense is disposition being entered?
- Is the offense violent, serious, or minor?

Offense Date	Offense	Adjud. Date	Disposit. Date
1/12/06	Sex offense V	2/15/06	2/20/06
1/15/06	Shoplifting M	2/15/06	2/20/06
1/21/06	Assault S	2/15/06	2/20/06

Offense Date	Offense	Adjud. Date	Disposit. Date
11/12/05	Sex offense V	12/9/05	2/20/06
1/15/06	Shoplifting M	2/15/06	2/20/06
1/21/06	Assault S	2/15/06	2/20/06




- What is the juvenile's delinquency history level?
 - High
 - Medium
 - Low

Prior Adjudications

A - E felony..... 4 points
 F - I felony or A1 misdemeanor..... 2 points
 Class 1, 2, or 3 misdemeanor..... 1 point
 On probation at time of new offense..2 points

<u>Points</u>	<u>History Level</u>
0 - 1	Low
2 - 3	Medium
4 or more	High



History Level Rules

1. If multiple adjudications in one session of court, use only the most serious one
2. Prior adjudications may be proved by
 - stipulation
 - court, DCI, DJJDP records
 - other reliable means
3. "Prior" means before the disposition
4. No points for current offense
5. Probation points only for current offense



Offense Date	Offense	Adjud. Date	Disposit. Date
11/12/05	Larceny S	12/8/05	12/8/05 (probation)
12/27/05	Shoplifting M	1/29/06	2/25/06
1/10/06	Assault S	1/29/06	2/25/06
2/1/06	Assault S	2/20/06	2/25/06

Offense Date	Offense	Adjud. Date	Disposit. Date
11/12/05	Larceny S	12/8/05	12/8/05 (probation)
12/27/05	Shoplifting M	1/29/06	2/25/06
1/10/06	Assault S	1/29/06	2/25/06
2/1/06	Assault S	2/20/06	2/25/06



The Disposition Chart

DELINQUENCY HISTORY

OFFENSE

	<u>LOW</u> <i>(0-1 pts)</i>	<u>MEDIUM</u> <i>(2-3 pts)</i>	<u>HIGH</u> <i>(4 or more pts)</i>
<u>VIOLENT</u>	Level 2 or 3	Level 3	Level 3
<u>SERIOUS</u>	Level 1 or 2	Level 2	Level 2 or 3
<u>MINOR</u>	Level 1	Level 1 or 2	Level 2

Exceptions to the Chart



1. At Level 2, court may order Level 3, if juvenile has been committed previously
2. Court may order Level 3 for a minor offense, if juvenile has 4 or more "prior adjudications"
3. At Level 3, court may order Level 2, based on extraordinary needs

Offense Date	Offense	Adjud. Date	Disposit. Date
1/14/05	minor	1/30/05	2/21/05
2/6/05	Minor	2/21/05	2/21/05 (probation)
3/19/05	Minor	4/16/05	5/29/05
4/17/05	minor	5/15/05	5/29/05
7/1/05	minor	7/19/95	1/19/05

- **Be creative with the dispositional options!**
- **Dispositions should be “individualized plans.”**

