

Youthful Offenders

Youthful Offenders are juveniles who are charged with a serious crime, and transferred to Circuit Court as a Youthful Offender and tried as an adult, if any of the following criteria are met: Age fourteen (14) or older and charged with: the use of a firearm in the commission of a felony; Capital murder; or a Class A or Class B felony; Age sixteen (16) or older and has a prior felony adjudication; Previously treated as a youthful offender; and/or reached age eighteen (18) since the commission of the offense and there is no other treatment available.

A Youthful Offender Hearing is held to determine probable cause that the transferred offense was committed and whether transfer to Circuit Court is appropriate considering the following factors:

- * Seriousness of the offense charged.
 - * Offense against a person or against property.
 - * Maturity of the child and the child's prior criminal record.
 - * Best interest of the child and community.
 - * Prospects of adequate protection of the public.
 - * The likelihood of reasonable rehabilitation in the juvenile justice system.
 - * Evidence of participation in a gang.
- (Continued on back page).



Youthful Offenders (con't)

If the youth is probated as a YO the Department will monitor his/her probation until age eighteen (18), at such time probation supervision will be transferred to Adult Probation and Parole. If the youth is sentenced as a YO he/she will be placed in the custody of DJJ until his/her eighteenth (18th) birthday then return to Circuit Court for Final Sentencing where the court may order the youth to return to DJJ for a set amount of time, order the youth to Adult Probation and Parole, or order the youth to be placed directly into the Adult Corrections system. While a YO is in the custody of DJJ he/she may be returned to Circuit Court and be committed to the Department of Corrections if the youth by his/her actions or violent behavior:

- * Injured or endangered the life or health of another youthful offender or staff members in the facility or program.
- * Escaped from the facility or program from which he is being held.
- * Caused disruption in the facility or program by encouraging other residents to engage in violent behavior which has injured or endangered the life or health of other residents or staff of the facility or program.
- * Caused disruption in the facility or program.
- * Smuggled contraband into the facility or program or caused contraband to be smuggled into the facility or program.
- * Engaged in other types of behavior which have endangered the life or health of other residents or staff of the facility or program.
- * Has established a pattern of disruptive behavior not conducive to the established policies and procedures of the program.

Youthful Offenders who are convicted on a sexual offense may be declared a Juvenile Sexual Offender.



Kentucky Department of Juvenile Justice

The Juvenile Court Process



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Juvenile Justice Court System

Kentucky law designates that all persons younger than eighteen (18) years of age are juveniles, and a separate justice system for juveniles has been created. The philosophy of the juvenile court is to be guided by "the best interest of the child."

The juvenile justice system distinguishes between three (3) types of offenders based on the type and severity of offense that was committed.

- **Status Offenders** - are juveniles who are involved in conduct that would not be considered a crime if they were an adult. Some examples of status offenses include:
 - * Beyond control of the parent or school
 - * Habitual truant
 - * Habitual runaway
- **Public Offenders** - are juveniles who are involved in conduct that would be considered a crime if they were an adult. Some examples of public offenses include:
 - * Theft by unlawful taking
 - * Receiving stolen property
 - * Possession of a controlled substance
 - * Sexual Offenses that may result in a youth being declared a Juvenile Sexual Offender by the court.



The Juvenile Court Process

ARRAINGMENT

During the court arraignment the following events will happen:

- The court petition will be read to the youth.
- The youth's rights will be explained to him/her.
- The youth will speak with legal counsel or have legal counsel appointed to him/her by the court.
- The youth will be given the opportunity to enter his/her plea.

DETENTION HEARING

If the youth is incarcerated upon arrest, a detention hearing will be held to determine whether the youth should remain in detention. At the detention hearing the prosecutor must establish:

1. Probable cause to believe that the offense has been committed by the charged youth.
2. That detention is the most appropriate placement due to:
 - * Seriousness of the offense
 - * Youth's danger to self or the community
 - * Youth's prior criminal record
 - * Other pending criminal charges

If the youth is detained, he or she may be held in a secure juvenile detention facility until the next court date.

INFORMAL ADJUSTMENT

An agreement may be reached among the parties after a petition has been filed, and at any time during the proceedings, that the best interest of the child would be served without formal adjudication and disposition.

The court must approve the agreement.

PRETRIAL CONFERENCE

At the pretrial conference, the juvenile and his or her attorney will meet with the prosecutor to determine whether the youth wishes to enter a plea of admitting (guilty) or denying (not guilty) to the charges based upon the recommended disposition (sentence).

- If the youth denies, a date is set for an adjudication hearing (trial).
- If the youth admits, the case is set for the dispositional hearing (sentencing).

ADJUDICATORY HEARING

If a youth denies the offense, a District Court Judge will conduct a hearing on the facts of the case. The prosecutor will call witnesses and present evidence to show beyond a reasonable doubt the defendant did the alleged offense. The defense may call witnesses and present evidence of innocence or mitigation. If the youth is:

- Not found to have committed the offense by the court, the youth has no further court appearances.
- Found to have committed the offense by the court, the youth must return for his/her disposition. DJJ will conduct a risk assessment prior to disposition. The Court may also order a Predisposition Investigation Report for disposition.

DISPOSITIONAL HEARING

As a result of the risk assessment and possible PDI report, the DJJ worker will make an individualized recommendation for the youth to the court. Possible recommended dispositions include: community service; supervision by the appropriate agency; further assessment or individual, group, or family counseling; structured after school programs; detention sentence; out of home placement; or any other services deemed necessary by the Juvenile Service Worker or Department.