

Juvenile arrest essay



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The Juvenile Justice system is a foundation in society that is granted certain powers and responsibilities.

It faces several different tasks, among the most important is maintaining order and preserving constitutional rights. When a Juvenile is arrested and charged with committing a crime there are many different factors that will come in to play during the course of his arrest, trial, conviction, sentencing, and rehabilitation process. This paper examines the Juvenile Justice System's court process in the State of New Jersey and the State of California.

The term Juvenile delinquent was established so that young lawbreakers could avoid being classified in legal records as criminals. “ The laws were designed to provide treatment, rather than punishment, for Juvenile offenders” (Neubauer, 444) California is a decentralized state which means that delinquency services are organized at both the state and local level in California.

County probation departments administer detention, commitment, delinquency intake screening, predisposition investigation, and probation supervision (Neubauer, 447).

New Jersey is a combination state where the state operates most delinquency services for youth in New Jersey, with the exception of secure detention. However, responsibility is divided between the state Judicial and state executive branches (Center on Juvenile ; Criminal Justice). Juvenile delinquency is behavior that if committed by an adult would constitute a crime or disorderly persons offense (Neubauer, 446). Every state has their own definition of adolescent offenders and decided in different ways how

they should treat them. Under both California and New Jersey laws children are considered minors until the age of eighteen.

In both N. J. and C. A. the prosecutor can waive the charges from Juvenile to adult status. In some instances California laws remand cases back to disposition in juvenile court.

Once a minor has been transferred and convicted in a California court of criminal Jurisdiction, subsequent charges will be filed in adult criminal court (Center for Juvenile ; Criminal Justice). The California state legislature has recently modified the Juvenile law so that a minor can be transferred from Juvenile court to the adult court and tried as adult in specified serious or violent felony cases, even if he minor is as young as 14.

In most Juvenile crime cases a Judge will determine when it is appropriate to make such a transfer, however, in certain serious Juvenile criminal cases the prosecutor may directly charge a minor in adult court. (Neubauer, 446) The laws surrounding Juvenile criminal cases are much different than those concerning adults.

When a child is arrested in New Jersey or California they can either reprimanded and released or they can be brought to a Juvenile detention facility (State of New Jersey Judiciary).

If they are brought to a facility they usually ave to be processed and arraigned in a Juvenile court within 48 hours unless there is a holiday or weekend. As soon as the child is arrested the police or probation officer must call the Juvenile’s parents (Neubauer, 448). Both the parents and the child in

custody have the right to have an attorney present at any and all of the child's questioning after arrest. The child's first court date, also called a detention hearing, is one of the most important aspects of their case.

In New Jersey this hearing is held to determine whether to continue holding the child in detention or let them