

DECISION POINT DEFINITIONS

(SOURCE) *The Office of Juvenile Justice and Delinquency Prevention (OJJDP)*

➤ **Arrest**

Youth are considered to be arrested when law enforcement agencies apprehend, stop, or otherwise contacted them and suspect them of having committed a delinquent act. Delinquent acts are those that, if an adult commits them, would be criminal, including crimes against persons, crimes against property, drug offenses, and crimes against the public order.

➤ **Referral**

Referral is when a potentially delinquent youth is sent forward for legal processing and received by a juvenile or family court, either as a result of law enforcement action.

➤ **Diversion**

Youth referred to juvenile court for delinquent acts are often screened by an police department (either within or outside the court). The police department may decide to dismiss the case for lack of legal sufficiency, to resolve the matter informally (without the filing of charges), or formally (with the filing of charges). The diversion population includes all youth referred for legal processing but handled without the filing of formal charges.

➤ **Detention**

Detention refers to youth held in secure detention facilities at some point during court processing of delinquency cases- i.e., prior to disposition. In New Hampshire, the detention population also includes youth held in secure detention to await placement following a court disposition. For the purposes of DMC, detention may also include youth held in jails and lockups. Detention should NOT include youth held in shelters, group homes, or other non-secure facilities.

➤ **Petitioned/Charge filing**

Formally charged (petitioned) delinquency cases are those that appear on a court docket in response to the filing of a petition, to adjudicate a youth as a delinquent, or to waive jurisdiction and transfer a youth to criminal court. Petitioning occurs when the prosecutor determines that a case should be handled formally. In contrast, informal handling is voluntary and does not include the filing of charges (Usually placed on file).

➤ **Delinquent Findings**

Youth are found to be delinquent during adjudicatory hearings in juvenile court. Being adjudicated as a delinquent is roughly equivalent to being convicted in criminal court. It is a formal legal finding of responsibility. If found to be delinquent, youth normally proceed to disposition hearings where they may be placed on probation, committed to residential facilities, be ordered to perform community service, or various other sanctions.

➤ **Probation (Conditional Release)**

Probation cases are those in which a youth is placed on formal or court-ordered supervision following a juvenile court disposition. Note: youth on "probation" under voluntary agreements without adjudication should not be counted here, but should be part of the diverted population instead.

➤ **Confinement in Secure Correctional Facilities (Committed)**

Confined cases are those in which youth are placed in secure residential or correctional facilities (SYSC) for delinquent offenders following a court disposition. The confinement population should NOT include all youth placed in any form of out-of-home placement. Group homes, shelter homes, and mental health treatment facilities, for example, would usually not be considered confinement. Every jurisdiction collecting DMC data must specify which forms of placement do and do not qualify as confinement. (SYSC)

➤ **Transferred to Adult Court**

Waived cases are those in which a youth is transferred to criminal court as a result of a judicial finding in juvenile court. During a waiver hearing, the juvenile court usually files a petition asking the juvenile court judge to waive jurisdiction over the case. The juvenile court judge decides whether the case merits criminal prosecution. When a waiver request is denied, the matter is usually scheduled for an adjudicatory hearing in the juvenile court. If a request is granted, the juvenile is judicially waived to criminal court for further action. Juveniles may be transferred to criminal court through a variety of other methods, but most of these methods are difficult or impossible to track from within the juvenile justice system, including prosecutor discretion or concurrent jurisdiction, legislative exclusion, and the variety of blended sentencing laws.