



When a child is charged

A look at Orange County’s juvenile justice system, from arrest through trial and punishment.

By **BILL RAMS** and **RACHANEE SRISAVASDI**
 THE ORANGE COUNTY REGISTER
 Thursday, Feb. 12, 2004

Three 12-years –old girls who fabricated an assault that left a homeless man in jail for eight months are among the few preteens who commit serious crimes in Orange County, officials say.

In 2002, about 3 percent of the county’s 10,770 child offenders were age 12 or younger of those 363 preteen suspects, only 62 were girls according to probation officials.

On Wednesday, two of the girls were ordered to remain in custody until their conspiracy trial begins March 3. The case has stirred up community conversations and raised questions about the juvenile justice system. Here are some answers:

Q: What happens when a child is arrested?
A: The officer either cites the child or calls the probation department at Juvenile Hall to see if the crime warrants incarceration. Most suspected felonies do. Most other crimes don’t. If the crime doesn’t warrant detention, the child – and oftentimes a parent – must meet with a probation officer in the weeks following the incident to discuss punishment, said David Fabela, a supervising Orange County probation officer.

Q: Do all youths arrested get charged?
A: No. Many Children receive informal probation for about six months. Those children are usually first time offenders who stole something of minimal value or violated curfew.



ON THE CASE: Prosecutor Mike Fell stands outside the Orange County District Attorney’s Office on Wednesday. Fell will be prosecuting the three 12-year-old girls whose lies about an assault sent Eric Nordmark to jail for eight months. JERR HARRIS, THE REGISTER

- Q:** Which cases go to prosecutors?
A: Serious misdemeanors and felonies, such as assault with a deadly weapon, gang related assaults and crimes where a child is deemed a danger to himself or society.
- Q:** How does a prosecutor decide what charges to file?
A: Deputy District Attorney Mike Fell said prosecutors review each case on an individual basis. Fell said no prosecutor will file a case unless he or she believes there is sufficient evidence to prove the charge beyond a reasonable doubt. The main thing prosecutors consider is whether there is enough evidence of a crime, the nature of potential defenses, and the likelihood of getting a successful conviction.
- Q:** What happens next?
A: There’s a detention hearing, where a judge determines whether the child is released to parents, receives home detention or remains incarcerated. The Probation Department makes a recommendation to the judge based on the child’s age, criminal history, family background, school status and the alleged crime. Those who get home detention receive a visit from probation officer every day until their case is concluded.



Q: What happen after a child is charged?

A: There's a pretrial hearing. If the child's attorney and the prosecutor agree to a punishment and a judge signs off, that is the end of it, Fabela said. Otherwise, the cases are usually heard within six weeks, he added.

Q: What is the punishment option for juveniles?

A: Juveniles could get straight probation, meaning they would have to perform community service, take classes or counseling, or enter a juvenile work program. In many instances, the charges are dismissed upon completing these requirements; they could get probation, along with some time in Juvenile Hall. Or they can be sent to California Youth Authority facility, which is basically a prison for youths. Juvenile who have been convicted of more-serious crimes, or those who are repeat offenders, are sent there.

Q: How do prosecutors weigh parental input?

A: Prosecutors will consider any evidence submitted by parent – including alibi evidence – before deciding whether to file charges, Fell said. But a parent's saying his child is a good kid is only taken into consideration upon sentencing, Fell added.

Q: How does the juvenile justice system differ from the adult one?

A: The aim of juvenile justice system is to rehabilitate, while for adults the aim is to punish. In juvenile court, children don't get a jury trial and their defense attorney generally is seeking what's in the best interest of the child rather than fighting at all cost for acquitting or a plea.

Q: Are many children accused of conspiring to commit crime?

A: It's very unusual, said Gilbert Geis, professor emeritus at the University of California, Irvine, and an expert in juvenile delinquency. But it's not unheard of. In Tucson, prosecutors are weighing whether to charge a 9-year-old boy who claimed he was abducted last week. He could be charged with falsely reporting a crime.

Q: Are parents responsible for the crimes of their children?

A: Parents are not held criminally accountable but are held fiscally liable if their child is ordered to pay restitution. The amount for which a parent is liable is capped at \$25,000.

Q: Do children reoffend at the rates of adults?

A: Fell said statistics show that most juveniles who are charged with a crime don't reoffend.

“Our hope is, in juvenile court, that once the minor has a brush with the law, they will have learned and no longer commit crimes in the future.”