**Extended Jurisdiction Juvenile**

***The Law***

**WHAT IS EXTENDED JURISDICTION JUVENILE?**

Extended Jurisdiction Juvenile (EJJ) is a process in the juvenile system that is designed to give a serious youth offender "one last chance." It is used when there is some hope that the juvenile can be helped in the juvenile justice system but also recognition that this may not happen.

**WHAT HAPPENS TO AN EXTENDED JURISDICTION JUVENILE?**

An EJJ child is sentenced to both a juvenile and adult sentence. The adult sentence is stayed and the juvenile sentence is imposed. If the juvenile violates the juvenile sentence, the juvenile must serve the adult sentence.

**WHEN DOES EJJ STATUS END?**

Unlike delinquency matters in the juvenile system in which control over the juvenile (called jurisdiction) ends at age 19, the Juvenile Court has control over an EJJ case until the youth turns 21. (If the adult sentence is imposed, the juvenile will be under the control of the court through the time of the adult sentence.) By extending court involvement until age 21, the juvenile has more time to change behavior.

**HOW DOES A YOUTH BECOME AN EXTENDED JURISDICTION JUVENILE?**

There are three ways a juvenile can attain an EJJ status.

1. **Failed Certification to Adult Court**

If the offense committed by the child is one in which certification is presumed, but the judge does not certify the child, the case automatically becomes EJJ. If the case does not presume certification, the prosecution must prove that it serves the public safety to have the case become EJJ.

2. **Prosecution Designation**

When a case meets the criteria for presumptive certification, but the prosecution does not want to certify the youth to adult court, he or she can instead decide to designate the case EJJ.

3. **Motion for EJJ**

Even if the child does not meet the initial criteria for presumptive certification, the prosecuting attorney may request EJJ status by making a motion to the court. In this case the child must be at least 14 years old at the time the act was committed and it must be proved that EJJ would serve the public safety.

**WHAT DOES THE COURT LOOK AT IN DECIDING WHETHER A JUVENILE WILL BECOME AN EJJ?**

The court looks at two things.

1. Whether the juvenile meets the criteria for Presumptive Certification to Adult Court:
2. that the youth was 16 or 17 years old at the time of the offense, and
3. the offense is an offense that would result in commitment to prison if it had been committed by and adult, or
4. the juvenile committed a felony using a firearm.
5. Whether public safety is served by having the case become an EJJ case.

**HOW DOES THE COURT DECIDE IF THE PUBLIC SAFETY IS BEING SERVED?**

In deciding whether the public safety is being served by having the matter proceed as EJJ, the court looks at:

* Seriousness of the offense: community protection, use of a firearm, impact on victim, and aggravating factors (factors that make the offense more severe)
* Child's prior record of delinquency
* Culpability of the child: level of participation in planning and carrying out the offense, and mitigating factors (factors that make the offense less severe)
* Child's programming history: past willingness to participate in programming
* Adequacy of punishment or programming in the juvenile justice system
* Dispositional options available for the child.

The most important things to consider are the seriousness of the offense and the record of delinquency.

The emphasis on public safety was designed to respond to public concern about violent juvenile crime and to provide a more objective basis for determining whether a child should be certified to Adult Court.

**WHAT IS THE PROCESS FOR MAKING AN EJJ MOTION?**

Prosecuting attorney makes a motion to designate the proceeding as EJJ. This motion may be made at any of the following three times:

* At the first appearance of the child responding to the petition
* Within 10 days after the first appearance of the child
* Before jeopardy attaches. (Jeopardy attaches when the child admits to the petition or the trial starts.)

**WHAT DOES AN EJJ MOTION CONTAIN?**

An EJJ motion must include the following:

* It must be in writing
* It must be signed by the person making the motion
* It must state the grounds for the motion alleging a felony offense committed after 14th birthday
* It must be filed with the court.

**WHAT INFORMATION DOES THE JUVENILE RECEIVE?**

The prosecuting authority must serve the child, either in person or by mail, with a copy of the following:

* Notice of the initial appearance hearing
* The EJJ motion
* The delinquency petition.

**WHEN IS THE EJJ HEARING HELD?**

The EJJ hearing must be held within 30 days of the filing of the request for EJJ. At this time the court will either designate it as an EJJ or deny it as EJJ status, making it a regular delinquency matter. The court must issue a written order within 15 days of the hearing stating the reasons for its decision.

**WHAT HAPPENS NEXT?**

If the case is designated as EJJ and the juvenile denies the charges, a trial is held. The juvenile will have the same rights as an adult (right to a jury trial, right to counsel, etc.).

**WHAT HAPPENS AFTER THE JUVENILE IS FOUND GUILTY?**

If there is a conviction or the juvenile pleads guilty, the court will make two orders. The juvenile will receive a stayed adult sentence and a juvenile sentence. As long as the juvenile complies with the juvenile sentence, he or she will not have to serve the adult sentence.

**WHAT HAPPENS IF THE JUVENILE VIOLATES THE TERMS OF THE JUVENILE SENTENCE?**

If the juvenile violates the terms of the juvenile sentence or commits a new offense, the EJJ status is revoked and the juvenile must serve the adult sentence. He or she can be arrested and is now under the jurisdiction of adult court.

The revocation proceedings begin when a warrant or summons is issued. This is based on a report showing probable cause. It must include a description of the surrounding facts and circumstances upon which the request for revocation is based. The juvenile has the following rights:

* Right to a hearing to challenge the revocation
* Right to counsel.
* Access to all official records
* Right to present evidence
* Right of appeal

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***Questions***

1. Why was EJJ developed?
2. What two things does the court look at in deciding whether to make a case EJJ?
3. What are the three ways a juvenile can attain EJJ status?
4. What six things are considered in determining whether the public safety is being served?
5. Why is there so much emphasis on public safety?
6. When may the prosecuting attorney make the motion to designate the process as EJJ?
7. What must be included in the EJJ motion?
8. If an EJJ hearing is held, what happens if the child pleads guilty?
9. What two orders must a judge include in the sentence for an Extended Jurisdiction Juvenile?
10. Extended Jurisdiction Juveniles remain under the jurisdiction of the juvenile court until they are what age?
11. In what situation is a revocation hearing held and what happens at that hearing?

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***Activity: You Decide***

Using the information in “Juvenile Delinquency Process” and “Extended Jurisdiction Juvenile”, write down the next step in each of the following cases.

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Amber, a 16-year-old, and her friends were out on a Friday night. They were short of cash and wanted some excitement. They decided to rob a convenience store. Things didn't go well. Amber had a gun and thought that the clerk was getting his gun. She shot at him and hit them in the arm. She and the others ran out without getting any cash. Amber was later arrested at her home for assault with a deadly weapon and attempted armed robbery. Her picture was identified on the security camera. The police had a court order and she was taken in to custody. What must happen next?

The result of the detention hearing was that Amber was to be held until the arraignment. The prosecutor now has to decide whether or not to ask for certification or EJJ status. What are the two things that the prosecutor must consider?

Before the prosecutor could decide on how to prosecute Amber's case he had to look at her prior juvenile record. He found that when Amber was 12 years old she was picked up for shoplifting and at that time they found that she was also a habitual truant. Prior to her truancy, she had had many behavior problems in the school ranging from fighting to verbal abuse and other disruptive behavior. The judge ordered her to attend school and also ordered an assessment for special education. She was placed in a special school program, but continued to have problems in school. As a result she continued truanting and had continued problems within the community. Amber soon was caught with stolen property and was placed in a treatment center. She did not do well in the center, and was eventually discharged because she did not follow the rules of the program. The county placed her in a day treatment center. She did not attend and when she did attend she was disruptive to the program. Amber is now before the court on charges of assault with a deadly weapon and armed robbery.

Based on the two considerations that must be looked at when deciding on EJJ status, do you think that Amber should receive EJJ status? Give reasons for your decision.

The prosecutor makes a motion to designate the hearing as EJJ. What must this motion include? What documents must the prosecutor give to the Amber?

An EJJ hearing was held and the judge designated Amber's case as EJJ. Amber pleads guilty. Amber received a sentence of six months in a juvenile correctional facility with probation continuing until her 21st birthday. She had a stayed sentence to an adult correctional facility. After Amber served her sentence in the juvenile facility, she started hanging with her old crowd. Shortly after she got out, she was caught in a house filled with stolen goods. She had been involved in stealing them and was now trying to get rid of them for a profit. Amber was arrested. Revocation proceedings began. Describe the revocation procedure. What rights does Amber have? What do you think will happen to Amber? Give reasons why.

Write a different ending to this case study, one where the EJJ process was successful.