

JUVENILE JUSTICE IN NEVADA:

AN OVERVIEW

RESEARCH DIVISION STAFF
research@lcb.state.nv.us

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Nevada's juvenile justice system is similar to the adult justice system, but there are significant differences between the two that are important to understand. The juvenile system serves youth between the ages of 8 and 18, and if a person up to the age of 21 committed a delinquent act before turning 18, they also may be subject to the jurisdiction of the juvenile court.

Since 2004, Nevada has generally emphasized alternatives to detention for juveniles whenever possible while focusing on community protection, accountability, and competency development.

TERMINOLOGY

For comparison, below is a list of terms used to describe common elements of the adult and juvenile justice systems.

ADULT SYSTEM	JUVENILE SYSTEM
Criminal act	Delinquent act
Probable cause review	Detention hearing
Arraignment	Plea hearing
Complaint	Petition
Trial (jury)	Contested hearing (no jury)
Guilty / Not guilty	Admit / Deny
Conviction / Sentence	Adjudication / Disposition
Term of imprisonment	Commitment

TYPES OF VIOLATIONS IN THE JUVENILE JUSTICE SYSTEM

Delinquent Act

An act or omission forbidden by law (a crime in the adult system): Misdemeanor, gross misdemeanor, felony

Status Offense

A violation of law applicable only to a juvenile: Running away, truancy, curfew, child in need of supervision, liquor law violation (possession or consumption)

Technical Violation

Violation of a condition of release, parole, or probation which may or may not be a criminal or delinquent act (drug use, violation of law, status offense)

KEY AGENCY RESOURCES

DIVISION OF CHILD AND FAMILY SERVICES, DEPARTMENT OF HEALTH AND HUMAN SERVICES

Juvenile Justice Services – <http://dcfs.nv.gov/Programs/JJS/>

JUVENILE JUSTICE OVERSIGHT COMMISSION

http://dcfs.nv.gov/Programs/JJ_OC/Juvenile_Justice_Oversight_Commission/

PROCESS UPON CITATION OR ARREST

The initial referral is to a probation department, where a determination is made on what to recommend to the district attorney (DA) or court based on the best interests of the child and the community.

In the case of misdemeanor offenses, there are a host of options available that a probation officer can suggest to the DA, depending on the situation. These include dismissal, referral to court, counseling, holding the case open, and informal supervision. Detention and release decisions are made by the court.

Following the recommendations, the next steps are as follows:

- Detention decision / hearing (before a hearing master or judge);
- Plea hearing – certification motion;
- Contested hearing; and
- Dispositional hearing.

CERTIFICATION AS AN ADULT: FOUR DIFFERENT PATHWAYS

There are various ways a child may be certified to stand trial as an adult in Nevada, at which point the juvenile justice system no longer has jurisdiction.

- 1 Discretionary:** 14 years of age or older, if the act would be a felony if committed by an adult. The court will consider seriousness of offense, prior record, public safety, age maturity, family and social ties, etc.
- 2 Presumptive:** 16 years of age or older, if the act involved threat or use of a firearm or sexual assault with threat of violence or force. The court will not certify if there are developmental delays or mental incompetence, substance abuse, or other behavioral issues that can be addressed through the juvenile system.
- 3 Direct file:** At the DA's discretion, 16 years of age or older:
 - With a previous felony adjudication;
 - Charged with threat or use of a firearm, sexual assault involving threat or use of force or violence, or a felony resulting in death or bodily harm on school property; or
 - If the person intended to create risk of death or harm to more than one person.
- 4 Homicide - murder:** 13 years of age or older. The DA decides to go to juvenile or adult court; juvenile court does not have jurisdiction.

Juveniles enjoy what are sometimes referred to as "Miranda Rights Plus," meaning a juvenile has the right to have a parent or guardian present during questioning. (Note that this right belongs to the child, not the parent.)

Youthful offenders convicted as adults are sent to adult facilities. Males are sent to the Lovelock Correctional Center; females are sent out of state, as Nevada currently has no appropriate facility to house them. In accordance with federal law, youthful offenders are segregated from the adult population until they turn 18.

STRUCTURE OF THE JUVENILE JUSTICE SYSTEM

Nevada's juvenile justice system is bifurcated between the counties—which are responsible for front-end services including short-term detention, probation, and counseling—and the state, which is responsible for deep-end and post-release services such as long-term correctional housing and parole supervision. The Division of Child and Family Services (DCFS) within the Department of Health and Human Services oversees the state's juvenile justice programs.

NEVADA COUNTIES WITH JUVENILE DETENTION FACILITIES



STATE FACILITIES OPERATED BY THE DCFS

Facility	Location
Caliente Youth Center	Caliente
Nevada Youth Training Center	Elko
Summit View Youth Center	North Las Vegas