

8/7/05

Decision to certify juveniles as adults a delicate balance

By RYAN SMITH
News Tribune

Court hearings such as the ones this week that certified three Jefferson City juveniles as adults for their involvement in the July 10 robbery and murder of Christopher Deloach are unusual in more than one way.

They are unusual in that they happen rarely — although three juveniles were certified as adults in Cole County last week, only three others were certified since 2002 — and unusual in that the process itself works much differently than normal adult court proceedings.

According to state law, any child who has allegedly committed a serious felony — such as murder, forcible rape, first-degree robbery, distribution of drugs, or has committed two or more prior unrelated offenses — is automatically subject to a certification

hearing. But unlike adult court, the hearing is not designed to determine whether a crime has occurred.

Instead, the court examines 10 different criteria that are primarily focused on the background and history of the juvenile, and whether there are programs available in the juvenile system to help the child.

“Juvenile court is set up much differently,” said Cole County Circuit Judge Patricia Joyce. “It’s not to punish, necessarily, but to rehabilitate. So we look at different criteria than criminal court does.”

The courts do weigh the seriousness and viciousness involved in the offense, but they also consider the home life, maturity, and environmental condition of the child.

It’s a delicate balance, said David Cook, Cole County’s chief

juvenile officer and director of court services.

“On one hand, our job is to see if the juvenile can be rehabilitated, but we’re also looking out for the needs of community safety,” said Cook. “It’s not cut and dried at all, but we just have to do our investigation.”

Cook noted that most of the juveniles involved in the hearings are certified as adults, but not all. Sometimes it is decided that there are programs available in the juvenile system sufficient to treat them.

The age of child is also a factor. “If you have someone who is 16 or 17 years old who is involved in something substantive, it may not make sense to put someone in a program for a few months until they are 18,” said Cook.

The process is also intentionally separate from adult court. Juve-

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nile officers can consult with prosecutors to discuss charges that can be filed if a child is certified, but otherwise the prosecutors aren’t involved.

“The separation is important,” said Cole County Prosecutor Bill

Tackett. “There is significant due process before they are certified and it’s designed well. It’s not perfect, but no system is.”

But the bottom line is that few children referred to juvenile court are ever certified to be tried as adults.

According to the most recent statistics provided by the Missouri Department of Social Services, 76,927 young people were referred to juvenile court in 2003. Of that number, only 120 — considerably less than 1 percent — were certified to be tried in criminal cases as adults.

No juveniles were certified in the same year in Cole County and only three were certified in 2004.

“For us to have this situation right now is extremely rare,” said Cook. “We’ve not experienced it (before) in my time here.”

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FEW JUVENILES IN ADULT COURT



76,927 juveniles were referred to adult court in 2003 but only 120 were certified. This chart gives details of the 120 juveniles tried as adults in Missouri.

Age	Caucasian	African-American	Other	Total
13	0	0	0	0
14	2	1	0	3
15	8	7	0	15
16	29	33	3	65
17	11	13	0	24
18+	5	5	0	10
Miscode	1	2	0	3
Total	56	61	3	120

Source: MISSOURI JUVENILE COURT 2003 ANNUAL REPORT

JIM DYKE / NEWS TRIBUNE