

Utah DMC Data Definition
(Adopt 11/12/08)

1. Population at risk

Youth who are between the ages of 10 to 17.

2. Arrest

Youth are considered to be arrested when law enforcement agencies apprehend, cite or refer youth to juvenile court for 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.

3. Referral

Referral is when a potentially delinquent youth is sent forward for legal processing and received by a juvenile court either as a result of law enforcement action or upon a complaint by a citizen, school, or government entity.

4. Diversion

Youth referred to juvenile court for delinquent acts are screened by the intake department. Intake 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.

5. Detention

Detention refers to youth held in secure detention facilities at some point during court processing of delinquency cases. The detention population may also include 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 does NOT include youth held in shelters, group homes, or other non-secure facilities.

6. Petitioned/Charge Filing

Formally charged (petitioned) delinquency cases are those that appear on a court calendar in response to the filing of a petition, complaint, or other legal instrument requesting the court to adjudicate a youth as a delinquent or status offender, or to waive jurisdiction and transfer a youth to criminal court. Petitioning occurs when a juvenile court intake officer, prosecutor, or other official determines that a case should be handled formally.

7. Delinquent Findings

Youth are judged or found to be delinquent during adjudicatory hearings in juvenile court. Being found (or adjudicated) 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 secure facilities, be ordered to perform community service, committed to Juvenile Justice Service, or various other sanctions.

8. Probation

Probation cases are those in which a youth is placed on formal or court-ordered supervision following a juvenile court disposition.

9. Confinement in Secure Correctional Facilities

Confined cases are those in which youth are placed in secure correctional facilities for delinquent offenders following a court disposition.

10. Transferred to Adult Court

In Utah, Juvenile Transferred to Adult Court are governed by the following statute:

Exclusive and Original Jurisdiction of the Adult Court: Juveniles who are 16 or 17 years old who are charged with murder or aggravated murder are under the exclusive and original jurisdiction of the adult courts. Juveniles, who are 16 or 17 years of age, who have been committed to secure care and are charged with a felony, are also under the exclusive and original jurisdiction of the adult courts.

Serious Youth Offender Act: A youth who is 16 years or 17 years old who is charged with aggravated arson, aggravated assault, aggravated kidnapping, aggravated burglary, aggravated robbery, aggravated sexual assault, discharge of a firearm from a vehicle, attempted aggravated murder, attempted murder, or any offense other than the listed above involving the use of a dangerous weapon which would be a felony if committed by an adult, and the minor has been previously adjudicated or convicted of an offense involving the use of a dangerous weapon which also would have been a felony if committed by an adult, may be transferred to the adult criminal court pursuant to the serious youth offender act. However the juvenile court retains jurisdiction if the defendant establishes three retention factors: 1) No previous delinquency adjudication for felony with dangerous weapon. 2) Lesser degree of culpability than co-defendants. 3) Minor did not participate in violent, aggressive, or premeditated manner.

Certification to Adult Court: This is the process of determining if a youth's case should be transferred to adult court. For a case to be certified, it must be felony-level and committed by a minor 14 years of age or older. The state must prove probable cause that the juvenile committed the crime and that it is contrary to the best interest of the child or public for the juvenile court to retain jurisdiction. Certification factors include: seriousness of offense, if aided or encouraged by two or more others, if the offense was aggressive/violent/premeditated or willful, if offense was committed against a person, maturity of minor, previous record, likelihood of successful rehabilitation, if co-defendants will be tried in adult court, whether minor used firearm in an offense, and if minor had dangerous weapon on school grounds.

Once a juvenile is transferred to the adult court, the juvenile will legally be an adult after that time unless the charges are dismissed, they are acquitted, or there is a finding of not guilty.