

Town of West Greenwich

INCORPORATED 1741

No. 62

ORDINANCE ESTABLISHING JUVENILE HEARING BOARD

ADOPTED OCTOBER 13, 1993

Be it ordained by the Town Council of the Town of West Greenwich as follows:

SECTION 1. Juvenile Hearing Board -- Establishment.

The Town Council of the Town of West Greenwich pursuant to Rhode Island Public Laws 1993, Chapter 195, hereby establishes within the Town of West Greenwich (the "Town") a Juvenile Hearing Board with the powers set forth in this ordinance for the purpose of hearing all cases referred to such Board by the Chief of Police of the Town with respect to persons resident in the Town under the age of 18 who are charged with violating the criminal laws of the State of Rhode Island or the Town.

SECTION 2. Juvenile Hearing Board -- Referral.

Persons who are residents of the Town who are under the age of 18 may be referred to the Juvenile Hearing Board if the offense is one which if committed by adult, would be a misdemeanor; provided, however that no person shall be referred (a) who has been charged with the crime of assault or battery, or (b) who shall have been twice previously referred to the Juvenile Hearing Board, or (c) who has been previously referred and refused, or (d) who has failed to abide by previously imposed sanctions or made restitution previously recommended, or (e) who at the time of the commission of such juvenile offense shall be within the custody and control of the Family Court. The Chief of Police may offer referral to the Juvenile Hearing Board to any other juvenile offender where, in the opinion of the Chief of Police, such referral would be beneficial to the juvenile concerned and the community at large. No referral to the Juvenile Hearing Board shall be made by the Chief of Police until such person, together with his/her legal guardian, shall waive, in writing, such person's right to a hearing in the Family Court with respect to the offense charged; has agreed to guilt to the charged offense; and shall have agreed to abide by the decision of the Juvenile Hearing Board.

SECTION 3. Juvenile Hearing Board -- Composition.

The membership of the Juvenile Hearing Board shall consist of five persons over the age of 18 to be appointed by the Town Council of the Town, all of whom shall have been resident for at least three years within the Town and none of whom shall be attorneys admitted to the practice before the Supreme Court of the State of Rhode Island. The Town Council shall appoint one member whose term shall expire on December 1, 1994, and thereafter until his successor is appointed and qualified; two members whose terms shall expire on December 1, 1995, and thereafter until their successors are appointed and qualified; and two members whose terms shall expire on December 1, 1996, and thereafter until their successors are appointed and qualified. During the month of November, 1994 and annually thereafter, the Town Council shall appoint a member or members to succeed the member or members whose terms will then next expire, to serve for a term of three years, commencing on the first day of December, and thereafter until their successors are appointed and qualified.

In the event of a vacancy occurring in the office of a member by death, resignation or otherwise, such vacancy shall be filled in like manner as the original appointment, but only for the remainder of the term of the former member. No member of the Juvenile Hearing Board shall be entitled to receive any compensation by reason of his or her service on the Board.

SECTION 4. Duties of the Juvenile Hearing Board.

The Juvenile Hearing Board shall hear all cases referred to it by the Chief of Police and shall recommend sanction (other than incarceration) and shall direct restitution for any injuries resulting from the commission of any charged offense. In any such proceeding the Juvenile Hearing Board, prior to imposing sanctions, shall request the juvenile offender and his/her legal guardian to agree to the sanctions imposed, and the amount of restitution and manner of making the same. In ordering restitution, the Juvenile Hearing Board shall take into account the juvenile offender's ability to pay, and the amount of actual damage caused as a result of the commission of such offense.

SECTION 5. Meeting of the Juvenile Hearing Board.

The Juvenile Hearing Board shall meet not less than every other calendar month unless no cases are pending in which case it shall next meet within 30 days of a referral by the Chief of Police.

It shall give notice of the matters to be heard before it, to the Chief of Police, the Juvenile Officer, and the juvenile offender and his/her legal guardian, not less than seven days prior to the date of the hearing. Any juvenile offender shall be entitled to be represented by counsel and present evidence in his/her behalf on the issue of sanctions. A majority of the members of the Juvenile Hearing Board shall constitute a quorum, and its proceedings shall be closed to the public. The Juvenile Hearing Board shall elect one of its members as its chairman and one of its members as its vice chairman. In the absence of the chairman, the vice chairman shall be the presiding officer. A majority of the members shall be required to take any action. All matters and sanctions imposed by the Juvenile Hearing Board will be permanently sealed upon completion of the sanction imposed and/or completion of payment of all restitution mandated by the Juvenile Hearing Board.

The Juvenile Hearing Board shall have the power from time to time to draft rules governing its proceedings consistent with its duties or to amend or repeal any rules theretofore adopted.

SECTION 6. This ordinance shall take effect upon passage.