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RESEARCH FOCUS ON YOUTH

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JUVENILE OFFENDERS

INTRODUCTION

Enacted in New York State in 1978, the Juvenile Offender Law was considered at the time to be among the toughest in the country pertaining to crimes committed by juveniles. Under this law, 13, 14 and 15 year-olds accused of certain crimes are processed in Criminal, not Family Court. As a consequence of being processed in Criminal Court, a Juvenile Offender (JO) is subject to criminal sentences, public proceedings and a criminal record.

This report describes how this law has been implemented, with specific regard to its impact on the Division for Youth's residential care system. The report defines the JO, describes the relevant legal process and provides trend and descriptive analyses of the Division's experience with this population.

DEFINITION

Juvenile Offenders are youth who have been convicted of specific violent offenses committed when they were between the ages of 13 and 15. Although these youth are sentenced as adults, they are incarcerated in Division for Youth secure facilities until discharged or transferred to either the custody of the Department of Correctional Services or to the Division of Parole. (Table 1 specifies JO offenses and sentence parameters.)

PROCESSING

The Criminal Court process includes arraignment, preliminary hearing, Grand Jury, indictment, trial or plea, and upon conviction, sentencing. JO cases can be removed to Family Court at any point prior to sentencing.

If convicted of a JO offense, the judge determines whether to sentence the youth as a Youthful Offender (JO/YO). Only youth without prior Criminal Court convictions are eligible for JO/YO status. Youth

mandatory minimum sentence and a maximum sentence of four years.

Given the complexity of the criminal justice system, any change in arrest patterns, court policy or procedure, or even personnel can result in significant changes in the type and number of JOs entering the Division's residential care system. The following analysis represents the net effect of this dynamic process.

COURT DISPOSITION

As Figure 1 shows, more JO arrests result in outright dismissal than in any other single disposition. While this has generally been the case since the inception of the law, there was a precipitous increase in 1987 in the percentage of arrests disposed of in this manner.

Although the percentage of arrests being dismissed has only fluctuated moderately since 1987, there was a decided increase between 1987 and 1988 in the percentage of cases removed to Family Court. Notwithstanding this increase, however, there has been a gradual and overall decline since 1980 in the percentage of cases treated in such fashion. While the proportion of cases resulting in an incarcerative sentence has remained relatively constant since 1987, the percentage of cases receiving a sentence of probation has grown steadily since 1989.

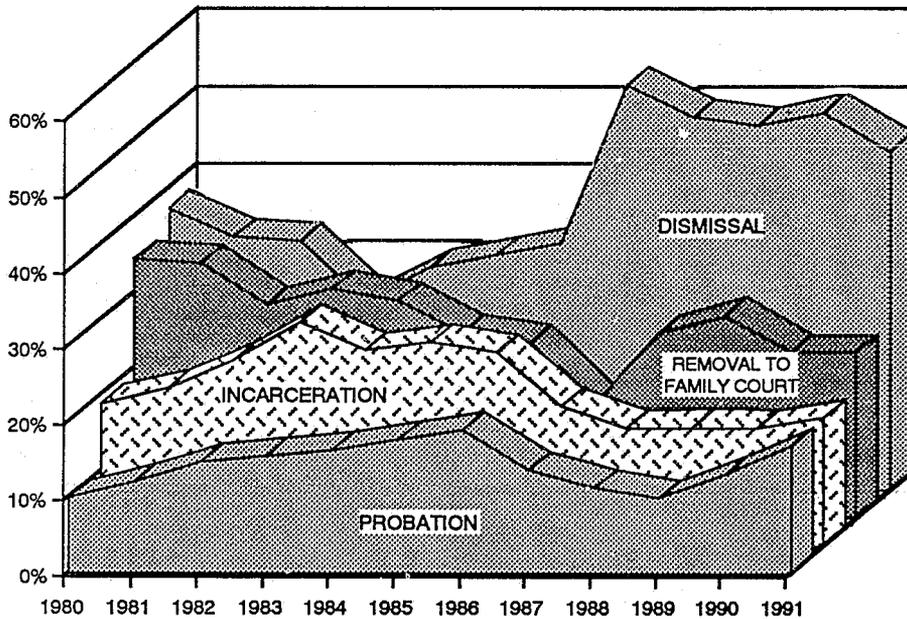
Of the 1,625 JO cases disposed of statewide during 1991, 45% (725) were dismissed, 34% (546) were convicted as JOs and 22% (354) were removed to Family Court. Finally, of the 546 youth convicted as JOs in 1991, 68% (370) were awarded JO/YO status. The proportion of JOs receiving such treatment has remained relatively stable since 1984.

JUVENILE OFFENDER SENTENCE LENGTH BY CLASS OF OFFENSE		
OFFENSE CLASS	SENTENCE LENGTH	
	MINIMUM	MAXIMUM
CLASS A-1 Murder 2	5-9 years	life
Arson 1 Kidnapping 1	4-6 years	12-15 years
CLASS B Manslaughter 1 Rape 1 Sodomy 1 Burglary 1 Robbery 1 Arson 2 Attempted Murder 2 Attempted Kidnapping 1 Aggravated Sexual Abuse	one third of maximum	3-10 years
CLASS C Assault 1 Robbery 2 Burglary 2	sentence (1 yr. min.)	3-7 years
JO / YOUTHFUL OFFENDER Determinate Indeterminate	none 1/3 of max	up to 1 year 3-4 years
Consecutive Sentences	no more than 1/2 max	no more than total of 10 years for Class B or Class C

sentenced as JO/YOs are subject to shorter sentences than other JOs. Additionally, whereas other JOs must be sentenced to an incarcerative term and receive a permanent criminal record, JO/YOs are eligible for a sentence involving only probation and their records are sealed.

The minimum sentence for a JO is one third of the maximum. The minimum must be at least one year. The longest JO maximum sentence is life. In contrast, JO/YOs have no

**Figure 1
DISPOSITION OF JO ARRESTS BY YEAR**



INCARCERATION OF JOs

Youth who have been sentenced as JOs and given a term of imprisonment are committed to a DFY secure facility. If their sentence extends beyond their 21st birthday, the youth must be transferred to the Department of Correctional Services (DOCS) for the duration of their sentence. Youth ages 18, 19 or 20 may be transferred to DOCS if the Director of DFY certifies there is no substantial likelihood the youth will benefit further from DFY programs. Youth aged 16 or 17 also may be transferred to DOCS following DFY's application to the sentencing court.

JOs convicted of burglary or robbery may be transferred from a secure facility to a limited secure facility if the youth had been confined in a DFY secure facility for one year or one half of his/her minimum sentence, whichever is greater, and the Director of DFY determines that the youth: a) will benefit from the programs and services of the facility, and b) does not pose a danger to public safety.

ADMISSION TRENDS

As Figure 2 clearly shows, Juvenile Offender admissions have fluctuated considerably since 1980.¹ The Division experienced a sharp rise in the number of admissions between 1980 and 1982.² This was followed by a sharp decrease between 1982 and 1984. While there was a gradual

decline in admissions each year from 1985 to 1988, JO admissions have increased steadily in each of the last three years. In fact, other than in 1982, when the increase in admissions was in large part the direct result of a court ruling requiring the Division to formally admit youth within 10 days of placement, more JOs were admitted in 1991 than in any other single year. The 274 JOs admitted to the Division during 1991 surpassed the 1990 total by 47%. (Table 2 and Figure 2).

The proportion of JOs admitted to the Division who are granted JO/YO status has remained at about 50% since 1987.

JO/YOs who do not enter the Division's custody are generally placed on probation. Until 1990, approximately 58% of all JO/YOs received probation instead of an incarcerative sentence. However, the percentage of convicted youth receiving such treatment increased dramatically in the last two years. In fact, the percentage given probation increased to 74% in 1991.

CHARACTERISTICS

Demographic Characteristics: Juvenile Offenders are primarily male, minority group members and from New York City (Table 2).

Except for 1988, males have made up more than 95% of JO admissions each year since 1980. More than 87% of all JO admissions were from New York City and its surrounding Metropolitan area in each year since the inception of the law. The proportion of JO admissions from NYC in both 1990 and 1991 was higher than in any previous year.

African-Americans represented 65% of all JO admissions in 1991, while Latinos of any race made up 26%. Whites accounted for 4% of the 1991 JO admissions. With some minor exceptions, this race and ethnicity distribution has remained stable since 1986.

The vast majority (84%) of JOs admitted to the Division in 1991 were 15 - 16 years old. Youth age 17 or older made up the next largest group, comprising 10% of all JO admissions in 1991. The large number of older JO admissions to the Division can, for the most part, be explained by the fact that the criminal court process takes

**Figure 2
JUVENILE OFFENDER ADMISSIONS PER YEAR**

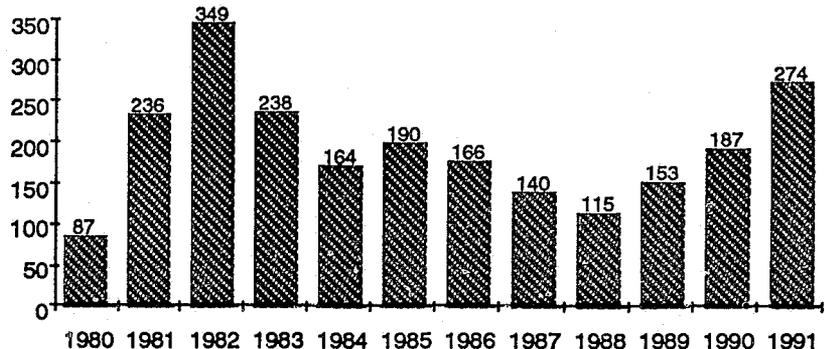


Table 2

NEW ADMISSIONS OF JUVENILE OFFENDERS							
YEAR	1980-85	1986	1987	1988	1989	1990	1991
TOTAL	1,264	166	140	113	153	187	274
JO	58%	41%	55%	50%	53%	48%	49%
JO-YO	42%	59%	45%	50%	47%	52%	51%
MALE	97%	97%	99%	92%	99%	96%	97%
FEMALE	3%	3%	1%	8%	1%	4%	3%
AFRICAN AMERICAN	67%	57%	58%	67%	59%	64%	65%
LATINO	24%	27%	32%	18%	33%	30%	26%
WHITE	8%	13%	8%	8%	7%	4%	4%
OTHER	1%	2%	2%	7%	1%	1%	5%
14 OR LESS	6%	8%	8%	8%	10%	9%	6%
15	38%	42%	37%	37%	37%	43%	43%
16	43%	39%	33%	35%	35%	39%	41%
17+	13%	11%	22%	20%	18%	9%	10%
NY CITY	81%	81%	83%	83%	81%	89%	89%
NYC METRO	8%	7%	7%	7%	10%	5%	6%
OTHER URBAN	6%	6%	4%	4%	5%	3%	3%
REST OF STATE	5%	6%	6%	6%	3%	3%	2%
ROBBERY							
1ST DEGREE	42%	42%	44%	37%	37%	36%	41%
2ND DEGREE	27%	21%	16%	30%	20%	21%	18%
HOMICIDE							
MURDER	8%	11%	16%	10%	16%	11%	16%
MANSALTER	5%	5%	5%	5%	4%	8%	8%
SEXUAL ASSAULT	8%	14%	10%	6%	8%	12%	6%
ASSAULT 1	3%	4%	6%	7%	6%	10%	7%
BURGLARY	4%	1%	1%	3%	6%	2%	3%
OTHER	2%	1%	1%	2%	1%	1%	1%

considerably longer than that of Family Court. Inasmuch as youth prosecuted in Criminal Court are more likely to have spent longer periods of time in detention than those processed in Family Court, it is not unusual to see such admissions of older youth.

Offense Characteristics: Robbery 1st Degree, a class B felony, consistently has been the most prevalent crime for which JOs are convicted. Between 36 and 44 percent of all JO admissions since 1986 were for Robbery 1st degree convictions.

Similarly, between 16 and 30 percent of all JO admissions were for Robbery 2nd degree since 1986. Together, Robbery 1st and 2nd degree accounted for 59% of all JO admissions in 1991.

Of the remaining individual offense categories, only Murder was responsible for more than 10% of JO admissions in each year since 1986. Taken together, Murder and Manslaughter accounted for 24% of all such admissions in 1991.

Overall, JO/YOs are more likely to be convicted of less serious offenses than JOs. Nevertheless, 30% of the JOs admitted during 1991 for Murder and 14% of those admitted for Manslaughter were awarded JO/YO status.

Since JO/YOs tend to have shorter sentences than JOs, any shift in the ratio of JO to JO/YO populations placed with the Division will have an impact on the agency's bed-space requirements and its capacity planning.

LENGTH OF STAY

The Division has little control over where a youth sentenced as a JO can be placed in its residential system, nor does it control the amount of time these youth spend in its custody. Specifically, the court determines the number of youth placed in the Division's custody and the sentence to be served. The Department of Parole determines the date of release from Division custody.

The length of stay experience of JOs is presented in Table 3. Prior to entering a Division facility, most JOs first spend time in a secure detention facility awaiting court processing. Since 1990, for example, JOs spent an average of 3.4 months in detention. JO/YOs spent an average of 2.6 months in detention. Time served in detention is counted toward a youth's sentence unless the judge specifically disallows it. Table 3 illustrates the growing differences in length of stay between youth sentenced as JOs and those sentenced as JO/YOs.

It is interesting to note that although the median length of stay for JO/YOs is predictably lower than that of JOs, the disparity between the median length of stay of these populations has consistently increased over time. Specifically, the median length of stay for JOs and JO/YOs in 1985 was 27.2 and 12.1 months, respectively. During 1991, the length of stay for released JO/YOs fell to an all-time low of 5.8 months, while the length of stay for JOs has remained virtually unchanged.

DISCHARGE STATUS

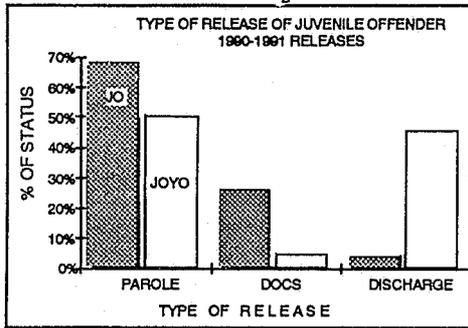
As Figure 3 shows,³ most JOs leaving DFY residential facilities since 1990 were released to the Department of Parole (58%). The next largest category of release was direct discharge (29%). Of all the possible release options, the fewest number of youth were released to the custody of the Department of Correctional Services. In fact, only 38 JOs were transferred to DOCS during 1990 and 1991.

There are, however, significant differences between the release status of JOs and JO/YOs. Figure 3 shows that since 1990, 69%

Table 3

MONTHS OF STAY IN DFY SECURE FACILITIES UPON RELEASE							
RELEASE YEAR	JUVENILE OFFENDERS			J.O. - YOUTHFUL OFFENDERS			
	MEAN	MEDIAN	CASES	MEAN	MEDIAN	CASES	
1980	14.2	14.1	16	13.1	12.7	8	
1981	15.0	15.1	54	12.5	12.2	37	
1982	15.5	14.5	94	9.9	10.8	69	
1983	21.3	19.5	154	11.8	12.2	156	
1984	23.5	21.1	120	12.5	13.3	97	
1985	28.7	27.2	118	12.2	12.1	92	
1986	30.4	29.1	99	10.2	9.8	108	
1987	30.9	29.1	98	12.1	11.5	87	
1988	31.3	29.1	79	12.5	12.0	65	
1989	28.3	27.3	77	11.5	8.5	59	
1990	28.3	23.4	66	9.9	7.1	79	
1991	27.9	23.6	69	8.1	5.8	99	

Figure 3



of JOs were released to Parole, 26% were transferred to DOCS and 6% were discharged. JO/YO releases, by comparison, were almost equally divided between Parole and discharge. As might be expected, given the sentencing parameters pertaining to this group, few JO/YOs were released to DOCS. That is, JO/YOs are less likely to be in the Division's custody at the age of 21, the mandatory age for transfer to DOCS.

SERVICES PROVIDED TO JUVENILE OFFENDERS WHILE IN RESIDENTIAL CARE:

The Division operates five secure facilities with a combined budgeted capacity of 396 beds. These facilities are: Brookwood Secure Cen-

ter, Goshen Secure Center, Harlem Valley Secure Center, and Tryon Girls Center; during 1991, MacCormick Residential Center, formerly a limited secure facility, was converted for use as a secure facility to accommodate the increasing demand for secure residential capacity.

A full range of services is offered at each secure facility. Listed below are some examples of the more specialized services available to youth in the program:

Educational Services: Remedial Education; Resource Room; College Program; English as a Second Language; GED; Job Prep/Occupational Training.

Substance Abuse: Spec Innervisions; Focused-Group Counseling.

Sex Offender: Special Living Unit; Sexuality Education; Focused-Group Counseling.

Mental Health/Counseling: Aggression Replacement Training; Parenting Skills; Individual, Group and Family Counseling.

Notes:

¹ Figures provided are admissions to JO status and include those youth convicted as JOs while in Division Custody. JOs returning to the Division as parole violators were not included (5 in 1991). Thus, these figures will necessarily differ from other publications that only consider new custody entries as admissions.

² Unless otherwise noted, the numbers presented in all figures and tables pertain to the combined total of JOs and JO/YOs.

³ Given the small numbers of specific release types, two years of data were combined.



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