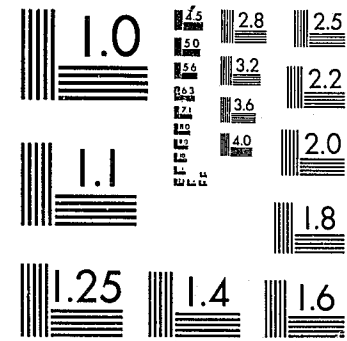


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A Review of the Literature on  
Admission Criteria for Juvenile Secure Treatment Facilities;  
The Incidence of Violent Juvenile Crime; and  
Juvenile Sentencing Structure  
in the States of Washington and New York

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A REVIEW OF THE LITERATURE ON  
ADMISSION CRITERIA FOR JUVENILE SECURE TREATMENT FACILITIES;  
THE INCIDENCE OF VIOLENT JUVENILE CRIME; AND  
JUVENILE SENTENCING STRUCTURE  
IN THE STATES OF WASHINGTON AND NEW YORK

Final Report to the National Institute of Justice  
US Department of Justice

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U.S. Department of Justice  
National Institute of Justice  
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ACQUISITIONS

The following report is a summary of information on criteria governing placement of juveniles in various secure treatment facilities in the juvenile justice system; the documentation of violent juvenile crime, and the sentencing structure in Washington State and New York State. Admission criteria vary from facility to facility on the basis of age, committing offense, social history, past records in the juvenile justice system, and mental health. Differences in opinion exist among authorities as to the rate of violent juvenile crime. Statistics from current literature indicate that nationwide, violent juvenile crime is definitely on the increase. Finally, a brief overview of the juvenile sentencing policy in New York and Washington State is discussed. Washington State uses determinant sentences based on a point system. If the length of the juvenile's record, or the seriousness of the current offense results in a score of 110 or above, the youth is automatically institutionalized. New York State uses indeterminate sentencing for fourteen and fifteen year olds. Those youths sixteen years old and older are tried in the adult court. Youths sixteen to nineteen years are eligible for "youthful offender" status which involves an indeterminate sentence of up to four years. This sentence is imposed at the judge's discretion. The judge can sentence any youth over sixteen as an adult, and must use the adult framework in serious crimes such as murder and kidnapping.

Admission Policies for Juvenile Secure Treatment Facilities

Criteria for admission to juvenile secure treatment facilities are based on juvenile age, social and juvenile justice history, committing offense, and mental health. Hamparian (1978) reviews admission policies for several secure treatment facilities for juveniles. The Green Oak Center in Michigan accepts boys found guilty of felony charges in the juvenile court, and who pose a threat to the safety of the community, to other students, or to themselves. Most of the students have a long history of serious trouble, and have been sentenced for one or more index crimes against persons. The institutional emphasis is on the severely disturbed boy. Green Oak will accept borderline psychotics.

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The Goshen Center in New York accepts fourteen and fifteen year olds still under the jurisdiction of the juvenile court. The program was created for recidivist violent offenders. Most youths were street gang members. The Bronx State Hospital Unit in New York admits boys adjudicated delinquent who are both violent and mentally ill. The youth must have been violent, and judged sufficiently disordered to need psychiatric treatment. Finally, Elan in Maine accepts boys and girls fourteen to twenty-five who are described as violent and institutional misfits.

Schoen (1978) discusses Minnesota's case management program for serious offenders. The program accepts sixteen and seventeen year olds adjudicated on the following basis:

1. "A current adjudication for: murder in any degree, aggravated arson, criminal sexual conduct in the first or second degree, manslaughter in the first or second degree, aggravated assault, or aggravated robbery with a previous adjudication, with the preceding twenty-four months, for an offense which would be a felony if committed by an adult; or
2. A current adjudication for burglary with three previous adjudications within the preceding twenty-four months for an offense which would be a felony if committed by an adult."

#### Incidence of Violent Juvenile Crime

Edelman (1978) states that the incidence of violent crime for minors and adults in New York State and across the nation has peaked and has been declining for the past year. No documentation is offered. Schoen (1978) uses 1976 Part One arrest reports to compare the lower rate of violent juvenile crime in Minnesota to the juvenile violent crime rate in New York. Over 60% of the Part One arrest reports in New York were juveniles as compared to 43% juvenile arrest reports in Minnesota.

Hamparian (1978), using the Uniform Crime Report, states that "juveniles eighteen and under are responsible for almost half of the serious crimes committed in the United States. Crimes committed by juveniles have increased at twice the rate of crimes committed by adults since 1960. Statistics indicate that minors under eighteen account for about a quarter of all arrests; 23.1% of all arrests for

violent crimes, and 43.1% of all arrests for index crimes. There was a 54% increase in the numbers of youth arrested for violent crimes, as compared with a 38.3% increase of those over eighteen between 1970 and 1975."

Boland (1978) cites a Vera Institute of Justice study that indicates that the rate at which seven to seventeen year olds were arrested for violent crime nearly tripled between 1960 and 1975. Boland states that "the rate at which juveniles are arrested for violent crimes has been growing faster even than the rate at which adults are arrested for violent crimes." No documentation is given. Sublett (1978) documents an increase in violent crime by juveniles with a 1977 Time magazine article. He states that "half of all serious crimes in the U.S. are committed by youth aged ten to seventeen. Since 1960 juvenile crime has risen twice as fast as that of adults. In San Francisco, kids of 17 and under are arrested for 57% of all felonies against people and 66% of all crimes against property. Last year in Chicago, one-third of all murders were committed by people aged 20 or younger, a 29% jump over 1975. In Detroit, youths commit so much crime that city officials were forced to impose a 10 p.m. curfew last year for anyone 16 or under."

#### Juvenile Sentencing Structure in the States of Washington and New York

Jim Atkinson (1979) discusses the Washington State juvenile sentencing procedure. Washington is one of several states to use a point system of working with the juvenile outside the adult criminal justice system. A juvenile committed in this system receives a determinate and non-parolable sentence from ninety days to a year. Juvenile judges have no sentencing discretion. Status offenders are automatically diverted to community agencies for social service treatment. Non-status offenders are tracked by juvenile judges on a point system based on the length of the child's record and the seriousness of the current offense. The youth are automatically committed to an institution if these indices push them over one hundred and ten points. Juveniles who are not status offenders and who have not crossed the one hundred and ten points are worked with by the concept of restitution.

Peter B. Edelman (1978) reviews the indeterminate sentencing policy of New York State. The 1977 Juvenile Justice Reform Act covers acts committed by youth ages fourteen and fifteen.

For murder 1 and 2, arson 1, and kidnapping 1, it gives the family court judge discretion to impose a restrictive placement or to choose the pre-existing eighteen month placement which can be renewed annually after the five years until the youngster is twenty-one. The youngster must be held in a secure facility for at least the first year, and in another residential facility for at least a second year. The time spent in any facility can be lengthened at the discretion of the incarcerating agency which is the State Division for Youth. For a larger category of crimes including robbery 1, assault 1, Rape 1, arson 2, manslaughter 1, kidnapping 2, and sodomy 1, the restrictive placement which the judge may choose is for an overall total of three years which, again, is renewable annually until the youngster reaches the age of twenty-one. If the restrictive placement is chosen, the judge must then fix a period of six to twelve months which the youngster must spend in another residential facility. Again, the setting may be extended administratively.

All crimes allegedly committed by persons sixteen and over are tried in the adult courts in New York State. Youth between the ages of sixteen and nineteen are eligible for 'youthful offender' status which involves an indeterminate sentence of up to four years imposed at the discretion of the judge and available for all but the most serious of crimes. But, the judge can also use the adult framework in sentencing anyone over sixteen, and must do so in relation to crimes like murder, first degree arson and kidnapping.

## Summary

All programs for violent juvenile offenders discussed in this report base admission criteria on the juvenile's current adjudication. The programs differ on the emphasis given to other variables such as social history, mental health, and past record.

While a change in the rate of violent crimes by juveniles varies greatly over the past ten year period from state to state and from city to city, an overall increase in violent juvenile crime is documented for the nation as a whole.

Finally, Washinton State uses a determinate, non-parolable sentencing structure for juveniles based on a point system. Points are assigned to juveniles on the basis of the length of the youth's record and the seriousness of the current offense. No mention was made of a separation of violent from nonviolent offenders.

New York State tries youth sixteen and above in the adult court and fourteen and fifteen year olds in the juvenile courts. Both fourteen and fifteen year olds, and sixteen year olds and over can be assigned to various sentencing procedures based on the judge's discretion and the youth's committing offense. Sentences in New York State are indeterminate.

No information is currently available on the following topics: the juvenile sentencing structure of California, the segregation of violent from nonviolent juvenile offenders in Washington and New York, and the weight given to each offense in the Washington State point system of sentencing procedures.

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