
OFFENDERS UNDER AGE 18 IN STATE ADULT CORRECTIONAL SYSTEMS: A NATIONAL PICTURE

Special Issues in Corrections

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Background: Juvenile Crime and its Consequences for State Corrections Agencies

Young offenders account for an increasing share of all violent crime in the United States, and a pattern of increasing violence among juveniles has been well documented. For example, between 1982 and 1991, the number of murder arrests for youths ages 10 to 17 increased by 93 percent, and aggravated assault arrests for this same age group increased by 72 percent.¹ In just one year, from 1992 to 1993, arrests of males under age 18 on charges of murder and non-negligent manslaughter rose 13.5 percent.² Another clear instance is a shift in the number of youthful offenders arrested for burglary (generally defined as breaking into an unoccupied premises) to robbery (which involves the use of force or threat of the use of force against a person). Between 1982 and 1990, arrests of juveniles for burglary decreased 40 percent, while robbery arrests increased 30 percent³

This significant increase in violent crime among juveniles has serious consequences for state adult corrections systems—as well as for the criminal justice system as a whole. What has occurred is a chain reaction similar to the sequence that in the past ten years has swelled adult inmate populations nationwide and, in turn, prompted massive construction and expansion of correctional institutions.

The progression is from: 1) public outrage, to 2) a call for harsher punishments for younger offenders, to 3) the passage of new legislation lowering the age at which juveniles may be bound over to adult court, to 4) increasing numbers of young offenders being sentenced to supervision by adult corrections agencies. The 68 percent increase in transfers to adult court observed between 1988 and 1992⁴ is an indication that the pattern is occurring in many states. And, as the survey information makes clear, the trend is accelerating.

At the end of this chain of events, state corrections departments (DOCs) are facing the need to look closely at their current policies on housing and managing serious youthful offenders and to expect a growth—sometimes a substantial growth—in this population over the next few years.

The Current Study

This report offers the first national picture of how state DOCs are responding to the challenge of dealing with younger inmates under their jurisdiction. The information was obtained from a written questionnaire sent to state contact persons for the NIC Prisons Division and Information Center *Summary for Corrections Administrators*. The survey requested information on the minimum ages at which offenders under age 18

can be sentenced to adult correctional systems, inmate populations, housing policies, programs, and recent legislation affecting these issues.

Forty-nine states plus the District of Columbia and Puerto Rico responded to the survey. Each agency's response is summarized in a profile that outlines the DOC's responsibility for offenders under age 18 and how these offenders are being housed and managed. State profiles begin on page 9.

States' Definitions of "Youthful Offender"

To explore DOCs' use of terms to describe their younger populations, the survey asked for states' definitions of "youthful offender." All but nineteen agencies reported either statutory or agency definitions of the term:

- In five states, all those termed "youthful offender" are over age 18.
- In eleven states, youthful offenders are only those under age 18. Georgia (ages 13 to 17) and Delaware ("13 and over and not amenable to juvenile corrections") include the youngest offenders in their definitions.
- Five states and Puerto Rico clearly include offenders both under and over age 18 in their definitions.
- Eight states define youthful offenders as those under a particular adult age with no specific age minimum.

State profiles include the specific definition used in each state.

'Two states, Arkansas and Pennsylvania, have recently repealed their youthful offender statutes; corrections agencies in these states plus the remaining eighteen states do not use the term "youthful offender."

Recent Legislative Activity

The number of states that have recently enacted legislation dealing specifically with young offenders is a strong indication of policymakers' interest in zeroing in on juvenile crime through harsher punishments. In the past three years, twenty-nine states have passed laws that specifically address youthful offenders.

Among the provisions of this new legislation:

- Eighteen states have expanded the definitions of crimes or lowered the ages at which juveniles may be tried in adult court. Another six states have proposed, but not yet passed, such legislation.
- Two states (Colorado and Wisconsin) have authorized "youthful offender systems" to deal with serious offenders under age 18; another state (New Mexico) formally defined the categories "youthful offender" and "serious youthful offender," both specific to offenders under age 18.
- Three states have established a separate division of the justice system to prosecute or coordinate the state's response to juvenile crime.
- Five states have authorized new housing for offenders under age 18 or defined the circumstances under which they must be separated from adult offenders.

These new state laws have an obvious impact on state corrections agencies. Although there is some variation among states, most DOCs have jurisdiction over offenders of any age who have been tried in adult court and sentenced to incarceration. Regardless of an agency's current policy on housing offenders under age 18 (summarized in Table II and discussed below), the effect of criminal code changes related to juvenile offenders is likely to be increased pressure on an already burdened state corrections system.

Juvenile Population Projections

The survey requested information from DOCs on projected increases in their under-18 inmate populations over the next five years. Twenty-two responding

agencies have projected a growth in their responsibility for this age group, with projections ranging from 1 percent to 730 percent increases:

- **1 to 5 percent increase** projected-Colorado, Maine, Missouri, Oregon, South Dakota, and Vermont.
- **6 to 10 percent increase** projected-Alabama, Florida, and West Virginia.
- **11 to 20 percent increase** projected-District of Columbia, New Jersey, North Carolina, North Dakota, and Wyoming.
- **21 to 50 percent increase** projected-Minnesota and Puerto Rico.
- **Over 50 percent increase** projected-Arizona, Delaware, and Idaho (100 percent); Washington (370 percent); New Mexico (500 percent); and Alaska (730 percent).

Respondents from Georgia, Kansas, and Kentucky indicated that their agencies expect an increase as a result of new legislation pertaining to this age group, but the level of increase has not been projected. Two states (Montana and Oklahoma) projected no increase.

Eligibility for Commitment to the Adult DOC

At present, the youngest age at which an offender may be sentenced to the state's adult correctional system is 12 years, in Washington State. The most common cut-off ages are 14 and 16 years.

In two states (Montana and West Virginia), offenders under age 18 who have been sentenced as adults are never committed to the adult system of the DOC. Table I, page 5, presents data on the minimum ages at which offenders currently may be tried as an adult and committed to the adult DOC.

Policies on Housing Juvenile Offenders

State corrections agencies take a variety of approaches to housing offenders under age 18 who have been sentenced to the DOC:

- Six DOCs house offenders under age 18 in facilities or units that are reserved for this population. At present, adult DOCs in two states (Colorado and Georgia) are operating separate facilities for offenders under age 18. The Wisconsin DOC is, planning a similar approach.
- Twenty-seven DOCs house those under age 18 in the general population of adult institutions, or in protective custody within those institutions if needed.
- Twelve DOCs house their under- 18 populations in facilities or units for youthful offenders aged both under and over 18 years. These facilities often provide programming that is targeted to younger offenders.
- Four DOCs include adult and juvenile divisions and may house those who were sentenced as adults in juvenile facilities.
- Twelve DOCs place those under age 18 with another agency, particularly if the offender is age 16 or younger.
- Many DOCs use a combination of housing options for offenders under age 18. Housing decisions depend on the offender's characteristics and the resources available to the agency. For example, in Alabama, general population housing is used for offenders under age 18 only if they were convicted of a violent crime.

Table 2, page 7, presents each agency's policy on housing offenders under age 18.

As youthful offender populations continue to increase, DOCs may need to re-examine their provisions for housing them. For example, states that prohibit offenders under 18 from being housed in adult facilities may have to provide additional secure settings for serious, violent youthful offenders. On the other hand, those that currently house those under 18 in the

general population may have to find alternatives, as offenders as young as 13 may be under their jurisdiction in the future.

Offender Management Issues

Disciplinary incidents. Violent or serious youthful offenders who have been sentenced as adults might be expected to present special management problems. However, more data would be needed to make an observation on this issue, as only five responding DOCs were able to report on the comparative rates of youthful and adult offenders' involvement in disciplinary incidents:

- In Arkansas, youthful offenders had a 9 percent higher rate of disciplinary charges involving assault, battery, or sex offenses than the department average.
- Florida reported average rates of disciplinary reports by age group as follows: under age 16 = 2.5 reports; ages 16 to 17 = 3.4 reports; ages 18 to 21 = 4.0 reports; ages 22+ = 3.3 reports.
- The percentage of Georgia's youthful offenders involved in disciplinary incidents was 15 percent, compared to approximately 7.5 percent for the rest of the population.
- Oklahoma's Youth Command had 2.6 rule violations per offender for FY'93-94, while the adult population had 1.4 rule violations per offender for the same period.
- Of Oregon's high risk offenders (those with six or more violations within a twelve-month period), a higher percentage (39 percent) were youthful offenders under age 23 than were of any other age group.

Respondents from Michigan Ohio, Nebraska, Wisconsin, and South Carolina also indicated that youthful offenders have been involved in more disciplinary incidents than the rest of the population, but

they did not provide specific statistics. The Missouri DOC respondent indicated that youthful offenders do not have a higher violation rate than others.

Staff selection and training. Few DOCs, with the exception of those that include youthful offender systems, currently have special staffing policies for selecting or training those who work with youthful offenders.

Programs for young offenders. Because the numbers of offenders under age 18 in the adult system are still small in most states, few adult agencies provide special programming developed for this population. Most programs available to those under age 18 are comparable to or only slightly different from programs for adults. However, some DOCs, such as those in Colorado, Georgia, and Florida, are providing or developing programs specifically targeted to the needs of young offenders in areas such as education, vocational training, life skills, and substance abuse treatment. State profiles provide additional information.

Conclusion

This report provides only a brief overview of state corrections' agencies responsibilities and policies related to youthful offenders. The resulting broad national picture suggests that more information and analysis may be needed to help agencies plan for the almost inevitable increases in their youthful offender populations over the next few years.

Notes

1. John J. Wilson and James C. Howell. *Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders: Program Summary* (Washington, D.C.: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, 1993), p. 2.
2. *Uniform Crime Reports, 1993* (Washington, D.C.: Federal Bureau of Investigation, 1994). p. 226.
3. *Uniform Crime Reports, 1990* (Washington, D.C.: Federal Bureau of Investigation, 1991). p. 178.
4. Jeffrey A. Butts, "Offenders in Juvenile Court, 1992." *OJJDP Update on Statistics* (October 1994), p. 2.

Table I. Juvenile Offender Age Limits and DOC Populations

	Youngest Age at Which Offender is Eligible for:		No. of Juveniles Received in Custody by the DOC During 1993 ¹	Youthful Inmate Populations in Adult Correctional Systems, June 30, 1994			Notes
	Trial in adult court	Commitment to adult DOC		13-15 yrs.	16-17 yrs.	18-21 yrs.	
Alabama	14	14	191	4	90	1,560	
Alaska	No limit	No limit	N/A	0	3	1,204	
Arizona	No limit	No limit	45	1	54	1,503	
Arkansas	13	13	N/A	11	140	1,282	
California	16	16	49 *	0	25	8,514	* Most juveniles who are sentenced as adults are sent directly to a Youth Authority institution. They are not included in the count of 49.
Colorado	14	14	25	5	38	200 *	*This figure is for offenders ages 18 to 19 years.
Connecticut	16	16	N/A	0	334*	1,536	*This figure includes both sentenced and unsentenced offenders.
Delaware	13	13	2	0	2	N/A	
District of Columbia	15	15	N/A	0	93	858	
Florida	14	14	380*	39	740	6,007	* This figure is for July 1993 to August 1994.
Georgia	13	13	189	8	163	2,890	
Hawaii	16	16	14	0	1	180	
Idaho	14	14	7	3	6	194	
Illinois	13	17	405 * 100 **	0 * 16 **	168 * 143 **	4,966 * 20 **	*These figures are for the DOC's Adult Division only. ** These figures include felons housed by the DOC's Juvenile Division.
Indiana	16	16	52	0	8	788	
Iowa	14	14	N/A	17 aged 13 to 17 yrs.		448 *	*This figure is for offenders ages 18 to 20 years.
Kansas	14	16	37	0	19	599	
Kentucky	14	14	0	0	0	359 *	*This figure is for offenders ages 18 to 20 years.
Louisiana	14	14	51	0	21	1,506	
Maine	No limit *	No limit	N/A	0	0	63	*However, juveniles are not often bound over.
Maryland	(Information not available.)						
Massachusetts	No limit	No limit	23	0	9	747	
Michigan	15	15	170	0	89	3,401	
Minnesota	14	14	13	0	15 *	526 *	These figures are as of August 29, 1994.
Mississippi	13	13	140	5	98	1,060	
Missouri	14	15	170	0	22	1,534	
Montana	12	18	0	0	0	107	
Nebraska	No limit	No limit	23	1	15	316	

1. These figures may include juvenile offenders under DOC jurisdiction who were entering probation or other community corrections supervision.

Table I, continued

	Youngest Age at Which Offender is Eligible for:		No. of Juveniles Received in Custody by the DOC During 1993 ¹	Youthful Inmate Populations in Adult Correctional Systems, June 30, 1994			Notes
	Trial in adult court	Commitment to adult DOC		13-15 yrs.	16-17 yrs.	18-21 yrs.	
Nevada	8	14	N/A	3	23	466	
New Hampshire	15	15	0	0	2	59	
New Jersey	14	11	812	109	390	2,231	The DOC includes adult and juvenile divisions. Only 55 offenders under age 18 are held in adult facilities.
New Mexico	15	15	15	2	17	230	
New York	13	16	824	0	487	5,953	
North Carolina	13	13	1,226	18	451	2,982	
North Dakota	14	14	N/A	0	2	20	The DOC includes adult and juvenile divisions. Only 2 offenders under age 18 are held in adult facilities.
Ohio	15	15	48	1	84	3,805	
Oklahoma	No limit	No limit	145	5	110	1,376	
Oregon	14	16	10	0	10	564	
Pennsylvania	14	14	35	0	53	678 *	*This figure includes those aged 18 to 20 years.
Rhode Island	No limit	No limit	12	1	8	245	
South Carolina	No limit	17	N/A	0	870 *	N/A	* This figure includes those ages 17 to 19.
South Dakota	No limit	No limit	2	0	4	99	
Tennessee	No limit	No limit	35	0	15	801	
Texas	15	15	348	3	61	306 *	*This figure includes only inmates aged 18 years.
Utah	14	14	9	0	11	268	
Vermont	10	16	40	0	9	72	
Virginia	15	No limit	96	0	71	1,961	
Washington	12	12	45	2	40	1,002	
West Virginia	16	18	N/A	N/A	7	110 *	*This figure includes offenders ages 18 to 25 held in a youthful offender facility.
Wisconsin	14	14	112	0	52	1,378	
Wyoming	13	13	32	0	17	157	
Puerto Rico	16	16	187	0	138	695	

1. These figures may include juvenile offenders under DOC jurisdiction who were entering probation or other community corrections supervision.

Table II. Policies for Housing Offenders Under Age 18 Who Were Sentenced As Adults

	Offenders Under Age 18 Are Housed in DOC Facilities				Offenders Under Age 18 Are Housed Outside the DOC	Notes
	Housing Is Separate from All Adults	Housing Is with Youthful Offenders ¹	Housing Is in the Adult Population	Housing Is in the DOC's Juvenile Division		
Alabama		✓	✓			The DOC's Youth Center houses those ages 25 and younger serving time for non-violent offenses; violent offenders ages 25 and under are housed in the general population.
Alaska			✓			Special housing assignments such as protective custody are made if appropriate and available.
Arizona	✓					Offenders under age 18 are housed in a separate unit in an adult facility.
Arkansas		✓				Offenders under age 18 are housed at a facility that holds primarily males ages 21 and under who are first offenders.
California			✓	✓		Offenders under age 18 are normally sent to a DOC Youth Authority institution. If rejected by the Authority, they may be placed in adult institutions.
Colorado	✓		✓			The state's Youthful Offender System provides separate facilities for offenders under age 18. Offenders under age 18 also may be sentenced to the DOC, where they are housed in the general population.
Connecticut		✓	✓			The state's unified system holds sentenced and unsentenced adult and juvenile offenders.
Delaware			✓			The state's unified system holds sentenced and unsentenced offenders.
District of Columbia		✓				
Florida		✓				New legislation mandates separate facilities.
Georgia	✓	✓				
Hawaii					✓	Offenders are reassigned by contract with the Office of Children and Youth.
Idaho			✓		✓	Some offenders under 18 years are housed through contracts with the youth agency or other states.
Illinois			✓	✓		The DOC's Juvenile Division operates separate facilities for offenders under age 17. Those sentenced to the Adult Division are housed in the general population.
Indiana			✓			
Iowa			✓		✓	Some are placed with the juvenile authority.
Kansas			✓		✓	Those under age 16 are reassigned to a youth center operated by Social and Rehabilitative Services.
Kentucky					✓	All those under 18 are housed in Cabinet for Human Resources facilities. A new law will allow placement in adult facilities.
Louisiana			✓			Juveniles ages 14 to 16 under adult jurisdiction are held in the Protection Unit or placed in an appropriate living unit in the general population. A 17-year-old is automatically treated as an adult.
Maine			✓			Those under age 18 are housed in the general population unless they require special housing.
Maryland	(Information not available.)					
Massachusetts			✓			Juveniles are placed in protective custody if needed

1. These states' youthful offender facilities house offenders in a range of ages, including those both over and under age 18.

Table II, continued

	Offenders Under Age 18 Are Housed in DOC Facilities				Offenders Under Age 18 Are Housed Outside the DOC	Notes
	Housing Is Separate from All Adults	Housing Is with Youthful Offenders ¹	Housing Is in the Adult Population	Housing Is in the DOC's Juvenile Division		
Michigan		✓	✓			Two youthful offender facilities are available; some are placed in other facilities or camps.
Minnesota			✓			
Mississippi			✓			Juveniles are placed in protective custody if needed.
Missouri		✓				(Females under age 18 are housed with the general population.)
Montana					✓	DOC has jurisdiction only for those over age 18.
Nebraska	✓		✓			Offenders under age 16 are housed separately from adults; those ages 16 to 18 are housed in the general population.
Nevada			✓		✓	Assignment depends on the age and level of sophistication of the inmate. Inmates may be transferred to the state's juvenile institution.
New Hampshire			✓		✓	If classification procedure determines that offenders under age 18 cannot be placed in the general population, they are sent out of state.
New Jersey			✓	✓		
New Mexico			✓			
New York	✓		✓			Juvenile offenders may be clustered within designated adult facilities that present special programs.
North Carolina		✓				
North Dakota			✓			
Ohio			✓			Juvenile offenders are generally held in certain facilities with younger populations.
Oklahoma			✓			
Oregon			✓		✓	Offenders up to age 21 may be transferred to the Children's Services Division. Those as young as 17 years may be housed in adult institutions.
Pennsylvania			✓			
Rhode Island			✓			
South Carolina		✓			✓	Those under age 17 are housed by the Division of Juvenile Justice.
South Dakota			✓			
Tennessee	✓				✓	Those under age 16 are housed in Department of Youth facilities.
Texas			✓			
Utah			✓			
Vermont			✓			
Virginia		✓				
Washington			✓		✓	Younger offenders are housed by contract with the youth authority.
West Virginia				✓		
Wisconsin			✓			(A facility for offenders under age 18 is planned to begin operating in 1996.)
Wyoming			✓			
Puerto Rico		✓			✓	Offenders under age 18 are housed by the youth authority or in a separate youth facility.

1. These states' youthful offender facilities house offenders in a range of ages, including those both over and under age 18.

STATE PROFILES

Alabama

Definition of "youthful offender": *Less than 21* year8 old.

Youngest age for adult court: 14, for any felony.

Agency responsibility: Offenders at least 14 years old may be under DOC supervision. Responsibility for those under 21 is shared with the Department of Youth Services.

Recent legislation: A recent bill requires mandatory transfer to criminal court of offenders 16 years old or older who commit Class A felonies or certain serious criminal offenses.

Total under-18 inmate population, September 30, 1994: 94

Projection of growth in under-18 population in the next five years: 8.5 percent.

Housing of offenders under age 18: Non-violent offenders 25 years old and under are housed at the Frank Lee Youth Center. Violent offenders of any age are housed with the general population.

Offender management: No special provisions.

Alaska

Definition of "youthful offender": No definition.

Youngest age for adult court: There is no lower age limit. Offenders age 16 or over are automatically remanded to adult court if arraigned on one of the following charges: Murder I or II, Kidnapping, Manslaughter, Robbery I, Sexual Assault I, Sexual Abuse of a Minor I, Assault I, Arson I.

Agency responsibility: The DOC has jurisdiction over any juvenile waived to adult court. If not waived, the Department of Social Services has jurisdiction. If the offender has been automatically waived, but found guilty of a lesser, non-automatic waiver offense, jurisdiction may return to Social Services.

Recent legislation: A new law provides that a minor aged 16 or over arraigned on one of the charges listed above "shall be charged, prosecuted, and sentenced in the superior court in the same manner as an adult unless the minor is convicted of some offense other than an offense specified in this subsection, in which event the minor may attempt to prove, by a preponderance of the evidence, that the minor is amenable to treatment"

Total under-18 inmate population, June 30, 1994: 3

Projection of growth in under-18 population in the next five years: 730 percent.

Housing of offenders under age 18: Offenders under age 18 are housed in the general population; if appropriate, they are given special housing/room assignment, including protective custody.

Offender management: No special provisions.

Arizona

Definition of "youthful offender": No definition.

Youngest age for adult court: No age limit.

Agency responsibility: The DOC has jurisdiction over all juveniles convicted in adult court.

Recent legislation: Legislation is pending that would require a 16 or 17 year old adjudicated for one of the following violent offense to be processed through adult court: first or second degree murder; sexual

assault involving the use or threat of a deadly weapon or infliction of serious physical injury; use of a firearm; or the offender committed a class 2, 3, or 4 felony and on four prior occasions was adjudicated delinquent (and at least one of the priors was for aggravated assault, armed robbery, sexual assault, burglary).

Total under-18 inmate population, June 30, 1994: 55

Projection of growth in under-18 population in the next five years: 100 percent.

Housing of offenders under age 18: Male offenders under age 18 are housed in a separate unit in the Tucson Prison Complex. Females under age 18 are housed in a separate area at a Phoenix facility.

Offender management: No special provisions.

Arkansas

Definition of "youthful offender": The state no longer has an active definition of youthful offender, as a result of the repeal of two "youthful offender" statutes.

Youngest age for adult court: 13

Agency responsibility: The youngest age at which an offender may be under the authority of the DOC is 13. Young offenders also may be sentenced to the Department of Human Services, Division of Children and Family Services. The prosecuting attorney decides whether to file charges as an adult or as a juvenile.

Recent legislation: A recent bill added to the offenses for which a 14- or 15-year-old may be charged in adult court. Proposed legislation defines habitual juvenile offenders and their waiver to adult court.

Total under-18 inmate population, June 30, 1994: 151

Projection of growth in under-18 population in the next five years: No projection

Housing of offenders under age 18: Offenders under age 18 who are sentenced as adults are housed at a facility consisting primarily of male inmates 21 years of age and younger who are first offenders.

Offender management: No special provisions.

California

Definition of "youthful offender": Persons under the age of 21 years at the time of apprehension, from which the criminal proceeding resulted.

Youngest age for adult court: 16, for 1st degree murder.

Agency responsibility: The youngest age at which an offender may be incarcerated by the DOC is 16. Cases sentenced under the Welfare & Institutions Code are housed in the California Youth Authority until they are paroled, rejected by the Youth Authority, or reach the age of 25-whichever comes first. The Youth Authority provides services for both those under age 18 and adults apprehended or sentenced while under 21 years of age.

Recent legislation: A 1994 amendment changed to 14 the age at which a juvenile may be committed or transferred to a Youth Authority state prison. The amendment also prohibits any person under the age of 16 from being housed in a facility under the jurisdiction of the Department of Corrections. A second bill provides that no minor may be committed to the Youth Authority when he or she is convicted for specified offenses or sentenced to "incarceration for life, an indeterminate period to life, or a determinate period of years such that the maximum number of years of potential confinement when added to the minor's age would exceed 25 years."

Total under-18 inmate population, June 30, 1994: 25. (Most juveniles sentenced as adults are sent directly to a California Youth Authority institution. They are not included in this count.)

Projection of growth in under-18 population in the next five years: No projection.

Housing of offenders under age 18: Offenders under age 18 who are not sent to a Youth Authority institution are housed in the general population of adult facilities.

Offender management: No special provisions.

Colorado

Definition of “youthful offender”: Those between 14 and 18 years of age.

Youngest age for adult court: 14

Agency responsibility: The DOC has jurisdiction over offenders between ages 14 and 18 if: 1) their case was filed directly in district court and they were sentenced to the DOC, or 2) if the sentence was suspended and the youth was sentenced to the Youthful Offender System (YOS) under the supervision of the DOC.

Recent legislation: Colorado created the YOS in 1994. The system targets youthful felons who have been found guilty of Class 3-6 felonies involving the use or threat of use of a deadly weapon.

Total under-18 inmate population, June 30, 1994: 44

Projection of growth in under-18 population in the next five years: 2 to 3 percent.

Housing of offenders under age 18: Offenders under age 18 sentenced directly to the DOC are housed in the general population. Offenders under age 18 in the YOS are being housed temporarily in a stand-alone facility retrofitted for this purpose. Its design capacity is 96. A permanent YOS facility will be built in two years.

Offender management: The YOS is designed to:

- Teach self-discipline by providing clear consequences for behavior;
- Create a daily regimen that totally occupies offenders in physical training, strict discipline, self-discipline, learning, work, and meaningful social interaction;

- Replace gang principles with community-accepted values;
- Provide staff models and mentors who promote the development of socially accepted behavior and attitudes;
- Reinforce use of cognitive behavior strategies that change criminal thinking;
- Teach youth offenders problem-solving skills that serve as alternatives to criminal activity;
- Create new group norms where positive peer influences promote behavioral change;
- Provide a “second last chance” to learn and develop positive self-concepts and the value of service to others.

Staff of the Youth Offender System are specially selected and trained.

Connecticut

Definition of “youthful offender”: 16 to 20 years of age.

Youngest age for adult court: 16

Agency responsibility: The DOC is a unified system. Sentenced and unsentenced offenders age 16 and older are under its jurisdiction.

Recent legislation: None.

Total under-18 inmate population, June 30, 1994: 334 (includes both sentenced and unsentenced inmates).

Projection of growth in under-18 population in the next five years: No projection.

Housing of offenders under age 18: Offenders ages 16 to 19 are generally housed in separate facilities but may be held in adult facilities for proximity to courts.

The legal capacity of one youth facility is 564; the average daily population in FY'93-94 was 605.

Offender management. The DOC pays special attention to selecting staff who will work with youthful offenders; these staff are also given special training. The agency offers programs such as education, vocational training, alcohol/drug abuse programming, and violence prevention for youthful offenders at the stand-alone youth facility.

Delaware

Definition of "youthful offender": Those ages 13 and older who are not amenable to juvenile corrections.

Youngest age for adult court: Youths aged 13 and over may be remanded to adult court for capital offenses or felonies.

Agency responsibility: The DOC is a unified state system, with responsibility for both sentenced and unsentenced offenders. The Department may house offenders as young as 13; the Department of Children's Services must provide certain services, such as nutrition and education.

Recent legislation: A recent bill provides that when a child is sentenced as an adult, there shall be a joint placement decision made by the Commissioner of Corrections and the Director of the Division of Youth Rehabilitative Services, or their designees, to determine "whether to confine the child in a juvenile or adult correctional facility until the child reaches his or her eighteenth birthday." The placement decision "shall take into account such factors as the child's age and maturity, the nature and circumstances of the offense for which the child was convicted, the child's prior offense history, the security and programs at each of the correctional facilities, the child's behavior while in detention, and any other relevant factors." At any point during the course of confinement, an administrative review of placement may be requested.

Total under-18 inmate population, June 30, 1994: 2

Projection of growth in under-18 population in the next five years: 100 percent

Housing of offenders under age 18: Offenders under 18 are housed in the general population.

Offender management: No special provisions.

District of Columbia

Definition of "youthful offender": There are two definitions. A Youth Offender, according to D.C. Code, is a person less than 22 years old convicted of a crime other than murder. Under the D.C. Youth Rehabilitation Act, youthful offenders are those from 18 to 26 years of age.

Youngest age for adult court: 15

Agency responsibility: The Department of Corrections has responsibility when an offender 15 years or older is convicted of murder, rape, armed robbery, burglary I, or assault with intent to commit one of these crimes.

Recent legislation: None.

Total under-18 inmate population, June 30, 1994: 93

Projection of growth in under-18 population in the next five years: 14.3 percent.

Housing of offenders under age 18: Youthful offenders under the DC Youth Rehabilitation Act are housed in a stand-alone youth facility that opened in 1960. The design capacity as of May 1994 was 838; the ADP in June 1994 was 741.

Offender management: The DOC hires and trains specially-selected staff to work with youthful offenders. Special programs designed for these offenders include violence prevention, substance abuse treatment, vocational development, and life skills training.

Florida

Definition of 'youthful offender': There are two definitions. As defined by the court, a youthful offender has no prior prison commitment and the current offense was committed prior to the offender's 21st birthday. The Department of Corrections' designation of a youthful offender is one who: a) is less than 25 years old and sentenced up to 10 years; b) less than 20 years old and sentenced to more than 10 years and is vulnerable to adult predation. No capital or life felons are eligible for the DOC's designation of youthful offender.

Youngest age for adult court: 14. The State Attorney may file in adult court against a juvenile, regardless of age, who has committed a serious or violent crime. The State Attorney must prosecute as an adult a juvenile with three prior felony adjudications and three residential commitments.

Agency responsibility: The youngest age at which an offender may be incarcerated by the DOC is 14 years old. However, an even younger offender may be eligible if the grand jury indictment charges a capital or life felony. Responsibility for young offenders is shared with the Department of Juvenile Justice, effective October 1, 1994. Jurisdiction depends on determination of the court or a direct filing by the State Attorney in adult court.

Recent legislation: As a result of a change in Florida law, offenders 18 years and younger must be housed separately from older youthful offenders.

Total under-18 inmate population, June 30, 1994:
779

Projection of growth in under-18 population in the next five years: 8.3 percent per year, the most recent annual growth rate from FY'93 to FY'94.

Housing of offenders under age 18: Since 1976, offenders under age 18 have been housed in separate facilities for youthful offenders. The capacity of the youthful offender facilities is 2,500; their average daily population is at full capacity.

Offender management: The DOC hires and trains specially-selected staff to work with youthful

offenders. Offenders under age 18 have the opportunity to participate in a range of programs, some more geared toward this age group than others. Specialized approaches for this age group include: enhanced reception testing and needs assessment, including vocational assessment, leading toward the development of an Individualized Development Plan; a strong emphasis on vocational and job training; and added education in the areas of civics and citizenship. A therapeutic community for substance abuse treatment is also available for youth.

Georgia

Definition of 'youthful offender': Those 13 to 17 years of age.

Youngest age for adult court: 13. For murder, voluntary manslaughter, armed robbery, aggravated battery, rape, aggravated sodomy, aggravated child molestation, kidnapping, arson in the first degree.

Agency responsibility: For offenders adjudicated as adults the DOC has responsibility. Jurisdiction is shared with the Department of Children and Youth Services for offenders at risk or incorrigible.

Recent legislation: The "School Safety and Juvenile Justice Reform Act of 1994" allows sentencing of 13- to 17-year-olds as adults.

Total under-18 inmate population, June 30, 1994:
171

Projection of growth in under-18 population in the next five years: The DOC has made no specific projection, but new legislation allowing sentencing of 13- to 17-year-olds as adults will change population drastically.

Housing of offenders under age 18: Offenders under the age of 18 are housed separately from adults. A stand-alone facility specifically designed for this population first housed youthful offenders in June 1993. Its design capacity is 97; ADP is 70 to 75, but it is at full capacity at present.

Offender management: Current NIC technical assistance is being provided to develop staff training and improved programming for youthful offenders. Initial planning is under way to train staff in aggression replacement and skills streaming. The DOC is planning to work toward pro-social gang group activities and to implement staff training to establish new incentives and a facility-wide plan for positive environment applications. The DOC will also provide programming in "Rites of Passage" into manhood. All juveniles are required to participate in two hours of academic training per day, including special education.

Hawaii

Definition of "youthful offender": Less than 22 years old.

Youngest age for adult court: 16, for any felony.

Agency responsibility: Only juveniles adjudicated in adult court may be placed in an adult facility, and most are not assigned to adult facilities. An agreement with the Office of Children and Youth allows placement at the juvenile facility until the offender is 18 or 19 years old.

Recent legislation: None.

Total under-18 inmate population, June 30, 1994: 1

Projection of growth in under-18 population in the next five years: No projection.

Housing of offenders under age 18: Offenders under age 18 are housed outside the DOC through a contract with the Office of Children and Youth.

Offender management: No special provisions.

Idaho

Definition of "youthful offender": Generally, those less than 19 years old.

Youngest age for adult court: 14, for any crime which would be a felony if committed by an adult.

Agency responsibility: The DOC has jurisdiction over juveniles sentenced as adults. The Department of Health and Welfare, Division of Family and Children's Services, deals with juveniles sentenced as juveniles.

Recent legislation: The juvenile justice system in the state will change significantly in July 1995. As of that date, a new agency, the Juvenile Corrections Agency, will have jurisdiction over juvenile offenders.

Total under-18 inmate population, June 30, 1994: 9

Projection of growth in under-18 population in the next five years: 100 percent.

Housing of offenders under age 18: Offenders under age 18 are housed in the general population in adult facilities, through a contract with the youth authority, or by contract with other states.

Offender management: No special provisions.

Illinois

Definition of "youthful offender": No definition.

Youngest age for adult court: 13, for any crime under Illinois law.

Agency responsibility: The Illinois DOC includes both Adult and Juvenile Divisions. Juveniles under age 17 sentenced as adults for a felony are committed to the Juvenile Division and are eligible for transfer to the Adult Division at age 17. The minimum age for adult facilities is 17.

Recent legislation: Anti-crime amendments, which took effect January 1, 1995, include provisions that make it easier to transfer to criminal court 15 and 16-year-olds charged with gang- or drug-related felonies involving firearms. The legislation also will allow for detention beyond the current 30-day limit of youths ages 10 to 13 who are believed to pose a danger to themselves or others. It also increased penalties for

unlawful possession or sale of handguns, especially to juveniles and establishes a minimum five-year sentence for youths ages 13 to 16 who commit murder.

Total under-18 population, June 30, 1994: Adult Division (age 17)-168; Juvenile Division (felons sentenced as adults)-159.

Projection of growth in under-18 population in the next five years: No projection.

Housing of offenders under age 18: Youthful offenders (ages 17 and over) sentenced as adults are housed in the general population in adult facilities. Those under 17 who are sentenced as adults are housed in juvenile facilities.

Offender management: No special provisions for those in adult institutions.

Indiana

Definition of "youthful offender": No definition.

Youngest age for adult court: 16

Agency responsibility: The Indiana DOC includes both adult and juvenile divisions. Serious offenders aged 16 and over may be housed in adult facilities.

Recent legislation: A recent change in law requires youthful offenders to be separated from adults in jails. Pending bills propose to lower the age and increase the crimes for being waived to adult court.

Total under-18 population, June 30, 1994: 8 in adult facilities. (95 as of January 4, 1995.)

Projection of growth in under-18 population in the next five years: No specific projection, but an increase is anticipated because of proposed legislation.

Housing of offenders under age 18: Youthful offenders ages 16 and over convicted in adult court are housed in the general population in adult facilities.

Offender management: No special provisions for those in adult institutions.

Iowa

Definition of "youthful offender": No definition.

Youngest age for adult court: 14

Agency responsibility: The Iowa DOC has jurisdiction over juveniles adjudicated as adults. The Department of Human Services has jurisdiction for those sentenced in juvenile court

Recent legislation: None.

Total under-18 population, June 30, 1994: 17

Projection of growth in under-18 population in the next five years: No projection

Housing of offenders under age 18: Youthful offenders are housed in the general population in adult facilities, or other arrangements can be made. These offenders can be placed in juvenile facilities through an agreement with the juvenile authority, if appropriate, or in protective custody.

Offender management: No special provisions for those in adult institutions.

Kansas

Definition of "youthful offender": No definition. "Under 18" is a category used in identifying the youngest age group.

Youngest age for adult court: 14, for severity level 1-3 crimes (non-drug grid) or severity level 1-2 (drug grid).

Agency responsibility: A 14- to 15-year-old may be prosecuted as an adult. If convicted, the youth is legally in the custody of the Secretary of Corrections

but goes to a youth center operated by Social and Rehabilitative Services at least until age 16, possibly until age 21.

Recent legislation: A new law provides for expanded adult prosecution for 16- and 17-year-olds. It requires only one prior juvenile adjudication for what would be an adult felony before prosecuting as an adult. The old law required two juvenile adjudications.

Total under-18 inmate population, June 30, 1994: 19

Projection of growth in under-18 population in the next five years: With the recent changes in laws pertaining to this age group, the DOC expects an increase, but the level of growth has not been projected.

Housing of offenders under age 18: Youthful offenders are now housed in the general population. Given the change in law, which is expected to produce an increase in the under-18 population, specific housing needs, if any, of offenders in this age group will be reevaluated.

Offender management: No special provisions.

Kentucky

Definition of "youthful offender": 14 to 18 years old.

Youngest age for adult court: 14

Agency responsibility: Prior to the 1994 legislative session, all adjudicated youth were placed with the Cabinet for Human Resources for secure detention until they were at least age 18. On reaching age 18, they could be placed with the DOC. New legislation requires that juvenile offenders adjudicated as adults be incarcerated in adult facilities.

Recent legislation: Legislation passed in 1994 requires the automatic transfer of juveniles aged 14 and over to circuit court if charged with a capital offense or an offense which classifies an adult as a violent offender, a felony offense under KRS 218A, or a felony offense in which a firearm was used,

displayed, or possessed during the commission of the crime. If convicted, juveniles are to be treated as adults.

Total under-18 inmate population, June 30, 1994: 0

Projection of growth in under-18 population in the next five years: Because of the new law, the DOC expects an increase, but the agency has made no specific projection.

Housing of offenders under age 18: Currently, youthful offenders are all housed in the Cabinet for Human Resources facilities. There have been no convictions under the new law.

Offender management: No special provisions.

Louisiana

Definition of "youthful offender": No definition.

Youngest age for adult court: 14, for first degree murder, second degree murder, aggravated kidnapping, aggravated rape, aggravated battery committed with a firearm, armed robbery committed with a firearm, and aggravated oral sexual battery.

Agency responsibility: The DOC has custody of adults and juveniles. Juveniles transferred and tried in adult court are housed in adult facilities.

Recent legislation: A new bill makes it possible to transfer 14-year-olds for certain crimes and adds crimes for which 15- and 16-year-olds can be transferred to adult court. A 14-year-old transferred to adult jurisdiction cannot be held beyond his/her 31st birthday.

Total under-18 inmate population, June 30, 1994: 21

Projection of growth in under-18 population in the next five years: No projection.

Housing of offenders under age 18: Depending on their size and maturity, juveniles (i.e., persons 14 to 16 years of age) who are transferred to adult jurisdiction

are held in the Protection Unit or placed in an appropriate housing unit in the general population. A 17-year-old is automatically treated as an adult.

Offender management: No special provisions.

Maine

Definition of "youthful offender": No definition.

Youngest age for adult court: There is no lower age limit. Juveniles must meet specific criteria to be bound over. Juveniles are not bound over very often; most of those who are bound over are at least age 16.

Agency responsibility: The Maine DOC is responsible for adult and juvenile offenders. Juveniles are held at the Maine Youth Center unless they have been bound over.

Recent legislation: None.

Total under-18 inmate population, June 30, 1994: The DOC has no offenders under age 18 in adult facilities.

Projection of growth in under-18 population in the next five years: +/- 1 to 2 percent.

Housing of offenders under age 18: Juvenile offenders are housed at a stand-alone facility built in 1853. Any juveniles bound over as adults would be housed in the general population of adult facilities, unless they required special housing.

Offender management: Juvenile offenders receive special programs at the Maine Youth Center. The DOC has no special programs for juveniles bound over as adults.

Maryland

(Information not available.)

Massachusetts

Definition of "youthful offender": No definition.

Youngest age for adult court: There is no lower age limit.

Agency responsibility: The Massachusetts DOC has jurisdiction over all youthful offenders sentenced by adult court.

Recent legislation: A 1993 act provided that a juvenile indicted for murder may be tried in adult court. Proposed legislation would establish a prevention program for youthful offenders. A separate bill would lower the age for prosecution as an adult for certain crimes to 14 years old.

Total under-18 inmate population, June 30, 1994: 9

Projection of growth in under-18 population in the next five years: No projection.

Housing of offenders under age 18: Under-18 year olds are housed in the general population or in protective custody, if appropriate.

Offender management: No special provisions.

Michigan

Definition of "youthful offender": Less than 21 years old.

Youngest age for adult court: 15. Michigan has two methods for waiving juveniles to adult courts. The "traditional method" permits the county prosecutor to seek a waiver via the juvenile court through a two-step waiver process for any 15- or 16-year-old youth accused of committing a felony. If the juvenile judge waives the youth to adult court, upon conviction, the trial court judge's sentencing options are limited to that of any other adult offender.

The "prosecutorial discretionary waiver process" permits a county prosecutor to have a 15- or 16-year-old accused of any of nine specific felonies (that could

result in life imprisonment if convicted in adult court) to be arraigned in adult court. Upon conviction, the judge may sentence the youth to prison or place him/her on adult probation and has the opportunity to remand the youth to the Department of Social Services for custody and treatment.

Agency responsibility: The Michigan Department of Corrections has jurisdiction over offenders age 17 and older and waived 15- or 16-year-olds who are sentenced to the DOC.

Recent legislation: None has recently been enacted. However, a series of bills have been introduced that would lower the waiver age to 14. Upon conviction in adult court, the juvenile could be sentenced to prison. For conviction of first degree murder or possession/sale of more than 650 grams of controlled substances, the sentencing options are mandatory life imprisonment with possibility of parole or, at least, a mandatory minimum term of 25 years.

Total under-18 inmate population, June 30, 1994: 89

Projection of growth in under-18 population: No projection.

Housing of offenders under age 18: Medium custody offenders under age 18 may be housed in a stand-alone youthful offender facility for those under age 21. The design capacity of this facility, which opened in 1958, is 703. With double bunking in August 1994, the population was 1,313.

Close custody prisoners under the age of 26 may be housed in a stand-alone facility that was opened in 1877 and has a design capacity of 1,241. In August 1994 the population was 1,162.

Based on their security classification and treatment/education needs, offenders under age 18 also may be housed in most of the department's other thirty-five correctional institutions and sixteen camps.

Offender management: No special provisions.

Minnesota

Definition of "youthful offender": No definition.

Youngest age for adult court: 14, for any felony level offense, as of January 1, 1995. Before that date, any criminal level offense could be transferred. Transfer to adult court does not presume that an eventual sentence will be to the Department of Corrections.

Agency responsibility: The Department of Corrections or local probation departments have jurisdiction over certified adults convicted in adult court.

Recent legislation: A recent bill established an Extended Jurisdiction Juvenile Proceeding, a proceeding involving a child alleged to have committed a felony offense if:

- a) the child was 14 to 17 years old at the time of the alleged offense, and, after a certification hearing, the court designated the proceeding an extended jurisdiction juvenile proceeding; or
- b) the child was 16 or 17 years old and was alleged to have committed an offense for which the sentencing guidelines presume a commitment to prison or to have committed any felony in which the child allegedly used a firearm; and the prosecutor designates in the delinquency petition that the proceeding is an extended jurisdiction juvenile prosecution; or
- c) the child was 14 to 17 years old, the prosecutor requested that the proceeding be an extended jurisdiction juvenile prosecution, and, after a hearing, the court agrees.

If an Extended Jurisdiction Juvenile Proceeding results in a guilty plea or finding, the court will: 1) impose one or more juvenile dispositions; and 2) impose an adult criminal sentence, the execution of which shall be stayed on the condition that the offender not violate the provisions of the disposition order and not commit a new offense. If an extended jurisdiction juvenile violates the conditions or the stayed sentence or is alleged to have committed a new offense, the court may, without notice, revoke the stay and probation and direct that the offender be taken into immediate custody.

Two other bills also addressed youthful offenders. One changed the certification process to reflect public safety as the single concern for serious offenders over 16 years old. Another provides for adult court jurisdiction in prosecution of 16- and 17-year-olds for first degree murder.

Total under-18 population, June 30, 1994: 15

Projected growth in under-18 population: 50 percent.

Housing of offenders under age 18: Juvenile offenders certified as adults are housed in the general population

Offender management: No special provisions.

Mississippi

Definition of "youthful offender": Less than 18 years old.

Youngest age for adult court: 13, for any felony offense, at the discretion of the court.

Agency responsibility: Offenders as young as 13 may be incarcerated by the DOC in Mississippi. The Department of Human Services, Division of Youth Services, houses most offenders under age 18.

Recent legislation: An amendment to Mississippi law changed the jurisdiction of the youth court, providing that the following crimes will be in the jurisdiction of the circuit court: "all capital crimes and attempts to commit capital crimes; any felony act attempted or committed by a child with the use of a deadly weapon, the carrying of which concealed is prohibited. . . , or shotgun or a rifle;" and any felony committed by a child on or after his 17th birthday. The circuit court can transfer a case back to youth court unless: 1) the juvenile had a previous conviction in circuit court, or 2) the juvenile is 15 or over and is charged with committing a felony with the use of a firearm.

Another bill authorized construction of an additional 150-bed medium security juvenile facility for "habitual violent male offenders" and a 100-bed

minimum security juvenile facility for female offenders. A "Weapon-free Schools" bill created a felony, punishable by a fine of up to \$5,000, and/or imprisonment of up to three years, for anyone possessing or carrying certain firearms and weapons on school property and a separate felony with the same punishment for encouraging any minor to carry or possess these weapons on school property.

Total under-18 inmate population, June 30, 1994: 103

Projection of growth in under-18 population: No projection.

Housing of offenders under age 18: Those under age 18 are housed either in the general population or in protective custody.

Offender management: No special provisions.

Missouri

Definition of "youthful offender": Between 17 and 25 years old.

Youngest age for adult court: 14, for commission of a crime that would have been a felony if committed by an adult.

Agency responsibility: Offenders as young as 15 may be incarcerated by the DOC.

Recent legislation: No legislation has passed in the past three sessions. However, a number of crime bills related to juveniles offenders were introduced during the 1994 Missouri General Assembly session, including a bill that would have lowered the age at which a child could be tried as an adult from age 14 to age 12. Several similar bills are under consideration in the 1995 session.

Total under-18 inmate population, June 30, 1994: 22

Projection of growth in under-18 population: 5 percent.

Housing of offenders under age 18: Most male inmates under age 18 are assigned to the Boonville Correctional Center, which houses those 17 to 25 years old. Boonville is a stand-alone facility, formerly for juveniles and converted to an adult facility in 1983. Its operating capacity is 1,130; ADP is 1,065. Female juvenile inmates are housed in the general population.

Offender management: Special education, Chapter I, Drug-Free School, Chapter II.

Montana

Definition of "youthful offender": No definition.

Youngest age for adult court: 12, for homicide.

Agency responsibility: Offenders under 18 years old who are sentenced as adults are not housed by the DOC. All those under age 18 are under the jurisdiction of the Department of Family Services.

Recent legislation: None.

Total under-18 population, June 30, 1994: 0

Projection of growth in under-18 population: 0 percent.

Housing of offenders under age 18: None.

Offender management: No special provisions.

Nebraska

Definition of "youthful offender": No definition.

Youngest age for adult court: No age limit. Juvenile Courts and District Courts have concurrent original jurisdiction of a juvenile charged with a felony.

Agency responsibility: The Nebraska DOC has both adult and juvenile divisions.

Recent legislation: Legislation passed in 1994 calling for the construction of a secure confinement facility for juveniles. Another bill set up a separate Office of Juvenile Services to coordinate programs and services of the juvenile justice system with other government agencies and subdivisions.

Total under-18 population, June 30, 1994: 16. (As of February 1995, the DOC held approximately 65 inmates under age 18.)

Projection of growth in under-18 population: No projection.

Housing of offenders under age 18: Offenders under age 18 are housed separately from adult populations or in the general population. Those under age 16 are housed in the infirmary at the Diagnostic and Evaluation Center, where they have no verbal, visual, or physical contact with adults. Those ages 16 to 18 are housed in the general population but are carefully screened during the classification process before this placement.

Offender management: No special provisions.

Nevada

Definition of "youthful offender": No definition.

Youngest age for adult court: 8 years old, for murder, attempted murder, assault with a deadly weapon causing substantial injury, kidnapping, or armed robbery.

Agency responsibility: The Nevada DOC may house offenders as young as 14 years old.

Recent legislation: None.

Total under-18 population, June 30, 1994: 26

Projection of growth in under-18 population: No projection.

Housing of offenders under age 18: Housing of offenders under age 18 depends on the age and level

of sophistication of the inmate. They may be transferred to state juvenile institution outside of the adult DOC.

Inmate management: No special provisions.

New Hampshire

Definition of "youthful offender": 18 to 24 years old.

Youngest age for adult court: 15, for violent crimes and those under which the court certifies the offender.

Agency responsibility: The DOC may incarcerate offenders 15 years old and over if they have been certified by an adult court.

Recent legislation: None.

Total under-18 inmate population, June 30, 1994: 2

Projection of growth in under-18 population: No projection

Housing of offenders under age 18: Offenders under age 18 are usually housed in the general population. If it is determined through the classification system that they cannot be placed in the general population, they are sent out of state.

Offender management: No special provisions.

New Jersey

Definition of "youthful offender": No definition.

Youngest age for adult court: 14, on motion of the prosecutor, if the juvenile is indicted for: "criminal homicide other than death by auto, strict liability for drug-induced deaths, first degree robbery, aggravated sexual assault, sexual assault, second degree aggravated assault, kidnapping, or aggravated arson; or a crime committed at a time when the juvenile had been previously adjudicated delinquent, or convicted, on the

basis of any of these offenses; or a violent crime against a person . . ." If the juvenile can show that "the probability of his rehabilitation by the use of procedures, services, and facilities available to the court prior to the juvenile reaching the age of 19 substantially outweighs the reasons for waiver" to adult court, the waiver will not be granted.

Agency responsibility: The DOC is responsible for both adult institutions and juvenile services, including institutions. The DOC may have jurisdiction over juveniles age 11 and over, but adult facilities generally hold only those over age 18. Juveniles age 11 or under, unless adjudicated delinquent for arson or first or second degree murder, may not be held in any adult correctional facility. Responsibility for offenders under age 18 is shared with the Department of Human Services, Division of Youth and Family Services (DYFS).

Recent legislation: None.

Total under-18 inmate population, June 30, 1994: 499 (This figure reflects the under-18 population of the DOC's adult and juvenile divisions and includes 55 offenders housed in adult facilities. It does not include the juvenile count under the jurisdiction of the DYFS.)

Projection of growth in under-18 population in the next five years: 15 percent.

Housing of offenders under age 18: Those under age 18 are housed in DOC juvenile institutions, in DOC adult facilities, or in DYFS residential and community group centers.

Offender management. New Jersey specially selects and trains staff to work with youthful offenders and offers programs specifically designed for juvenile offenders.

New Mexico

Definition of "youthful offender": A youthful offender is a 15 to 18-year-old charged with one of several specific offenses. A "serious youthful offender" is an individual 16 or 17 years of age who is

charged with and indicted or bound over for trial for first degree murder.

Youngest age for adult court: 15 years old, for felony criminal sexual penetration, first degree murder, aggravated battery, aggravated arson, fourth felony (separate incidents) in two years, second degree murder, robbery, aggravated burglary, assault with intent to commit a violent felony, kidnapping, or dangerous use of explosives.

Agency responsibility: The children's court has the discretion to invoke either an adult sentence or juvenile sanction on a youthful offender. A youthful offender given an adult sentence is treated as an adult offender and transferred to the custody of the DOC.

Recent legislation: The purpose of the "Delinquency Act" is "... to remove from children committing delinquent acts the adult consequences of criminal behavior, but to still hold children committing delinquent acts accountable for their actions" The Act also creates the categories of "youthful offender" and "serious youthful offender" (see definition, above) and gives to the children's court judge the discretion to invoke either an adult sentence or juvenile sanctions on a youthful offender.

Total under-18 inmate population, June 30, 1994: 19

Projection of growth in under-18 population in next five years: 500 percent.

Housing of offenders under age 18: Youthful offenders are now housed in the general population. A long-range plan proposes a separate youth offender facility.

Offender management: New Mexico is planning to develop special services for youthful offenders, and the long-range proposal is for a separate youth offender facility. At present, the population is very small, which makes it more efficient to mainstream youthful offenders into the general population.

New York

Definition of "youthful offender": In New York, "Youthful Offender" is a legal designation for persons aged 16 to 19 at the time of offense, who were convicted of a felony and then granted Youthful Offender (YO) status by the court and sentenced to the Department of Correctional Services for a one- to four-year indeterminate term. YO status is also available for certain persons under age 16 who were convicted as "Juvenile Offenders."

Youngest age for adult court: 13, as a "Juvenile Offender," for second degree murder; 14 to 15 years for Murder 2nd, Attempted Murder 2nd, Aggravated Sexual Abuse, Arson 1st and 2nd, Assault 1st, Kidnapping 1st, Attempted Kidnapping 1st, Burglary 1st and 2nd, Manslaughter 1st, Rape 1st, Robbery 1st and 2nd, and Sodomy 1st.

Agency responsibility: The youngest age at which the DOCS may incarcerate offenders is 16. Responsibility for those under age 16 is shared with the state Division for Youth (DFY). A juvenile under the age of 16 who commits one of the crimes listed above may be tried as a Juvenile Offender and, upon conviction, be sentenced to the DFY. Upon reaching the age of 16, the Juvenile Offender may be transferred to DOCS to serve any remaining sentence. At age 21, the Juvenile Offender must be transferred to DOCs.

Recent legislation: None.

Total under-18 inmate population, June 30, 1994: 487.

Projection of growth in under-18 population in the next five years: No projection.

Housing of offenders under age 18: Male inmates under age 18 are clustered within designated adult facilities that present special programs.

Offender management: Offenders transferred to or sentenced to the DOCS are subject to the same treatment programs as adults. Although there are no legal requirements for housing youth offenders separately within adult facilities, the DOCS can make an administrative decision based on availability of funds to separate them from the adults.

North Carolina

Definition of "youthful offender": 21 years old or less.

Youngest age for adult court: 13

Agency responsibility: The DOC has jurisdiction over offenders ages 13 and older who have been tried as an adult and found guilty. Youthful offenders under the age of 23, who are tried and sentenced as adults, are committed to the Division of Prisons and segregated from the rest of the male prison population by being placed in the Youth Command.

Recent legislation: A bill passed in the 1994 special crime session allowed 13-year-olds to be tried as adults for the most serious crimes.

Total under-18 inmate population, June 30, 1994: 469

Projection of growth in under-18 population in the next five years: 15 to 18 percent for those aged 21 years or younger.

Housing of offenders under age 18: Youthful offenders, including those under age 18, are housed in a stand-alone facility specifically designed for this population. The facility, under the North Carolina Division of Prisons Youth Command, opened in 1972. Its design capacity is 676; its ADP is estimated at 850, of which approximately 350 are 17 years or younger.

Offender management: Ten facilities (including two boot camps) are currently in the Youth Command. Program delivery—whether for substance abuse, anger management, or education—is designed with the characteristics of youthful offenders in mind.

North Dakota

Definition of "youthful offender": No definition.

Youngest age for adult court: 14, for a delinquent act or infliction/threat of serious bodily harm.

Agency responsibility: The Department of Corrections and Rehabilitation has responsibility for both adult and juvenile institutions. Except for the very unusual case of a juvenile adjudicated as an adult, the youngest age eligible for the adult institution is 18.

Recent legislation: None.

Total under-18 inmate population, June 30, 1994: 2

Projection of growth in under-18 population in the next five years: 10 to 15 percent.

Housing of offenders under 18: Offenders under age 18 who have been tried as adults are housed in the general population.

Offender management: No special provisions.

Ohio

Definition of "youthful offender": No definition.

Youngest age for adult court: 15. A juvenile may be transferred to adult criminal court if a complaint is filed alleging that the child is delinquent for committing an act that would constitute a felony if committed by an adult. If the act alleged is an act of violence, that fact will be considered in favor of a transfer to adult court.

Agency responsibility: A juvenile 15 or older may be incarcerated in an adult institution. Jurisdiction for juveniles is shared with the Ohio Youth Authority. The juvenile court judge determines whether to bind a juvenile over to an adult institution. The criterion is usually whether or not the juvenile can be rehabilitated in a juvenile facility.

Recent legislation: Legislation is pending that would change the standards for binding juveniles over to adult custody. This legislation would create categories for automatic bind-over for juveniles into adult custody. The categories include certain violent offenses and a "three strikes" category, which would automatically bind over juveniles who commit a third

felony. This legislation would also lower the bind-over age to 14.

Total under-18 inmate population, June 30, 1994: 85

Projection of growth in under-18 population in the next five years: No projection.

Housing of offenders under age 18: There is no specified housing for youthful offenders. When applicable, youth offenders are sent to certain institutions that house a younger population, although these institutions were not specifically designed for this purpose.

Offender management: No special provisions.

Oklahoma

Definition of "youthful offender": 18 to 21 years old.

Youngest age for adult court: **No** specific lower age limit. A statute provides automatic adult status at 16 or 17 years for certain offenses.

Agency responsibility: **The** DOC houses offenders under age 18 only if they have been sentenced in adult court. The Department of Human Services is responsible for most offenders under age 18.

Recent legislation: None.

Total under-18 inmate population, June 30, 1994: 115

Projection of growth in under-18 population over the next five years: 0 percent.

Housing of offenders under age 18: Offenders under age 18 are housed in the general population of adult facilities.

Offender management: The DOC operates a Regimented Inmate Discipline Unit at the William Key Correctional Center, a minimum security facility. The program is designed for all inmates between the ages of 18 and 25 who have committed a non-violent

offenses and have not been previously sentenced to prison. There are no programs for those under 18.

Oregon

Definition of "youthful offender": Offenders aged 21 to 24 have historically been considered a special youthful population for classification purposes.

Youngest age for adult court: 14, for Class A felonies.

Agency responsibility: Offenders aged 16 and older may be assigned to the DOC, which shares responsibility for youthful offenders with the Children's Services Division (CSD). Those between the ages of 16 and 18 are transferred to a training school operated by the CSD; those between the ages of 18 and 21 may be transferred to adult institutions when the best interests of the inmate and the DOC will be served.

Recent legislation: In November, Oregon voters passed Ballot Measure 11, which sets mandatory minimums for certain felonies and automatically remands those age 15 and older to the adult system when charged with these same crimes. The measure goes into effect April 1, 1995.

Total under-18 inmate population, June 30, 1994: 10

Projection of growth in under-18 population in the next five years: 3 percent.

Housing of offenders under age 18: Of those aged 21 and under, only those 18 to 21 (and recently 17-year-olds, as well) are considered for housing in adult institutions. Those under age 18 are generally housed through a contract with the Children's Services Division in a stand-alone facility specifically designed for this purpose. The facility opened in June 1959 with a design capacity of 476; its average daily population is 843.

Offender management: No special provisions.

Pennsylvania

Definition of "youthful offender": No definition. Pennsylvania no longer has a youthful offender act.

Youngest age for adult court: 14. Murder cannot be tried as a juvenile offense unless it is re-certified back to the juvenile court by the Common Pleas Court

Agency responsibility: The DOC may incarcerate offenders 14 years of age or older. Juveniles remanded to Common Pleas Court and convicted and sentenced are under the DOC's jurisdiction. Other juveniles are under the jurisdiction of the Department of Welfare.

Recent legislation: A recent law established a boot camp for those with sentences of two to five years, who are not over 35 years old, and were not convicted of murder, kidnapping, rape, involuntary deviate sexual intercourse, or robbery.

Total under-18 inmate population, June 30, 1994: 53

Projection of growth in under-18 population in the next five years: No projection.

Housing of offenders under age 18: Offenders under age 18 are housed in the general population of adult facilities.

Offender management: No special provisions except mandatory education for those under 18 years of age.

Rhode Island

Definition of "youthful offender": No definition.

Youngest age for adult court: No lower age limit. Any child charged with an offense that would be punishable by life imprisonment if committed by an adult may, upon a motion of the Attorney General and following a waiver hearing, be remanded to adult court. Juveniles 16 years of age or older charged with a felony may also be remanded to adult court.

Agency responsibility: There is no lower age limit for incarceration by the DOC.

Recent legislation: Legislation within the past three years defined the situations under which a child may be remanded to adult court (see above) and established a Division of Juvenile Prosecution within the Department of the Attorney General.

Total under-18 inmate population, June 30, 1994: 9

Projection of growth in under-18 population in the next five years: No projection.

Housing of offenders under age 18: Offenders under age 18 are housed in the general population of adult facilities.

Offender management: Special arrangements or considerations are provided in areas such as selection of staff, housing assignments, and treatment.

South Carolina

Definition of "youthful offender": 17 to 24 years old.

Youngest age for adult court: There is no lower age limit for murder or sexual offenses. All other transfers to adult court are based on crime and criminal history. (See legislative provisions, below.)

Agency responsibility: The DOC incarcerates offenders ages 17 and over. Those under 17 years old are under the jurisdiction of the Department of Juvenile Justice until they reach 17.

Recent legislation: The South Carolina legislature passed a provision that gives the family court the discretion to bind over to adult court a juvenile 16 years of age or older who is charged with a misdemeanor or a Class E or felony, or a felony that provides for a maximum term of imprisonment of ten years or less. A child 14 or 15 years old charged with a Class A, B, C, or D felony that provides for a maximum term of imprisonment of fifteen years or more may also be bound over to adult court.

Total under-18 inmate population, June 30, 1994: 870 (4.4 percent of the population); 10.1 percent of the

June 30, 1994, population (or 1,996 inmates) had been under 18 at admission.

Projection of growth in under-18 population in the next five years: No projection. However, between 1970 and 1990, this population increased 32.2 percent in South Carolina.

Housing of offenders under age 18: The DOC always attempts to house young offenders with those of similar age. A facility was retrofitted in 1993 specifically to house youthful offenders ages 17 to 24. Its design capacity and ADP both are 524.

Offender management: South Carolina selects and trains staff to work with youthful offenders. A Behavior Treatment Unit at Lee Correctional Center's Administrative Segregation Unit, essentially a shock incarceration program, deals with young offenders who have had disciplinary adjustment problems while incarcerated.

South Dakota

Definition of "youthful offender": Less than 18 years old.

Youngest age for adult court: Not specified by statute. Juveniles may be remanded to adult court for crimes of violence.

Agency responsibility: The South Dakota DOC supervises both adult and juvenile institutions. No minimum age for incarceration in adult institutions is specified by state statute. Generally, offenders under 18 are housed in juvenile institutions.

Recent legislation: None.

Total under-18 inmate population, June 30, 1994: 4

Projection of growth in under-18 population in the next five years: 1 percent.

Housing of offenders under age 18: Offenders under 18 who are sentenced as adults are classified

according to AIMS and housed in the general population.

Offender management: No special provisions.

Tennessee

Definition of "youthful offender": Less than 18 years old.

Youngest age for adult court: At the discretion of the court, those 16 age or older who have been charged with a crime may be transferred to adult court. As a result of a recent law, a child under the age of 16 may now be transferred to adult criminal court if charged with one of the following crimes: first degree murder, second degree murder, rape, aggravated rape, aggravated robbery, especially aggravated robbery, kidnapping, aggravated kidnapping or especially aggravated kidnapping. A child may not receive a death sentence.

Agency responsibility: The Tennessee DOC (TDOC) takes custody of offenders at age 16. Offenders committed to TDOC and under 16 are housed in a Department of Youth Facility until they are 16.

Recent legislation: A recent law removed the stipulation of age 16 for remand to adult court for certain crimes (see above).

Total under-18 inmate population, June 30, 1994: 15

Projection of growth in under-18 population in the next five years: No projection.

Housing of offenders under age 18: Offenders ages 16 to 18 are housed in adult facilities but separately from all adult populations.

Offender management: No special provisions.

Texas

Definition of "youthful offender": 15 to 17 years old.

Youngest age for adult court: 15, for homicide, sexual assault, aggravated assault, burglary, theft, motor vehicle theft, drug offenses.

Agency responsibility: The Texas Commission on Children and Youth has jurisdiction over juvenile offenders. However, offenders aged 15 and over may be under the jurisdiction of the DOC. Juvenile judges may certify 15- to 17-year-olds as adults to be prosecuted in adult courts. Certification decisions are based on whether the crime was committed against a person, whether it was done with premeditation, whether the offender has a criminal history, and whether the juvenile system has services likely to reform the youth.

Recent legislation: None passed.

Total under-18 inmate population, June 30, 1994: 64

Projection of growth in under-18 population in the next five years: No projection.

Housing of offenders under age 18: Youthful offenders ages 15 to 17 are housed in the general population of adult facilities.

Offender management: No special training or selection process applies to staff who work with youthful offenders. Texas has a Special Alternative to Incarceration Program (boot camp) for offenders ages 18 to 25, but no special programs for those under 18 certified as adults.

Utah

Definition of "youthful offender": No definition. However, Utah is currently considering a new program for 16 to 18 year olds convicted of serious offenses.

Youngest age for adult court: 14, for any felony.

Agency responsibility: The youngest age at which an offender may be incarcerated by the DOC is 14.

Recent legislation: Legislation is pending, but not yet passed, which would mandate a direct filing in adult court for offenders 16 or older indicted for a serious felony or with a long record. The pending legislation would concentrate especially on offenders who have been incarcerated in the juvenile system and then committed another felony.

Total under-18 inmate population, June 30, 1994: 11

Projection of growth in under-18 population in the next five years: The DOC will make no projection until results of pending legislation are clear.

Housing of offenders under age 18: Offenders under age 18 are housed in the general population of adult facilities.

Offender management: No special provisions.

Vermont

Definition of "youthful offender": Vermont DOC informally includes offenders 16 to 21 years old. However, a current Bureau of Justice Assistance (BJA) grant is providing financial resources to enable the DOC to serve youths up to age 26.

Youngest age for adult court: 10 years old. For Arson-Death resulting; Assault & Robbery; Aggravated Assault; Murder; Manslaughter, Kidnapping; Maiming; Sexual Assault; Aggravated Sexual Assault; Burglary of sleeping apartments at night.

Agency responsibility: The DOC is a unified system. It has responsibility for youth 16 to 18 years of age processed through the adult court. The Department of Social and Rehabilitation Services has responsibility for delinquents and children in need of care and supervision processed through juvenile court. Children under the age of 16 convicted of a serious crime are normally detained at a juvenile facility through an agreement with the Department of Social and Rehabilitative Services.

Recent legislation: A recent law prohibits placing sentenced or detained 16 and 17 year old misdemeanants with adult offenders. Those arrested for felonies may be placed in adult jails and lockups; those convicted may be placed in a facility for adult offenders. One result of the legislation has been the occasional need to house 16 or 17 year old misdemeanants in an apartment or office setting.

Total under-18 inmate population, June 30, 1994: 9

Projection of growth in under-18 population in the next five years: 1 to 2 percent.

Housing of offenders under age 18: Convicted felony offenders aged 16 to 17 are housed in the general population of adult facilities.

Offender management: The DOC, under a grant from BJA, provides a Life Management Program for youthful offenders. This is an intermediate sanction program in the community. The program's target population is offenders 26 years old or younger convicted of non-violent felonies, who have significant vocational, educational, and employment deficits, combined with an anti-social, pro-criminal lifestyle. It provides a program of supervision and vocational, educational, and employability skills development, combined with instruction and counseling designed to help the offender acquire pro-social and anti-criminal attitudes.

Virginia

Definition of "youthful offender": 18 to 21 years old.

Youngest age for adult court: 15

Agency responsibility: Offenders 15 years of age and older who are tried and convicted in adult court may be sentenced to prison as an adult.

Recent legislation: Recent legislation requires the DOC to establish, staff, and maintain programs and housing especially for the rehabilitation, training, and confinement of youthful offenders. Also mandated in the new law was a diagnostic center to evaluate the

likelihood of youthful offenders benefiting from the available counseling, education, and vocational training programs.

Another law established a sentence of "indeterminate commitment" for youthful offenders convicted of a felony not punishable as a Class 1 felony or a misdemeanor involving either injury to a person or damage to property and whom the judge consider to be capable of returning to society as a productive citizen after rehabilitation.

Juvenile offenders given an indeterminate commitment sentence are committed to the DOC for an initial period not to exceed three years. The confinement is to be followed by at least one year of supervisory parole. Continuation in the program and eligibility to participate in rehabilitation services are conditional on good behavior.

Total under-18 inmate population, June 30, 1994: 71

Projection of growth in under-18 population in the next five years: No projection.

Housing of offenders under age 18: Most offenders under ages 16 to 21 are on the grounds of an adult facility but in a separate unit.

Offender management: The Virginia DOC gives special attention to selecting and training staff who work with juvenile offenders. The offenders are provided with the following specialized programs: substance abuse education, vocational training, life skills training, and basic education.

Washington

Definition of "youthful offender": Less than 18 years old.

Youngest age for adult court: 12, for felonies.

Agency responsibility: The Washington DOC may house offenders 12 years of age or older.

Recent legislation: A recent "Act Relating to Violence Reduction Programs" increased the severity and certainty of punishment for youths who commit violent acts. For example, a 16- or 17-year-old alleged to have committed a serious violent offense and who has previously committed a serious offenses is automatically tried in adult court. Also being proposed is a reduction in the age at which an offender could be tried as an adult from the current 12 years old to age 10.

Total under-18 inmate population, June 30, 1994: 42 (As of February 1, 1995, this had increased to 83.)

Projection of growth in under-18 population in the next five years: 370 percent.

Housing of offenders under age 18: Offenders under age 18 are housed either in the general population of adult facilities or outside the DOC, through a contract with the youth authority.

Offender management: The DOC has a task force working to develop ways of responding to offenders' maturity level rather than their legal age.

West Virginia

Definition of "youthful offender": 18 to 23 years old.

Youngest age for adult court: 16, for first degree sexual assault, multiple felony convictions, treason, murder, robbery with deadly weapons, kidnapping, or first degree arson.

Agency responsibility: The West Virginia DOC has responsibility for both adult and juvenile institutions. No offenders under 18 years old are housed in adult facilities.

Recent legislation: None.

Total under-18 inmate population, June 30, 1994: 7 adjudicated as adults.

Projection of growth in under-18 population in the next five years: 10 percent.

Housing of offenders under age 18: Offenders under age 18 who have been adjudicated as adults are housed in the DOC's Industrial Home for Youth. Built in 1899, the facility has a design capacity of 85; its average daily population is 80. The DOC also has a special facility for youthful offenders ages 18 to 23.

Offender management: Youthful offenders are provided special programs in substance abuse. There are no special provisions for hiring or training staff who work with youthful offenders.

Wisconsin

Definition of "youthful offender": 16 to 17 years old.

Youngest age for adult court: 14, for first and second degree intentional homicide and attempted first and second degree intentional homicide.

Agency responsibility: The DOC has responsibility for juveniles waived into adult court. Other youthful offenders are the responsibility of the Department of Health and Social Services. A new law, authorizing a Youthful Offender Program (see below), would transfer custody to the DOC offenders who meet the following criteria:

- 16 years of age or over,
- Committed an act that would be punishable as a felony if committed by an adult; and
- The county has spent \$30,000 or more on providing services for the youth since age 12; and if the DOC recommends it.

Total under-18 inmate population, June 30, 1994: 52

Projection of growth in the next five years: No projection.

Recent legislation: A 1993 act authorized a Youthful Offender Program, to be administered by the DOC. Although the program is scheduled to be operating in January 1996, the site for the facility has not been determined. The initiation of the program depends on the construction schedule for this facility.

Housing of offenders under age 18: The DOC currently houses offenders under age 18 in the general population. A 200-bed facility for this population is scheduled to begin operating in January 1996.

Offender management: The Wisconsin DOC plans to select and train staff specifically to work with youthful offenders and to provide special programs when the new facility opens.

Wyoming

Definition of "youthful offender": Less than 25 years old and assigned to the DOC.

Youngest age for adult court: 13, for any offense.

Agency responsibility: The DOC has jurisdiction over all offenders age 13 and over who have been convicted as adults. The Department of Family Services has responsibility for those adjudicated as juveniles.

Recent legislation: None.

Total under-18 inmate population, June 30, 1994: 17

Projection of growth in under-18 population in the next five years: 13 percent.

Housing of offenders under age 18: Offenders under age 18 are housed in the general population of adult facilities.

Offender management: No special provisions.

Puerto Rico

Definition of "youthful offender": 16 to 21 years old.

Youngest age for adult court: 16, for first degree murder, carjacking, controlled substances, robbery, weapons, burglary, escape from a juvenile institution, or a riot in a juvenile institution.

Agency responsibility: The Administration of Correction in Puerto Rico has responsibility for those 16 and over.

Recent legislation: None.

Total under-18 inmate population, June 30, 1994: 138

Projection of growth in under-18 population in the next five years: 40 percent. The Administration of Correction is now developing a model for population projections, which might change this estimate.

Housing of offenders under age 18: Offenders under age 18 are housed with other youthful offenders in separate facilities or outside the DOC through a contract with the youth authority.

Offender management: No special provisions.

