



# PLACEMENT

Every day, numerous law enforcement officers across the country raise concerns about the lack of response of juvenile justice systems regarding juvenile delinquency. Many officers see the juvenile justice system as “soft” when it comes to holding juveniles accountable for their criminal behaviors, especially in a timely manner. It may take months for a juvenile to go to court, and a disposition is many times unknown to the arresting officer. When the disposition is known, it is often viewed at best as a “slap on the wrist.” Rehabilitation is not an unknown concept to law enforcement officers, and verifiable evidence of accountability, including victim and/or community restoration, when appropriate, by a juvenile they have apprehended is a basic expectation. Officers’ concerns are not limited to the typical juvenile justice system components, such as resource officers, juvenile probation, parole and detention; but include child protective agencies, schools, families and mental health providers.

If possible, communities need to provide a continuum of sanctions, various methods of supervision, and comprehensive approaches to treatment options that will provide the court alternatives to addressing delinquent behaviors in a community-based setting. Research has shown that an extensive array of human-service interventions can reduce the reliance on detention and incarceration, and still be consistent with public safety. It is imperative that all systems of care for juvenile offenders are guided by a comprehensive juvenile risk and needs assessment that will determine the fiscal and system impact relative to any future decision made regarding a juvenile offender’s behavior and needs.

After juvenile offenders exhaust local options because of their behaviors and needs, local jurisdictions have little choice but to commit them to state custody. This option raises concerns about community separation for the juvenile and its supports, and the difficulties that surround reintegration back into the juvenile’s community upon release from programs and institutional settings.

In all 50 states and the District of Columbia, there are specific criteria for a juvenile to be committed to the custody of state jurisdictions. Juveniles may be committed for single or multiple offenses, from a misdemeanor to a felony, and dispositions are discretionary. There are truly 51 separate juvenile justice systems in this country. Secure confinement of juveniles and transitional and aftercare services tend to be state responsibilities.

By **LARRY W. CALLICUTT**

The following description of how states organize and administer their juvenile delinquency services is excerpted from the National Overviews section of the State Juvenile Justice Profiles Web site at [www.ncjj.org/stateprofiles](http://www.ncjj.org/stateprofiles), developed by the National Center for Juvenile Justice.

## Who is Responsible For Juvenile Offenders?

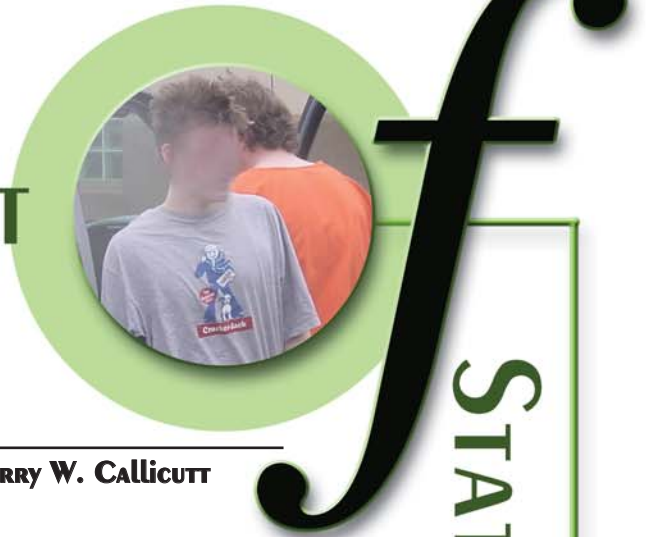
In every state, an executive branch agency is responsible for administering its institutional facilities and programs for juveniles committed to its custody. These state agencies may be one of four very different types.

In 16 states and the District of Columbia, authority to run state delinquency institutions rests in a social or human services agency. In 16 other states, the responsibility is given to a separate juvenile corrections agency, often designated a “youth authority” or “youth services” department. In 11 states, a branch of the adult corrections agency runs the state’s delinquency institutions. And in six states, the responsibility is given to a “children and youth” agency that combines child protection and juvenile corrections functions. New Jersey is in its own category, with the authority being located in an agency under the attorney general’s direction that oversees the criminal justice system, excluding adult corrections.

The past decade has seen considerable change in this area of delinquency services administration. In general, it is fair to say that there has been some movement away from the practice of placing

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delinquency institutions in the care of the same agencies that run state prison systems. Since the late 1980s, the number of states whose adult corrections departments also run their delinquency institutions has fallen from at least 15 to 11. Likewise, there has been some tendency to vest authority over delinquency institutions in a separate juvenile corrections agency. During the same period, the number of states doing so has risen from 12 to 16. The system of including juvenile corrections functions in an agency with child protection responsibilities also became more common during this period, with the number of states doing so rising from three to six.

Once a court has committed a juvenile, the states differ considerably in the way they structure decision making in connection with that juvenile's placement, length of stay, and eventual release. In some states, the juvenile court's involvement with an adjudicated youth ends with the decision to commit him or her to state custody; the agency that runs the state's juvenile correctional facilities takes over from there, determining the placement location, level of security, program of rehabilitation, length of stay, and timing and conditions of release. In others, the committing court is actively involved in some or all of these decisions. There are states in which juvenile courts impose definite periods of confinement on committed delinquents in the manner of an adult criminal court handing down a determinate sentence of imprisonment, and states in which the terms of commitment are almost entirely open-ended. Finally, there are states in which the decision to release a juvenile back to the community is made solely by the agency that runs the commitment facility, states in which the court makes or at least reviews the release decision, and states in which a "juvenile parole board" operates independently of both.

The most common arrangement is one in which the court takes or may take some significant part in the determination of placement specifics. This is the case in at least 26 states. In a few, the court literally chooses the institution in which the juvenile will be confined. In Pennsylvania, for example, courts commit adjudicated delinquents to specific youth development centers and forestry camps, with the advice and assistance of liaison officers from the state agency that oversees the facilities. More often, the court simply orders (or in some cases recommends) that the juvenile be held at a particular security level, or be enrolled in particular specialized programs. In a number of states, such as Maine, there is only one state-run delinquency institution, so an order of commitment is, in effect, an order that the juvenile be held there.

In at least 23 states, on the other hand, following the court's initial commitment order, the agency that administers the state's delinquency institutions makes decisions as to where committed juveniles are to go and what is to be done with them. In these states, the agency makes the placement decision without significant participation from the committing court. That is, the court's role is restricted to determining that the juvenile is delinquent and the circumstances justify or necessitate commitment — usually to the "care and custody" of the agency, although not all states use this terminology. Thereafter, the agency determines placement specifics — where the juvenile will be confined,

special programs in which he or she will be enrolled, rehabilitative goals, etc.

At least four states that entrust placement decisions to juvenile courts, nevertheless, require that those decisions be based on objective dispositional guidelines or a "placement matrix." However, courts usually have some authority to depart from them in appropriate cases. In Kansas, for example, a placement matrix generally guides placement decisions, but the committing court is authorized to impose a more restrictive disposition if the case warrants it.

## Disposition Models

With regard to the length of time that juveniles are committed to state institutions, there are six basic disposition models.

***Indeterminate Only.*** The most common arrangement (at least 20 states) is one in which all commitments are indeterminate — that is, regardless of the offenses for which juveniles are adjudicated delinquent, they are always committed for an indefinite period of time, which could potentially last until they reach the age of majority (or, in some states, the upper age to which the juvenile court's jurisdiction has been extended for dispositional purposes). Length of stay in these states is left solely to the releasing authority's judgment. So in Idaho, for example, the juvenile court orders adjudicated delinquents committed to the state's Department of Juvenile Corrections for an indeterminate period, and the department sets an anticipated release date based on its own criteria. In Massachusetts, the law authorizes the juvenile court to give the Department of Youth Services custody of any delinquent youth, but adds that the "commitment period shall not be for a period longer than until such child attains the age of 18, or 19 in the case of a child whose case is disposed of after he has attained his 18th birthday." Within these broad limits, actual release decisions are left to the department. For juveniles committed to the Minnesota Department of Corrections, program administrators devise individual "case plans," which the court must approve; thereafter, they remain in state custody until institutional staff determine that they have successfully completed their case plans.

***Indeterminate With a Minimum.*** At least four states commit juveniles for an indeterminate period, but require in some cases that they serve a minimum period of time before being released. In Arizona, for example, a statute authorizes the committing court to specify a minimum period during which the Department of Juvenile Corrections cannot release the juvenile without seeking a modification of the original commitment order. Under Delaware law, a certain category of repeat felony offender (designated "a child in need of mandated institutional treatment") must be confined for at least six months before release can be considered. Ohio law sets minimum periods of confinement that vary with the seriousness of the offense involved.

***Indeterminate up to a Maximum.*** At least six states have indeterminate commitments, but specify that a juvenile cannot be confined for more than a certain period. In California, for example, a juvenile cannot be confined beyond the length of the maximum sentence that could have been imposed on an adult convicted of the same



Photos courtesy Idaho Department of Juvenile Corrections.

Juveniles are transported to Idaho Department of Juvenile Corrections custody.

offense. Connecticut law specifies a maximum of 18 months commitment for any offense. A juvenile in Arkansas cannot be held longer than two years, except where the committing court makes a special finding that the welfare of the juvenile or the public interest requires an extension.

**Indeterminate With Minimums and Maximums.** At least three states have indeterminate commitments with both minimums and maximums. In Pennsylvania, the court initially determines the minimum period of commitment that is consistent with the protection of the public and the rehabilitative needs of the juvenile and then reviews the commitment periodically thereafter. The law also prohibits confinement of juveniles for more than four years or the maximum period for which an adult convicted of the same crime could be imprisoned.

**Determinate and Indeterminate.** At least 12 states authorize or require courts to fix the period of confinement in individual cases, but permit them to order indeterminate commitments as well. In the District of Columbia, Indiana and Rhode Island, courts may choose between committing juveniles for definite or indefinite periods. South Carolina law authorizes a court to order a brief determinate commitment of 90 days or less in lieu of an indeterminate commitment. Tennessee gives the court the option of fixing the period of confinement only if the juvenile meets specified age, offense and previous adjudication criteria. Louisiana requires a determinate commitment (to age 21) for certain felony-grade offenses.

**Determinate Only.** Commitments in at least six states involve confinement for a period of time that is set in advance by the court in Washington, the length of the commitment is set in accordance with sentencing guidelines, from which the court may deviate in cases of manifest injustice. And in New Jersey, commitments are for definite terms set by statute and ranging from six months up to 20 years; while the state parole board may order release prior to the

expiration of a definite term if it intends to release a juvenile before one-fourth of the prescribed term has been served (or one-third where more serious offenses are involved), it must notify the committing court, which has 30 days in which to block the proposed release.

## RELEASE DECISIONS

The power to decide when a committed juvenile should be released back into the community is sometimes entrusted to the agency or institution to which the juvenile has been committed, sometimes to the court having jurisdiction over the case, sometimes to a separately constituted paroling authority, and sometimes to some combination of these.

**Release by Agency.** At least 23 states allow the agency to which the juvenile has been committed to decide when to release him or her from confinement. The agency's power in this area is not unlimited, of course. For instance, it may be precluded from releasing a juvenile who has not served a statutory or court-ordered minimum period of commitment. Likewise, it may be forced to release one who has served the maximum allowable sentence or reached a jurisdictional age limit. But within these limits, agency officials determine when and how release is to occur. Often, the actual decision belongs to those who run the institutions in which the juveniles are held. So, in Maine and Nevada, for example, the superintendents of those centers make release decisions regarding the inmates of the state youth centers.

**Release by Court.** At least 10 states give courts sole authority to decide when juveniles are to be released from state institutions. This is not mere authority to review an agency's decision (see below), although, as a practical matter, a court may depend a great deal on recommendations and other input from agency officials, including the staff of the institution from which the juvenile is to be released. In some states, such as Kansas, the agency petitions the court for the release of the juvenile. Others, such as Iowa, mandate periodic judicial reviews of juvenile commitments, at which the court considers agency recommendations but makes the final release decision on its own.

**Release by Parole Board.** At least seven states have specially constituted parole boards that make release decisions regarding juveniles. Generally, these boards are appointed by the governor and often include citizen mem-



A juvenile is being processed by an Idaho Department of Juvenile Corrections staff member.

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bers. While a parole board may be administratively attached to a state's delinquency agency, it usually operates independently. Some boards, such as those in California and Utah, begin their involvement with juveniles at the time of their commitment, making initial decisions about the terms of confinement and the rehabilitative program. But most enter the process only when the juvenile is actually eligible for release.

**Shared Release.** At least 11 states divide the authority to order the release of committed juveniles among courts, agencies and/or juvenile parole boards. Sometimes, as in the District of Columbia and Hawaii, the release power is given in some cases to the committing court and in others to the agency. In other states, such as Alabama, North Carolina and Tennessee, the agency makes the decision subject to court approval. New Jersey ordinarily leaves release decisions to a parole board, but also sets statutory minimum confinement periods within which release is possible only with court approval.

## Conclusion

Length of stay in states' custody is truly an issue in many jurisdictions. The balance a juvenile justice system seeks between the dichotomy of punishment and retribution, and habilitation and rehabilitation may indeed begin with the philosophies and expectations of law enforcement, victims,

the judiciary, probation, treatment providers and state institutions. What may on the surface appear to be a simple request by a stakeholder — "Fix the juvenile and reduce recidivism" — is far more complex as the six different disposition models for juvenile offenders seem to indicate.

The complexities of dispositions many times begin with the "street adjustment" level of discretion a law enforcement officer has and ends with the person, persons or process in each jurisdiction that decides, either subjectively, objectively or in combination, that a particular juvenile has been held accountable, their criminogenic needs have been addressed, and hopefully, they return to their respective communities as lesser risks to reoffend.

How do law enforcement officers and certainly all state taxpayers know they have the most effective juvenile justice system in reducing recidivism? Comparisons of these state systems by all juvenile justice stakeholders in each state may hold the answers.

## REFERENCES

National Center for Juvenile Justice. 2003. National overviews. *State Juvenile Justice Profiles*. Pittsburgh: National Center for Juvenile Justice.

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