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STATE OF NEW YORK
EXECUTIVE DEPARTMENT

DIVISION OF CRIMINAL JUSTICE SERVICES
MAJOR VIOLENT OFFENSE TRIAL PROGRAM

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Juvenile Offenders

IN

New York State

September 1, 1978 - August 31, 1979

NCJRS

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ACQUISITIONS

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JUVENILE OFFENDERS

On September 1, 1978, 13, 14 and 15 year olds who commit certain violent felonies became subject to prosecution in the adult criminal court system in New York State. These juveniles, classified as "juvenile offenders", are subject to prosecution under the Major Violent Offense legislation.

Although these juveniles are prosecuted in the adult criminal court system, there are a number of features which mark their prosecution as being unique from the adult proceedings. The most notable of these features is the availability of removal to Family Court, where juveniles are not subject to criminal responsibility. Removal can occur at any point in the criminal prosecution process - from arraignment until sentencing. Another unique feature is the mandatory sentencing structure defined for those juveniles found guilty of offenses for which they are criminally responsible. These sentences range from a minimum of one to three years for a C felony conviction to a maximum of nine years to life for Murder. Recent amendments have altered this sentencing structure somewhat, allowing these juveniles to receive youthful offender treatment under certain circumstances.

New York City

During the first year of prosecution of these cases, 9/1/78 - 8/31/79, 1,455 juvenile offender arrests have been made in New York City. The monthly total of arrests has varied from a low of 93 in May, to a high of 160 in March. The monthly fluctuations in arrest totals do not appear to represent any major trends, but are affected

by the number of weekends in the month and other random variations. Kings has accounted for most of the arrests, 38%; New York County, 22%; the Bronx, 21%; Queens, 17%; Richmond, 2%.

Most of the arrests have been for Robbery 1° (45%) and Robbery 2° (31%). The proportion of Robbery 2° arrests has decreased somewhat over the past year. This appears to be a result of more careful examination of the facts by the police where the essential elements of a juvenile offense are not present. No other offense accounts for more than 10% of the arrests. However, the sex crimes of Rape 1° (6%) and Sodomy 1° (2%) do constitute a significant proportion of the balance of the arrests. There have been 43 (3%) arrests for Attempted Murder 2° and 25 (2%) arrests for Murder 2°.

As of August 31, 1979, 1,268 cases had been processed in Criminal Court. Of these, 542 (37%) were removed to Family Court, 157 (11%) were dismissed, 28 (2%) were pending action by the grand jury and 290 (20%) resulted in indictments. In addition, the District Attorneys declined to prosecute 251 (17%) cases. One hundred and twenty-two cases (8%) were pending in Criminal Court. Of the 290 indictments, 96 were in Kings, 67 were in the Bronx, 63 were in Queens, 53 were in New York County, and 11 were in Richmond.

The best indicators of the results of these cases in Criminal Court are the "Court Action" figures for the first two quarters (9/1/78-11/30/78 and 12/1/78-2/28/79). Criminal Court processing has been completed in 98% of these cases. The number of pending cases is negligible.

For cases originating in the first quarter, the District Attorneys declined to prosecute 21% of the cases; thirty-nine percent of the cases were removed, and 13% were dismissed; twenty-five percent of the cases resulted in indictments.

For cases originating in the second quarter, the District Attorneys declined to prosecute 18%; forty-four percent of the cases were removed, and 9% were dismissed; twenty-seven percent resulted in indictments.

The indictment rate in Queens (44%) is apparently almost double that of the other counties. However, examination of Supreme Court disposition figures indicate that the dismissal and removal rates in Queens Supreme Court are much higher than those in other counties.

The Supreme Court has disposed of 127 (44%) of the 290 cases for which indictments have been handed up. There have been 10 (3%) convictions by trial, 58 (20%) guilty pleas, 46 (16%) removals, one (0%) acquittal and 12 (4%) dismissals.

As of August 31, 1979, 24 of the 68 cases for which convictions have resulted have reached sentencing. Twelve of those sentences have been for the minimum, 1-3 years; the two harshest sentences meted out have been for 3 1/3-10 years. Four youths have been granted youthful offender status - three receiving probation and one being sentenced to 0-4 years.

Through September 17, 1979, 959 defendants had been detained at either Rikers Island Juvenile Offender Detention Center or Spofford Juvenile Center. This represents 66% of those juveniles arrested as

juvenile offenders. Fifty-two percent of these detentions were for only one day. An additional 25% were detained 2-5 days. Twenty-four juveniles (3%) were detained for longer than six months. For the most part, those one day detentions represent police actions, not court remands.

Twenty-two percent of the victims of juvenile offenders were considered to be especially vulnerable; ten percent were elderly, and 10% were 12 years of age or younger. Peers, those 13-19 years of age, were the most frequently victimized, accounting for 41% of the victims.

A more detailed analysis of the prosecution of juvenile offenders is currently being prepared jointly by the New York City Criminal Justice Agency and DCJS. That report, due to be released during November will explore, in depth, the processing and characteristics of these juveniles.

Suburban and Upstate Counties

New York City accounts for 86% of the 1,689 juvenile offender arrests in New York State. The remaining arrests, 234, are evenly split between the suburban and upstate counties (120/114). The distribution of arrest charges is somewhat different outside of New York City from the pattern within New York City. Robbery accounts for a smaller percentage of the total arrests; Burglary, Arson, Rape and Sodomy account for larger portions of the total arrests.

The counties accounting for the greatest number of indictments are: Westchester, 13; Suffolk, 9; Monroe, 6; Onondaga, 6; Nassau, 5.

As of August 31, 1979, 20 indicted cases have reached disposition. Of these, eight have resulted in convictions. There was one acquittal and two dismissals.

JUVENILE OFFENDERS

ARRESTS BY CRIME AND COUNTY

September 1, 1978 - August 31, 1979

	KINGS	BRONX	NEW YORK	QUEENS	RICHMOND	CITYWIDE
Robbery 1	233 (43)	144 (48)	137 (43)	124 (49)	16 (48)	654 (45)
Robbery 2	198 (36)	69 (23)	106 (33)	72 (28)	8 (24)	453 (31)
Assault 1	22 (4)	14 (5)	12 (4)	10 (4)		58 (4)
Burglary 1	10 (2)	1 (0)	4 (1)	4 (2)	1 (3)	20 (1)
Burglary 2	3 (1)	1 (0)	7 (2)	5 (2)		16 (1)
Arson 2	12 (2)	8 (3)	2 (1)	6 (2)	1 (3)	29 (2)
Rape 1	33 (6)	19 (6)	18 (6)	15 (6)	4 (12)	89 (6)
Sodomy 1	11 (2)	15 (5)	2 (1)	5 (2)	1 (3)	34 (2)
Kidnap.	1 (0)	1 (0)	1 (0)			3 (0)
Attempted Murder 2	17 (3)	7 (2)	9 (3)	9 (4)	1 (3)	43 (3)
Murder 2	5 (1)	13 (4)	5 (2)	1 (0)	1 (3)	25 (2)
Other*	-	2 (1)		2 (1)		4 (0)
Unknown	2 (0)	9 (3)	15 (5)	1 (0)		27 (2)
Total	547 (100)	303 (100)	318 (100)	254 (100)	33 (100)	1455 (100)

* Offenses for which juveniles are not criminally responsible.

Note: Numbers in parentheses are percentages

JUVENILE OFFENDERS

ARRESTS BY COUNTY AND MONTH

September 1, 1978 - August 31, 1979

	KINGS	BRONX	NEW YORK	QUEENS	RICHMOND	CITYWIDE
SEPTEMBER	64	19	24	19	3	129
OCTOBER	55	30	39	27	5	156
NOVEMBER	30	33	30	27	5	125
DECEMBER	45	20	27	20	2	114
JANUARY	56	29	31	29	2	147
FEBRUARY	29	32	17	14	2	94
MARCH	68	38	20	31	3	160
APRIL	41	23	22	17	4	107
MAY	38	22	13	15	5	93
JUNE	51	20	32	21		124
JULY	38	18	27	18	2	103
AUGUST	32	19	36	16		103
TOTAL	547 (38)	303 (21)	318 (22)	254 (17)	33 (2)	1455 (100)

Note: numbers in parentheses are percentages

JUVENILE OFFENDERS
COURT ACTION BY COUNTY (as of 8/31/79)

CASES ORIGINATING SEPTEMBER 1, 1978 - AUGUST 31, 1979

	KINGS	BRONX	NEW YORK	QUEENS	RICHMOND	CITYWIDE
Declined to Prosecute	78 (14)	71 (23)	64 (20)	37 (15)	1 (3)	251 (17)
Removed to Family Ct.	263 (48)	129 (43)	79 (25)	54 (21)	17 (52)	542 (37)
Dismissed	54 (10)	22 (7)	59 (19)	19 (7)	3 (9)	157 (11)
Subtotal	395 (72)	222 (73)	202 (64)	110 (43)	21 (64)	950 (65)
Pend. in Crim. Ct.	38 (7)	13 (4)	29 (9)	41 (16)	1 (3)	122 (8)
Pend. in Grand Jury	12 (2)		8 (3)	8 (3)		28 (2)
Indicted	96 (18)	67 (22)	53 (17)	63 (25)	11 (33)	290 (20)
Subtotal	146 (27)	80 (26)	90 (28)	112 (44)	12 (36)	440 (30)
Unconfirmed arrest reports	6 (1)	1 (0)	25 (8)	32 (13)		64 (4)
Total	547 (100)	303 (100)	317* (100)	254 (100)	33 (100)	1454 (100)

* One juvenile died before any court action was taken

Note: numbers in parentheses are percentages

JUVENILE OFFENDERS
COURT ACTION BY COUNTY (as of 8/31/79)
CASES ORIGINATING SEPTEMBER 1, 1978 - NOVEMBER 30, 1978

	KINGS	BRONX	NEW YORK	QUEENS	RICHMOND	CITYWIDE
Declined to Prosecute	19 (13)	24 (29)	38 (41)	6 (8)		87 (21)
Removed to Family Ct.	71 (48)	33 (40)	26 (28)	23 (32)	5 (38)	158 (39)
Dismissed	23 (15)	7 (9)	12 (13)	12 (16)	1 (8)	55 (13)
Subtotal	113 (76)	64 (78)	76 (82)	41 (56)	6 (46)	300 (73)
Pend. in Crim. Ct.	2 (1)		3 (3)	2 (3)		7 (2)
Pend. in Grand Jury			1 (1)			1 (0)
Indicted	34 (23)	18 (22)	13 (14)	30 (41)	7 (54)	102 (25)
Subtotal	36 (24)	18 (22)	17 (18)	32 (44)	7 (54)	110 (27)
Unconfirmed arrest reports						
Total	149 (100)	82 (100)	93 (100)	73 (100)	13 (100)	410 (100)

Note:.. numbers in parentheses are percentages

JUVENILE OFFENDERS

COURT ACTION BY COUNTY (as of 8/31/79)

Cases originating December 1, 1978 - February 28, 1979

	KINGS	BRONX	NEW YORK	QUEENS	RICHMOND	CITYWIDE
Declined to Prosecute	15 (12)	16 (20)	23 (31)	8 (13)		62 (18)
Removed to Family Ct.	69 (53)	40 (49)	26 (35)	18 (29)	4 (67)	157 (44)
Dismissed	13 (10)	4 (5)	11 (15)	4 (6)		32 (9)
Subtotal	97 (75)	60 (74)	60 (81)	30 (48)	4 (67)	251 (71)
Pend. in Crim. Ct.		1 (1)	1 (1)	5 (8)		7 (2)
Pend. in Grand Jury	1 (1)					1 (0)
Indicted	32 (25)	20 (25)	13 (18)	28 (44)	2 (33)	95 (27)
Subtotal	33 (25)	21 (26)	14 (19)	33 (52)	2 (33)	103 (29)
Unconfirmed arrest reports						
Total	130 (100)	81 (100)	74* (100)	63 (100)	6 (100)	354 (100)

* One juvenile died before any court action was taken.

Note: numbers in parentheses are percentages.

JUVENILE OFFENDERS
COURT ACTION BY COUNTY (as of 8/31/79)
CASES ORIGINATING MARCH 1, 1979 - MAY 31, 1979

	KINGS	BRONX	NEW YORK	QUEENS	RICHMOND	CITYWIDE
Declined to Prosecute	23 (16)	25 (30)	2 (4)	23 (37)	1 (8)	74 (21)
Removed to Family Ct.	76 (52)	35 (42)	21 (38)	12 (19)	6 (50)	150 (42)
Dismissed	15 (10)	7 (8)	18 (33)		2 (17)	42 (12)
Subtotal	114 (78)	67 (81)	41 (75)	35 (56)	9 (75)	266 (74)
Pend. in Crim. Ct.	13 (9)	1 (1)	8 (15)	26 (41)	1 (8)	49 (14)
Pend. in Grand Jury	3 (2)		1 (2)	1 (2)		5 (1)
Indicted	17 (12)	15 (18)	5 (9)	1 (2)	2 (17)	40 (11)
Subtotal	33 (22)	16 (19)	14 (25)	28 (44)	3 (25)	94 (26)
Unconfirmed arrest reports						
Total	147 (100)	83 (100)	55 (100)	63 (100)	12 (100)	360 (100)

Note: numbers in parentheses are percentages.

JUVENILE OFFENDERS

COURT ACTION BY COUNTY (as of 8/31/79)

CASES ORIGINATING JUNE 1, 1979 - AUGUST 31, 1979

	KINGS	BRONX	NEW YORK	QUEENS	RICHMOND	CITYWIDE
Declined to Prosecute	21 (17)	6 (11)	1 (1)			28 (8)
Removed to Family Ct.	47 (39)	21 (37)	6 (6)	1 (2)	2 (100)	77 (23)
Dismissed	3 (2)	4 (7)	18 (19)	3 (5)		28 (8)
Subtotal	71 (59)	31 (54)	25 (26)	4 (7)	2 (100)	133 (40)
Pend. in Crim. Ct.	23 (19)	11 (19)	17 (18)	8 (15)		59 (18)
Pend. in Grand Jury	8 (7)		6 (6)	7 (13)		21 (6)
Indicted	13 (11)	14 (25)	22 (23)	4 (7)		53 (16)
Subtotal	44 (36)	25 (44)	45 (47)	19 (35)		133 (40)
Unconfirmed arrest reports	6 (5)	1 (2)	25 (26)	32 (58)		64 (19)
Total	121 (100)	57 (100)	95 (100)	55 (100)	2 (100)	330 (100)

Note: numbers in parentheses are percentages

JUVENILE OFFENDERS
DISPOSITIONS OF INDICTED CASES

SEPTEMBER 1, 1978 - AUGUST 31, 1979

	KINGS	BRONX	NEW YORK	QUEENS	RICHMOND	CITYWIDE
Guilty By Trial	2 (2)	1 (1)	3 (6)	2 (3)	2 (18)	10 (3)
Guilty By Admission	14 (15)	22 (33)	9 (17)	10 (16)	3 (27)	58 (20)
Total Convictions	16 (17)	23 (34)	12 (23)	12 (19)	5 (45)	68 (23)
Removed from supreme ct.	1 (1)	11 (16)	7 (13)	27 (43)		46 (16)
Acquitted				1 (2)		1 (0)
Dismissed	4 (4)	1 (1)		6 (10)	1 (9)	12 (4)
Pend. in Supreme Ct.	75 (78)	32 (48)	34 (64)	17 (27)	5 (45)	163 (56)
Total Indictments	96 (100)	67 (100)	53 (100)	63 (100)	11 (100)	290 (100)

Note: numbers in parentheses are percentages

JUVENILE OFFENDERS

SENTENCES BY COUNTY

SEPTEMBER 1, 1978 - AUGUST 31, 1979

	KINGS	BRONX	NEW YORK	QUEENS	RICHMOND	CITYWIDE
*Probation			2	1		3
3 YEARS	5	5		2		12
*4 YEARS		1				1
4 1/2 YRS.				1		1
5 YEARS		1				1
6 YEARS				1		1
7 YEARS		1				1
9 YEARS		2				2
10 YEARS	1		1			2
	6	10	3	5		24

* Indicates youthful offender treatment

Note: All sentences noted are maximums. For juvenile offenders, the minimum sentence time is 1/3 the maximum,

JUVENILE OFFENDERS
LENGTH OF DETENTION
 (AS OF SEPTEMBER 17, 1979)

<u>DAYS</u>	<u>KINGS</u>	<u>BRONX</u>	<u>NEW YORK</u>	<u>QUEENS</u>	<u>RICHMOND</u>	<u>CITYWIDE</u>
1	195 (56)	77 (45)	145 (60)	74 (42)	10 (43)	501 (52)
2-5	95 (27)	33 (19)	59 (24)	45 (26)	5 (22)	237 (25)
6-10	9 (3)	14 (8)	13 (5)	15 (9)		51 (5)
11-30	15 (4)	12 (7)	3 (1)	13 (7)	1 (4)	44 (5)
31-60	13 (4)	9 (5)	10 (4)	11 (6)	3 (13)	46 (5)
61-90	4 (1)	7 (4)	2 (1)	4 (2)		17 (2)
91-120	5 (1)	4 (2)	1 (0)	2 (1)		12 (1)
121-150	6 (2)	3 (2)	1 (0)	3 (2)		13 (1)
151-180	1 (0)	7 (4)	1 (0)	4 (2)	1 (4)	14 (1)
181-210		1 (1)		1 (1)	3 (13)	5 (1)
211-240		1 (1)	2 (1)	1 (1)		4 (0)
241-270	1 (0)		1 (0)	2 (1)		4 (0)
270+	2 (1)	5 (3)	3 (1)	1 (1)		11 (1)
Total	346 (100)	173 (100)	241 (100)	176 (100)	23 (100)	959 (100)

Note: numbers in parentheses are percentages

JUVENILE OFFENDERS
VICTIMS BY AGE AND COUNTY

SEPTEMBER 1, 1978-AUGUST 31, 1979

AGE \	KINGS	BRONX	NEW YORK	QUEENS	RICHMOND	CITYWIDE
0-12	48 (10)	45 (17)	4 (2)	8 (5)	3 (50)	108 (10)
60+	43 (9)	28 (11)	25 (15)	17 (10)	1 (17)	114 (10)
Other E.V.G.	8 (2)	4 (2)	1 (1)	1 (1)		14 (1)
E.V.G. Subtotal	99 (20)	77 (29)	30 (18)	26 (15)	4 (67)	236 (22)
13-19	195 (40)	106 (40)	51 (31)	94 (55)		446 (41)
20-29	68 (14)	22 (8)	17 (10)	19 (11)		126 (12)
30-39	31 (6)	17 (6)	11 (7)	11 (6)		70 (6)
40-49	30 (6)	19 (7)	8 (5)	8 (5)	2 (33)	67 (6)
50-59	32 (7)	16 (6)	12 (7)	12 (7)		72 (7)
Other Non-E.V.G.	34 (7)	6 (2)	35 (21)	1 (1)		76 (7)
Non-E.V.G. Subtotal	390 (80)	186 (71)	134 (82)	145 (85)	2 (33)	857 (78)
Not Available	170	44	91	98	24	427
Total	659	307	255	269	30	1520

NOTE: E.V.G. denotes that the victim is a member of an "especially vulnerable group".

NOTE: Numbers in parentheses are percentages. Percentages do not include those cases for which information was not available.

JUVENILE OFFENDERS
STATE WIDE ARRESTS BY CHARGE
SEPTEMBER 1, 1978 - AUGUST 31, 1979

	SUBURBAN	UPSTATE	N.Y.C.	STATEWIDE
ROBBERY 1°	43 (36)	40 (35)	654 (45)	737 (44)
ROBBERY 2°	23 (19)	29 (25)	453 (31)	505 (30)
ASSAULT 1°	5 (4)	5 (4)	58 (4)	68 (4)
BURGLARY 1°	6 (5)	1 (1)	20 (1)	27 (2)
BURGLARY 2°	13 (11)	9 (8)	16 (1)	38 (2)
ARSON 1°&2°	7 (6)	6 (5)	29 (2)	42 (2)
RAPE 1°	14 (12)	10 (9)	89 (6)	113 (7)
SODOMY 1°	2 (2)	7 (6)	34 (2)	43 (3)
KIDNAP 1°		1 (1)	3 (0)	4 (0)
ATT. MUR. 2°	2 (2)	1 (1)	43 (3)	46 (3)
MURDER 2°	3 (3) *	5 (4)	25 (2)	33 (2)
OTHER	2 (2)		4 (0)	6 (0)
UNKNOWN			27 (2)	27 (2)
	120 (100) (7)	114 (100) (7)	1455 (100) (86)	1689 (100) (100)

* Includes one manslaughter 1° arrest.

Note: Numbers in parentheses are percentages.

JUVENILE OFFENDERS
STATEWIDE INDICTMENTS BY COUNTY
SEPTEMBER 1, 1978 - AUGUST 31, 1979

	SUBURBAN	UPSTATE	N.Y.C	STATEWIDE
ALBANY		3 (1)		
BRONX			67 (19)	
CHAUTAUQUA		2 (1)		
CLINTON		2 (1)		
DUTCHESS		1 (0)		
KINGS			96 (28)	
MONROE		6 (2)		
NASSAU	5 (1)			
NEW YORK			53 (15)	
NIAGARA		2 (1)		
ONEIDA		1 (0)		
ONONDAGA		6 (2)		
QUEENS			63 (18)	
RICHMOND			8 (2)	
ROCKLAND	1 (0)			
SARATOGA		2 (1)		
STEUBEN		1 (0)		
SUFFOLK	9 (3)			
WESTCHESTER	13 (4)			
	28 (8)	26 (8)	290 (84)	344 (100)

Note: Number in parentheses are percentages.

JUVENILE OFFENDERS

STATEWIDE DISPOSITIONS OF INDICTED CASES

SEPTEMBER 1, 1978 - AUGUST 31, 1979

	SUBURBAN	UPSTATE	N.Y.C.	STATEWIDE
GUILTY BY TRIAL		1 (7)	10 (8)	11 (7)
GUILTY BY ADMISSION	1 (20)	6 (40)	58 (46)	65 (44)
TOTAL CONVICTIONS	1 (20)	7 (47)	68 (54)	76 (52)
ACQUITTED	1 (20)		1 (1)	2 (1)
DISMISSED		2 (13)	12 (9)	14 (10)
OTHER *	3 (60)	6 (40)	46 (36)	55 (37)
TOTAL DISPOSITIONS	5 (100) (3)	15 (100) (10)	127 (100) (86)	147 (100) (100)

* Includes removals from Supreme Court, indictment consolidations and other dispositions.

Note: Numbers in parentheses are percentages.

END