



G.I.P. appeals a juvenile court delinquency disposition committing him to the Department of Correction (“DOC”) in lieu of commitment to a residential rehabilitation program. We affirm.

Around 2:00 a.m. on July 9, 2007, G.I.P. and three friends walked around Evansville. They came to the Smoke Shop, where G.I.P. threw a chunk of concrete through the window. He and another boy entered and took cigarettes and other merchandise from the store.

On September 4, 2007, G.I.P. and another boy skipped school and went to an abandoned house. Once inside, they set a mattress on fire, causing approximately \$30,000 in damage.

On September 12, 2007, G.I.P. and two other teenagers skipped school, smoked marijuana at a park, and walked to the same abandoned house. Inside, G.I.P. and another boy gathered clothing and set it on fire, causing approximately \$26,000 in damage.

On October 4, 2007, the State filed a delinquency petition alleging that G.I.P. had committed two counts of arson, both of which would be class D felonies if committed by an adult, and two counts of criminal mischief, both of which would be class A misdemeanors if committed by an adult. On October 9, 2007, the State filed a second delinquency petition alleging that G.I.P. had committed burglary, a class C felony if committed by an adult.

The State dismissed the criminal mischief counts, and on November 27, 2007, the juvenile court heard both causes at a denial hearing. The court entered true findings on the burglary count and both arson counts. Immediately thereafter, the court conducted a disposition hearing and made the following finding and conclusion:

THAT SAID CHILD IS BEYOND THE CONTROL OF; THAT

THERE DOES NOT EXIST ANY VIABLE OPTIONS FOR THE CARE AND TREATMENT OF SAID CHILD IN THE COMMUNITY.

PURSUANT TO IC 31-6-4-15.5(A)(1) (31-6-7-16(C)[)], THE COURT NOW AWARDS WARDSHIP OF THE CHILD TO THE INDIANA DEPARTMENT OF CORRECTION FOR HOUSING IN ANY CORRECTIONAL FACILITY FOR CHILDREN OR ANY COMMUNITY-BASED CORRECTIONAL FACILITY FOR CHILDREN.

Appellant's App. at 64. The court based its disposition on the fact that G.I.P. had been given the following opportunities in prior cases:

Formal Probation; House Arrest; Secure detention Youth Care Center and SWIRYV; Diagnostic Evaluation at Muncie Reception Diagnostic Center; placement at Kokomo Academy; prescribed medication through SWIMHC Psychiatrist Donald Atkinson; Evansville Vanderburgh School Corporation Alternative School Programs; counseling at SWIMHC; residential placement at Kokomo Academy; Psychiatric Residential Treatment Facility Program at Gibault; Secure detention Muncie Reception Diagnostic Center[.]

*Id.* at 64-65.

G.I.P. challenges the juvenile court's disposition order, claiming the court was statutorily required to impose the least restrictive disposition available. "The choice of a specific disposition of a juvenile adjudicated a delinquent child is within the sound discretion of the juvenile court, subject to the statutory considerations of the welfare of the child, the community's safety, and the Indiana Code's policy of favoring the least harsh disposition." *C.T.S. v. State*, 781 N.E.2d 1193, 1202 (Ind. Ct. App. 2003) (citation and quotation marks omitted), *trans. denied*. We review for an abuse of discretion, which "occurs when the trial court's disposition is clearly erroneous and against the logic and effect of the facts and circumstances before the court, or the reasonable, probable, and actual deductions to be drawn therefrom." *Id.* (citation and quotation marks omitted).

G.I.P. specifically asserts that the juvenile court was obligated to attempt to place him in the Vincennes SOARs residential treatment program before making him a ward of the DOC. Indiana Code Section 31-37-18-6 provides in pertinent part:

*If consistent with the safety of the community and the best interest of the child*, the juvenile court shall enter a dispositional decree that:

(1) is:

(A) in the least restrictive (most family like) and most appropriate setting available; and

(B) close to the parents' home, consistent with the best interest and special needs of the child;

...

(4) imposes the least restraint on the freedom of the child and the child's parent, guardian, or custodian[.]

(Emphasis added.) Indiana Code Section 31-37-19-6(b)(2)(A)(i) authorizes a juvenile court to award wardship to the DOC for housing in a correctional facility for children. "While such commitment should be resorted to only if less severe dispositions are inadequate, there are times when such commitment is in the best interest of the juvenile and society in general." *M.R. v. State*, 605 N.E.2d 204, 208 (Ind. Ct. App. 1992).

G.I.P.'s actions posed a threat to community safety. Two of the three counts against G.I.P. involve acts amounting to arson if committed by an adult. Our supreme court has emphasized the seriousness of arson and its potentially devastating consequences. *See Mathews v. State*, 849 N.E.2d 578, 590 (Ind. 2006) (equating arson to domestic terrorism with the potential for widespread loss of life). Moreover, G.I.P.'s juvenile record indicates that less restrictive dispositions have failed to rehabilitate him. Since turning thirteen, he has been prosecuted for delinquency for various acts including theft, public intoxication, and criminal mischief. He has been placed in numerous less restrictive programs and was on

probation when he committed the instant offenses. The juvenile court listed the previous rehabilitative efforts in its findings and conclusions and clearly took these into account when entering its dispositional decree. “Although less harsh options than commitment to an institution are available for the juvenile court to utilize, there are times when commitment to a suitable public institution is in the best interest of the juvenile and of society.” *D.S. v. State*, 829 N.E.2d 1081, 1085 (Ind. Ct. App. 2005) (citations and internal quotation marks omitted). This is one of those times.

Affirmed.

KIRSCH, J., and VAIDIK, J., concur.