



CSPV FACT SHEET

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Youth in Adult Courts

During the 1960s, the President's Commission on Law Enforcement and Administration of Justice declared the juvenile justice system ineffective at rehabilitating youth. The juvenile court system was declared a threat to public safety, as juvenile sanctions included shorter terms of incarceration. The increasing data that rehabilitative juvenile programs were not effective coupled with the perception of a rising rate of serious juvenile violence in the 1980s and 1990s prompted a push for using the waiver process to transfer youthful offenders to adult criminal court.

Although the age threshold varies, all states have provisions for processing youth under the age of 18 in the adult system, depending on the severity of the offense and the youth's offending history. Most states use a judicial waiver which gives the juvenile court judge the authority to waive juvenile court jurisdiction and transfer the case to a criminal court. Other states transfer or decline rather than waive jurisdiction, use a direct file transfer by the prosecutor or a legislative waiver or statutory exclusion, which automatically excludes certain offenses from prosecution in juvenile court. These processes represent a shift over the past several decades from rehabilitative to punitive treatment of young offenders and has resulted in the following set of issues and effects:

- The probability of waiver increases with the severity of the alleged offense.
- The use of a weapon in the commission of an offense has a significant effect on the decision to refer a juvenile to criminal court.
- In each year from 1990 to 2003, an average of 98 youth under age 18 were admitted to adult prisons with a sentence of life without parole.
- One in ten juveniles incarcerated on any given day in this country will go to an adult jail or prison.
- A disproportionate percentage of minority youth are transferred to adult court for serious, violent offenses. They are also more likely to be convicted and incarcerated.
- Black youth are more likely than other youth to be waived for drug offenses. White youth are more likely to be waived for property offenses. Youth of other races were more likely than either white or black youth to be waived for person offenses. Regardless of race, person offenses were more likely to be waived than cases involving other offenses.
- Policies supporting juvenile transfer to adult courts generally result in increased arrest of those youth for subsequent crimes.

- There are fewer treatment opportunities for juveniles who are incarcerated in adult facilities than for those youth who are held in juvenile correctional facilities.
- Juveniles processed in an adult court system experience a higher probability of conviction and incarceration than youths processed in the juvenile court system.
- Youth waived to adult court for violent criminal offenses are more likely to receive more severe sanctions than youth retained in juvenile court.
- Waivers, as currently implemented, have little known deterrent effect on the juvenile crime rate.
- Youth convicted in an adult criminal court cannot as easily expunge their criminal record, which may limit their future education and employment opportunities.
- Military service and the right to vote may be denied to youth convicted in an adult court.
- Juveniles waived to criminal court are more likely to recidivate, with more serious offenses, and with a shorter survival rate than youth who are prosecuted through the juvenile courts.
- Youth who are incarcerated in adult prisons following conviction in criminal courts face higher rates of victimization than youth who are sent to juvenile training facilities.
- Although the proportions of judicially waived cases involving females and younger juveniles increased between 1985 and 2002, the vast majority of waived cases involved males who were 16 yrs of age and older.
- As a result of legislative changes which permit juvenile cases to be waived to adult courts, the number of youth convicted of felonies in these courts and incarcerated in adult correctional facilities has increased, reaching a peak in the mid 90's and then declining somewhat due, in part, to the decrease in juvenile crime.
- Transfer to an adult criminal justice system typically increases rather than decreases rates of violence among transferred youth.

Although the number of juvenile cases waived to adult courts has decreased since 1994, state legislatures are expanding the ways in which youth may be transferred to the adult system. Transfers to adult courts result in increased subsequent arrests, higher rates of victimization in adult facilities, a disproportionate representation of minority youth, little rehabilitative programming, and no known deterrent effect on the overall juvenile crime rate.

References:

- Snyder, Howard N. and Sickmund, Melissa, (2006), *Juvenile Offenders and Victims: 2006 National Report*, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, Washington, D.C.
- Hartney, Christopher, (2006), *Youth Under Age 18 in the Adult Criminal Justice System*, National Council on Crime and Delinquency, Oakland, CA.
- Hahn, R., et al, (2007) *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System*, Morbidity and Mortality Weekly Report, Centers for Disease Control and Prevention, Atlanta, GA.
- Redding, Richard, (2008), *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?*, Juvenile Justice Bulletin, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, Washington, D.C.