

EVIDENCE

Transfer of Juvenile Offenders to Adult Criminal Courts

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AUTHORS:

The Problem: Youth violence is an enormous public health problem in the United States, with homicide standing as the third leading cause of death for people between the ages of 10 and 24. CDC: Youth Violence Fast Facts [Archived]. Juvenile court systems have often been criticized for inadequately deterring and poorly preventing recidivism among violent youthful offenders. Steiner B, Hemmens C, Bell V. Legislative Waiver Reconsidered: General Deterrent Effects of Statutory Exclusion Laws Enacted Post-1979. Justice Quarterly. 2006;23(1):34-59.

The Law: All states have adopted laws that allow judicial waiver of jurisdiction by the juvenile court system, which sends young offenders to adult criminal systems. Some states use a discretionary approach, giving deference to the juvenile court judge. Other states employ an automatic approach: jurisdiction is waived for specific violent offenses or when the offender has prior violent arrests. For examples of juvenile waiver laws, see RCW 13.40.110 (Washington), Fla Stat § 985.556 (Florida), and MN Stats 260B.101 (Minnesota).

The Evidence: In a systematic review, a Community Guide expert panel reviewed seven studies evaluating the impact of six laws allowing juvenile transfer. McGowan A, Hahn R, Liberman A, et al. Effects on violence of laws and policies facilitating the transfer of juveniles from the juvenile justice system to the adult justice system: a systematic review. Am J Prev Med 2007;32(4S):S7–S28. Across the studies, the reviewers observed an overall negative effect. Notably, there was a 34 percent median increase in recidivism among youths processed though adult systems compared to those retained in the juvenile courts. In addition, transfer of youths led to an increase in pretrial violence, victimization and violence in adult facilities, and elevated suicide rates among the incarcerated youths. According to the expert panel, there was not enough evidence to determine the true effect of waiver as a deterrent.

The Bottom Line: In the judgment of a Community Guide expert panel, there is sufficient evidence to conclude that processing youths through adult systems has a negative impact on public health.

Additional Resources: Heilbrun, et al. A National Survey of US Statutes on juvenile transfer: implications for policy and practice. Behavioral Sciences and the Law. 1998;15(2):125-149.

Impact: Harmful

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