



# OJJDP Office of Juvenile Justice and Delinquency Prevention

Shay Bilchik, Administrator

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## Delinquency Cases Waived to Criminal Court, 1985–1994

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### National data on cases waived to criminal court

Juvenile offenders are sometimes transferred to criminal court where they may stand trial as adults. Various mechanisms are used to effect these transfers. Some States automatically exclude certain cases from juvenile court; others give prosecutors authority to file specific cases directly in criminal court. In all but three States (Nebraska, New Mexico, and New York), juvenile court judges may transfer certain cases by “waiving” the juvenile court’s original jurisdiction. This Fact Sheet presents data from the National Juvenile Court Data Archive on cases waived by juvenile court judges from 1985 through 1994. National estimates were generated using information from all jurisdictions able to provide data in sufficient detail (i.e., more than 1,800 jurisdictions containing 67% of the U.S. juvenile population).

### Waived cases increased 71% between 1985 and 1994

Between 1985 and 1994, the number of delinquency cases waived to criminal court grew 71%, from 7,200 to 12,300 cases annually. The profile of waived cases changed considerably in that time. As recently as 1991, property offenses outnumbered person offenses among waived cases, but in 1994, the largest group of judicially waived cases involved a person offense as the most serious charge.

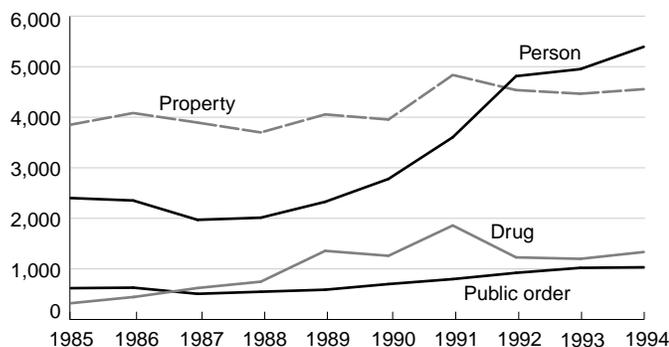
### The characteristics of waived cases changed between 1985 and 1994

|                                 | 1985         | 1990         | 1994          |
|---------------------------------|--------------|--------------|---------------|
| <b>Total Cases Transferred</b>  | <b>7,200</b> | <b>8,700</b> | <b>12,300</b> |
| <b>Most Serious Offense</b>     |              |              |               |
| Person                          | 33%          | 32%          | 44%           |
| Property                        | 54           | 45           | 37            |
| Drug                            | 5            | 14           | 11            |
| Public Order                    | 9            | 8            | 8             |
| <b>Gender</b>                   |              |              |               |
| Male                            | 95%          | 96%          | 96%           |
| Female                          | 5            | 4            | 4             |
| <b>Age at Time of Referral</b>  |              |              |               |
| Under 16 years                  | 6%           | 10%          | 12%           |
| 16 or older                     | 94           | 90           | 88            |
| <b>Race/Ethnicity</b>           |              |              |               |
| White                           | 57%          | 45%          | 49%           |
| Black                           | 42           | 52           | 48            |
| Other                           | 2            | 3            | 4             |
| <b>Predisposition Detention</b> |              |              |               |
| Detained                        | 57%          | 57%          | 56%           |
| Not detained                    | 43           | 43           | 44            |

Note: Percentages may not add to 100% due to rounding.

### Since 1992, most waivers have involved a person offense as the most serious charge

Number of cases transferred



### For every 1,000 formally handled delinquency cases, 14 were waived to criminal court in 1994

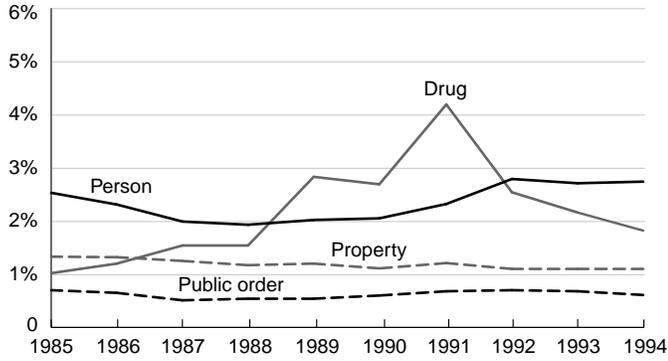
In 1994 U.S. courts with juvenile jurisdiction handled more than 1.5 million cases involving delinquency offenses. Of these cases 855,200 were processed formally in some way, either through adjudication in juvenile court or transfer to the criminal court. Judicial waivers accounted for a very small proportion of formal cases. In 1994 waived cases represented 1.4% of formal delinquency cases—the same as in 1985.

### Recent changes in the use of judicial waiver varied by the most serious offense and the race of the offender

The cases most likely to be waived to criminal court in 1994 involved person offenses (2.7%). As recently as 1991, drug

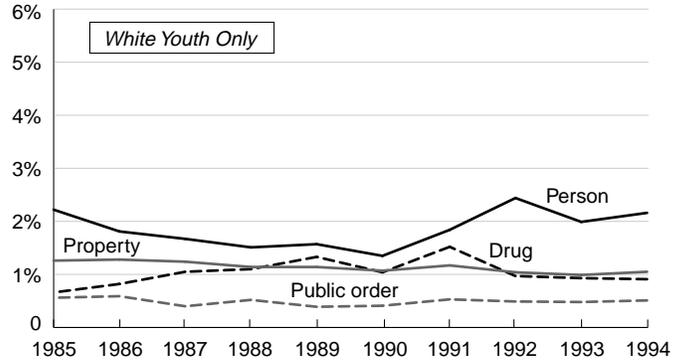
**Since 1991, the use of waiver has declined for drug cases but increased for person offenses**

**Percent of formal cases transferred**

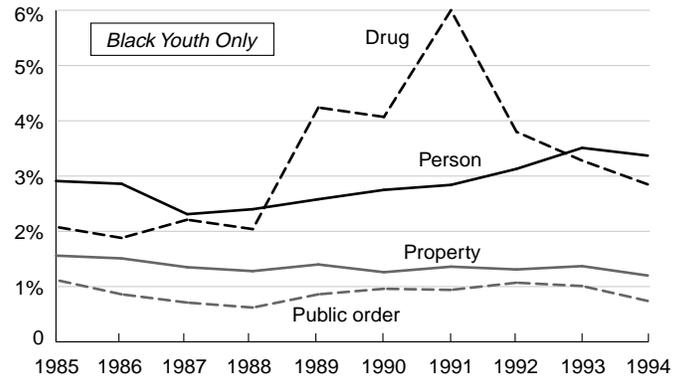


**Changes in the use of waiver for drug cases were greater in cases involving black youth**

**Percent of formal cases transferred**



**Percent of formal cases transferred**



offense cases were more likely to be transferred than were person offense cases (4.2% compared with 2.3%).

Cases involving black youth were more likely to be waived than cases involving other youth, largely because of the different handling of person offenses and drug offenses. In 1994, 1.9% of formally processed cases involving black juveniles were waived to criminal court, compared with 1.2% of cases involving whites and 1.5% of cases involving youth of other races.

Throughout the period from 1985 to 1994, cases involving white juveniles were most likely to be waived if the most serious charge was a person offense. The use of waiver in cases involving black youth changed considerably between 1985 and 1994. The use of transfer for black youth charged with drug offenses increased substantially between 1985 and 1991. As of 1992, however, waivers of drug cases declined for black youth, and person offenses became the cases most likely to be waived to criminal court.

**For further information**

This Fact Sheet is based on the report *Juvenile Court Statistics 1994*. Copies are available from the Office of Juvenile Justice and Delinquency Prevention's (OJJDP's) Juvenile Justice Clearinghouse, 800-638-8736. OJJDP also supports distribution of a

PC-compatible software version of the data analyzed in *Juvenile Court Statistics*. For a free copy of the software, *Easy Access to Juvenile Court Statistics*, call the National Juvenile Court Data Archive at the National Center for Juvenile Justice, 412-227-6950. This software can also be downloaded from OJJDP's home page: <http://www.ncjrs.org/ojjhome.htm>.

Jeffrey A. Butts is Project Manager of the National Juvenile Court Data Archive, which is supported by an OJJDP grant.

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