



# OJJDP FACT SHEET

Shay Bilchik, Administrator February 2000 #02

## Delinquency Cases Waived to Criminal Court, 1988–1997

by Charles M. Puzzanchera

### All States have mechanisms to handle juveniles in criminal court

All States have set an upper age of original jurisdiction for juvenile courts (either age 15, 16, or 17). However, all States have legal mechanisms that enable them to try some of these youth in criminal court as if they were adults. Some States (28 in 1997) automatically exclude cases from juvenile court that meet specific age and offense criteria. Other States (15 in 1997) allow prosecutors the discretion to file certain juvenile cases directly in criminal court. In all but four States (Massachusetts, Nebraska, New Mexico, and New York), a juvenile court judge is authorized to waive the juvenile court's original jurisdiction over cases that meet certain criteria and refer them to criminal court for prosecution. This Fact Sheet presents estimates of the number of cases transferred from juvenile court to criminal court through the judicial waiver mechanism between 1988 and 1997. These estimates are based on data from more than 1,900 jurisdictions representing nearly 70% of the U.S. juvenile population (youth age 10 through the upper age of original juvenile court jurisdiction in each State).

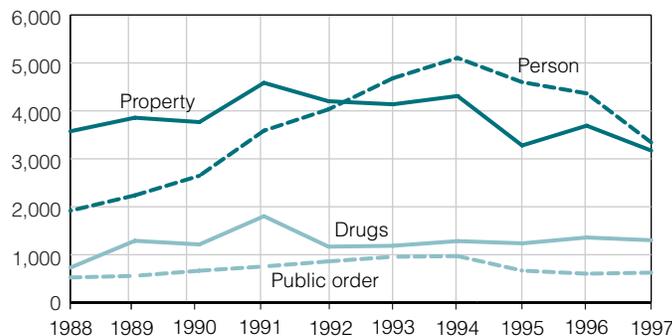
### For every 1,000 formally handled delinquency cases, 8 were waived to criminal court

In 1997, U.S. courts with juvenile jurisdiction handled nearly 1.8 million delinquency cases. More than half (57% or 996,000) of these cases were handled formally (that is, a petition was filed requesting an adjudication or waiver hearing). In 1997, waivers to criminal court represented less than 1% (approximately 8,400 cases) of the formally processed delinquency caseload.

The proportion of formally processed cases waived to criminal court varied by offense. For example, in 1997, 1.5% (3,300) of all formally processed person offense cases were waived to criminal court. From 1989 through 1992, formally processed drug offense cases were more likely to be waived to criminal court than any other offense group. The proportion of petitioned drug offense cases that were waived peaked at 4.1% (1,800 cases) in 1991 and has declined since then (1.1% or 1,300 cases in 1997). Since

### After 1992, more person offense than property offense cases were judicially waived

Number of cases judicially waived to criminal court



1993, formally processed person offense cases were more likely to be judicially waived and were waived in greater numbers than cases involving other offenses.

The number of delinquency cases judicially waived to criminal court reached a peak in 1994 with 11,700 cases. This represented a 73% increase over the number of cases waived in 1988 (6,700). Since 1994, however, the number of cases waived to criminal court has declined 28% to 8,400 cases.

Through 1992, property offenses outnumbered person offenses among waived cases. This trend reversed in 1993, as person offense cases accounted for a greater proportion of the waived caseload than property offense cases (43% versus 38%).

Between 1994 and 1997, the decline in waived person offense cases (35%) outpaced the decline in waived property offense cases (26%). By 1997, the proportion of formally processed person offense cases (40% or 3,300 cases) that were waived was about the same as for formally processed property offense cases (38% or 3,200 cases).

**The characteristics of waived cases changed between 1988 and 1997**

	1988	1994	1997
<b>Total Cases Waived</b>	6,700	11,700	8,400
<b>Most Serious Offense</b>			
Person	28%	44%	40%
Property	53	37	38
Drugs	11	11	15
Public order	8	8	7
<b>Gender</b>			
Male	95%	96%	95%
Female	5	4	5
<b>Age at Time of Referral</b>			
Under 16 years	7%	12%	13%
16 or older	93	88	87
<b>Race/Ethnicity</b>			
White	55%	48%	50%
Black	43	48	46
Other	2	4	4
<b>Predisposition Detention</b>			
Detained	56%	56%	51%
Not detained	44	44	49

**The offense characteristics of waived cases varied by the race of the offender**

From 1988 through 1997, the number of judicially waived cases involving black youth increased 35%, compared with a 14% increase for white youth. Property offense cases made up the largest share of the waived caseload for black youth in 1988 and 1989. From 1990 through 1997, however, person offense cases made up the largest share of the waived caseload for black youth. Comparatively, property offense cases constituted the largest share of judicially waived cases for white youth each year from 1988 through 1997.

**Offense characteristics of waived cases for white and black youth, 1988-97**

Most Serious Offense	1988	1994	1997	Percent Change	
				1988-97	1994-97
<b>White</b>					
Total delinquency	3,700	5,700	4,200	14%	-28%
Person	800	2,100	1,500	94	-29
Property	2,300	2,700	2,000	-15	-27
Drugs	300	300	500	76	41
Public order	300	500	300	-22	-48
<b>Black</b>					
Total delinquency	2,900	5,600	3,900	35%	-30%
Person	1,100	2,800	1,700	55	-39
Property	1,100	1,400	1,000	-9	-27
Drugs	500	900	800	75	-14
Public order	200	400	300	81	-18

**Note:** Detail may not add to totals because of rounding. Percent change calculations are based on unrounded numbers

**For further information**

This Fact Sheet is based on the forthcoming Report *Juvenile Court Statistics 1997*. Copies will be 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: [www.ojjdp.ncjrs.org](http://www.ojjdp.ncjrs.org).

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*The Office of Juvenile Justice and Delinquency Prevention is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, and the Office for Victims of Crime.*

FS-200002

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