



# OJJDP FACT SHEET

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## Delinquency Cases Waived to Criminal Court, 1990-1999

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 (age 15, 16, or 17). However, all states have legal mechanisms that enable them, under certain circumstances, to try youth in criminal court as if they were adults. Some states (29 in 1999) automatically exclude cases from juvenile court that meet specific age and offense criteria. Other states (15 in 1999) allow prosecutors 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 1990 and 1999. These estimates are based on data from nearly 2,000 jurisdictions, representing 70% of the U.S. juvenile population (youth age 10 through the upper age of original juvenile court jurisdiction in each state).

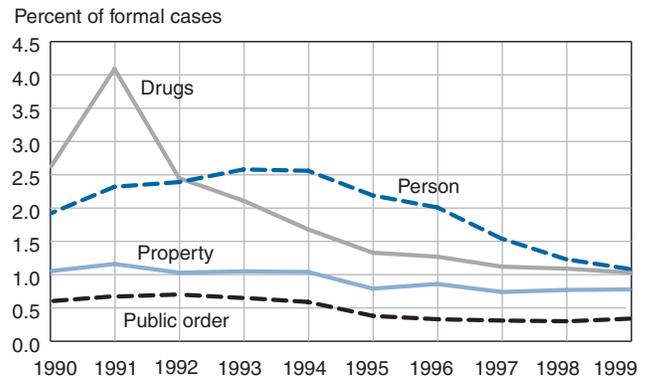
### For every 1,000 formally handled delinquency cases, 8 were waived to criminal court

In 1999, U.S. courts with juvenile jurisdiction handled nearly 1.7 million delinquency cases. More than half (57% or 962,000) of these cases were handled formally (that is, a petition was filed requesting an adjudication or waiver hearing). The number of delinquency cases judicially waived to criminal court peaked in 1994 with 12,100 cases. This represented a 45% increase over the number of cases waived in 1990 (8,300). Since 1994, however, the number of cases waived to criminal court declined 38% to 7,500 cases, representing less than 1% of the formally processed delinquency caseload.

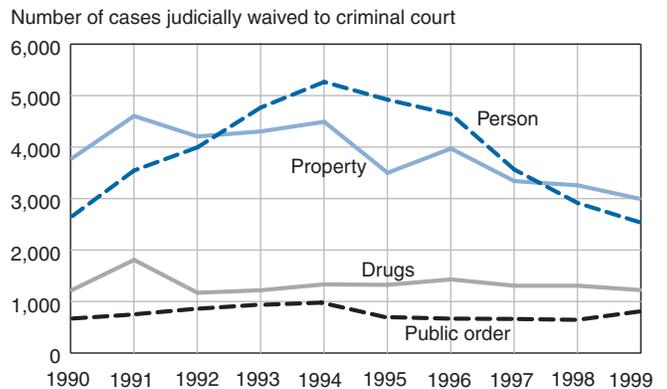
The proportion of formally processed cases waived to criminal court varied by offense. For example, in 1999, 1.1% (2,500) of all formally processed person offense cases were waived to

criminal court. From 1990 through 1992, formally processed drug offense cases were more likely to be waived to criminal court than any other offense category. The proportion of petitioned drug offense cases waived peaked at 4.1% (1,800 cases)

Since 1991, the use of judicial waiver has declined considerably for drug offense cases



From 1993 to 1997, more person offense than property offense cases were judicially waived



**The characteristics of waived cases changed between 1990 and 1999**

	1990	1994	1999
<b>Total cases waived</b>	<b>8,300</b>	<b>12,100</b>	<b>7,500</b>
<b>Most serious offense</b>			
Person	32%	44%	34%
Property	45	37	40
Drugs	15	11	16
Public order	8	8	11
<b>Gender</b>			
Male	96%	95%	94%
Female	4	5	6
<b>Age at referral</b>			
15 or younger	10%	13%	14%
16 or older	90	87	86
<b>Race</b>			
White	45%	51%	54%
Black	53	46	44
Other	2	4	2
<b>Predisposition detention</b>			
Detained	57%	55%	35%
Not detained	43	45	65

Detail may not add to 100% because of rounding.

in 1991 and has declined since then (1.0% or 1,200 cases in 1999). From 1993 to 1997, formally processed person offense cases were more likely to be judicially waived than cases involving other offenses.

**The offense profile of cases judicially waived varied during the 10-year period**

From 1990 to 1992, property offense cases comprised the largest share of the waived caseload. This trend reversed in 1993, as person offense cases accounted for a greater proportion of the waived caseload than property offense cases (42% versus 38%). Between 1994 and 1999, the decline in waived person offense cases (52%) outpaced the decline in waived property offense cases (34%). As a result, by 1999, property offenses (40% or 3,000 cases) comprised a greater share of the waived caseload than person offenses (34% or 2,500 cases).

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

From 1990 through 1999, the number of judicially waived cases involving black youth decreased 24% compared with a 9% increase for white youth.<sup>1</sup> From 1990 through 1999, person offense

<sup>1</sup> Juveniles of Hispanic ethnicity can be of any race, but most are included in the white racial category.

**Offense characteristics of waived cases for white and black youth, 1990–1999**

Most serious offense	1990	1994	1999	Percent change	
				1990–99	1994–99
<b>White</b>					
Total delinquency	3,700	6,100	4,100	9%	-38%
Person	900	2,300	1,300	43	-45
Property	2,400	2,900	1,900	-19	-34
Drugs	200	400	500	119	15
Public order	300	500	400	57	-19
<b>Black</b>					
Total delinquency	4,400	5,500	3,300	-24%	-40%
Person	1,700	2,800	1,200	-29	-58
Property	1,300	1,400	1,000	-24	-29
Drugs	1,000	900	800	-25	-18
Public order	400	400	400	-1	-5

Detail may not add to totals because of rounding. Percent change figures are based on unrounded numbers.

cases made up the largest share of the waived caseload for black youth. In comparison, property offense cases constituted the largest share of judicially waived cases for white youth each year from 1990 through 1999.

**For further information**

This Fact Sheet is based on the forthcoming Report *Juvenile Court Statistics 1999*, which will be available on the Office of Juvenile Justice and Delinquency Prevention's (OJJDP's) Web site ([www.ojp.usdoj.gov/ojjdp](http://www.ojp.usdoj.gov/ojjdp)). To learn more about juvenile court cases, visit OJJDP's *Statistical Briefing Book* ([ojjdp.ncjrs.org/ojstatbb/index.html](http://ojjdp.ncjrs.org/ojstatbb/index.html)) and click on "Juveniles in Court." OJJDP also supports Easy Access to Juvenile Court Statistics, a Web-based application that analyzes the data files used for the *Juvenile Court Statistics* Report. This application is available from the *Statistical Briefing Book*.

Charles M. Puzzanchera is a Research Assistant with the National Juvenile Court Data Archive, which is supported by an OJJDP grant.

*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.*