



# *Trying Juveniles as Adults in Criminal Court:*

## *An Analysis of State Transfer Provisions*



# Office of Juvenile Justice and Delinquency Prevention

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) was established by the President and Congress through the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, Public Law 93–415, as amended. Located within the Office of Justice Programs of the U.S. Department of Justice, OJJDP's goal is to provide national leadership in addressing the issues of juvenile delinquency and improving juvenile justice.

OJJDP sponsors a broad array of research, program, and training initiatives to improve the juvenile justice system as a whole, as well as to benefit individual youth-serving agencies. These initiatives are carried out by seven components within OJJDP, described below.

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The mission of OJJDP is to provide national leadership, coordination, and resources to prevent juvenile victimization and respond appropriately to juvenile delinquency. This is accomplished through developing and implementing prevention programs and a juvenile justice system that protects the public safety, holds juvenile offenders accountable, and provides treatment and rehabilitative services based on the needs of each individual juvenile.

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# Trying Juveniles as Adults in Criminal Court:

An Analysis of State Transfer Provisions

Report



Patrick Griffin  
Patricia Torbet  
Linda Szymanski  
National Center for Juvenile Justice

**Shay Bilchik, Administrator**  
Office of Juvenile Justice and Delinquency Prevention

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**U.S. Department of Justice**  
**Office of Justice Programs**  
**Office of Juvenile Justice and Delinquency Prevention**  
810 Seventh Street NW.  
Washington, DC 20531

**Janet Reno**  
*Attorney General*

**Raymond C. Fisher**  
*Associate Attorney General*

**Laurie Robinson**  
*Assistant Attorney General*

**Shay Bilchik**  
*Administrator*  
Office of Juvenile Justice and Delinquency Prevention

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# Foreword

In recent years, the number of juvenile offenders transferred into the adult criminal justice system has increased. From 1992 through 1995, 40 States and the District of Columbia passed laws making it easier for juveniles to be tried as adults. To better understand this growing trend and its potential impact on youth crime, we need to take into account the nature of the offenses triggering such transfers and the various mechanisms used to effect them.

*Trying Juveniles as Adults in Criminal Court: An Analysis of State Transfer Provisions* delineates the distinctions among discretionary, mandatory, and presumptive waivers. Direct file provisions, which typically authorize the prosecutor to determine the jurisdiction based on age/offense categories, are described, as are statutory exclusions, which remove certain offenses or age/offense categories from the jurisdiction of the juvenile court. Other topics covered include “once an adult/always an adult” provisions, transfer for nonviolent offenses, requirements for additional pretransfer findings, evidentiary standards for waivers and transfers, transfer treatment based on prior record, devices to limit prosecutorial discretion, and minimum age provisions.

As we work to strengthen our response to challenges posed by youth crime, the information provided by this Bulletin should prove helpful in assessing the role that should be played by the transfer of juvenile offenders to adult criminal courts.

**Shay Bilchik**

*Administrator*

Office of Juvenile Justice and Delinquency Prevention

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# Table of Contents

<b>Foreword</b> .....	iii
<b>Acknowledgments</b> .....	v
<b>List of Tables</b> .....	viii
<b>Introduction</b> .....	1
<b>Transfer Provisions</b> .....	3
Waiver .....	3
Direct File .....	7
Statutory Exclusion .....	8
Reverse Waiver .....	9
Once an Adult/Always an Adult .....	10
<b>Additional Analyses</b> .....	13
Transfer for Nonviolent Offenses .....	13
Additional Pretransfer Findings Required .....	13
Clear and Convincing Evidence Standard .....	13
Special Transfer Treatment Based on Prior Record .....	14
Devices To Limit Prosecutorial Discretion .....	14
Minimum Age Provisions .....	15
<b>Appendix</b> .....	A-1

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# List of Tables

Most States Have a Combination of Transfer Provisions .....	1
Summary of Transfer Provisions, 1997 .....	2
Discretionary Waiver: Minimum Age and Offense Criteria, 1997 .....	5
Mandatory Waiver: Minimum Age and Offense Criteria, 1997 .....	6
Presumptive Waiver: Minimum Age and Offense Criteria, 1997 .....	7
Direct File: Minimum Age and Offense Criteria, 1997 .....	8
Statutory Exclusion: Minimum Age and Offense Criteria, 1997 .....	9
Minimum Age and Offenses for Which a Juvenile Can Be Transferred to Criminal Court in Every State, 1997 .....	14
Lowest Age of Criminal Responsibility/Criminal Court Jurisdiction, 1997 .....	16
Lowest Age for Original Juvenile Court Jurisdiction in Delinquency Matters, 1997 .....	17

# Introduction

All States and the District of Columbia (hereafter included with States in this Report) allow adult criminal prosecution of juveniles under some circumstances. The following discussion of State law in this area—which is based on State statutes as amended through the 1997 legislative sessions—gives an account of the principal transfer mechanisms by which juveniles are placed in the criminal justice system at the State level for serious and violent crimes.

State transfer mechanisms differ from one another primarily in where they locate the responsibility for deciding whether or not a given juvenile should be prosecuted in a court exercising civil (delinquency) or criminal jurisdiction.

- ◆ *Waiver* provisions leave transfer decisionmaking to the State’s juvenile courts: juveniles may not be prosecuted as if they were adult criminals pursuant to a waiver provision until a juvenile court judge has ordered it.<sup>1</sup> Waiver provisions differ from one another in the degree of decisionmaking flexibility they allow the courts. Some make the waiver decision entirely *discretionary*. Others set up a *presumption* in favor of waiver. And still others specify circumstances under which waiver is *mandatory*. But under all waiver provisions, a case against a juvenile must at least originate in juvenile court and cannot be channeled elsewhere without a juvenile court judge’s formal approval.
- ◆ *Direct File* provisions leave it up to the prosecutor to determine whether to initiate a case against a minor in juvenile court or in criminal (adult) court.
- ◆ *Statutory Exclusion* provisions grant criminal courts original jurisdiction over a whole class of cases involv-

<sup>1</sup> State laws do not change the legal status of a juvenile, who is criminally prosecuted, to an adult. Rather, the transfer mechanisms provide for the prosecution of juveniles as if they were adults, subjecting them to a possible criminal conviction and sentence in a court exercising criminal jurisdiction, in the same manner as an adult offender. However, it is common parlance to refer to a juvenile who is criminally prosecuted as one who is being prosecuted “as an adult” or in “adult court.”

ing juveniles. Under statutory exclusion, a State legislature is essentially predetermining the question of criminal prosecution for itself and taking the decision out of both the prosecutor’s and the court’s hands.

This Report also describes statutory mechanisms by which individual cases may be moved from criminal to juvenile court (see Reverse Waiver); provisions that permanently terminate juvenile court jurisdiction over individual juveniles who have been tried or convicted as adults (see Once an Adult/Always an Adult); standards applied to waiver decisions (see Transfer Criteria); and a number of related subsidiary issues, including the extent to which transfers are allowed or required for offenses that are not violent, probable cause requirements, extraordinary evidentiary burdens, the effect of prior delinquency records in transfer proceedings, limits on prosecutorial discretion, and minimum age provisions.

## Most States Have a Combination of Transfer Provisions

**Direct file only:** Nebraska.

**Exclusion only:** New Mexico and New York.

**Waiver<sup>2</sup> only:** California, Connecticut, Hawaii, Kansas, Kentucky, Maine, Missouri, New Hampshire, New Jersey, North Carolina, North Dakota, Ohio, Rhode Island, Tennessee, Texas, and West Virginia.

**Direct file and exclusion:** Massachusetts.

**Waiver<sup>2</sup> and direct file:** Arkansas, Colorado, District of Columbia, Michigan, Virginia, and Wyoming.

**Waiver<sup>2</sup> and exclusion:** Alabama, Alaska, Delaware, Idaho, Illinois, Indiana, Iowa, Maryland, Minnesota, Mississippi, Nevada, Oregon, Pennsylvania, South Carolina, South Dakota, Utah, Washington, and Wisconsin.

**All three mechanisms:** Arizona, Florida, Georgia, Louisiana, Montana, Oklahoma, and Vermont.

<sup>2</sup> Waiver refers to discretionary, mandatory, and/or presumptive judicial waivers. See appendix for more detail.

## Summary of Transfer Provisions, 1997

State	Judicial Waiver			Direct File	Statutory Exclusion	Reverse Waiver	Once an Adult/ Always an Adult
	Discretionary	Mandatory	Presumptive				
<b>Total States:</b>	<b>46</b>	<b>14</b>	<b>15</b>	<b>15</b>	<b>28</b>	<b>23</b>	<b>31</b>
Alabama	■				■		■
Alaska	■		■		■		
Arizona	■		■*	■	■	■	■
Arkansas	■			■		■	
California	■		■				■
Colorado	■		■	■		■	
Connecticut		■				■	
Delaware	■	■			■	■	■
Dist. of Columbia	■		■	■			■
Florida	■			■	■		■
Georgia	■	■		■	■	■	
Hawaii	■				(r-97)		■
Idaho	■				■		■
Illinois	■	■	■		■		
Indiana	■	■			■		■
Iowa	■				■	■	■
Kansas	■		■		(r-96)		■
Kentucky	■	■				■	
Louisiana	■	■		■	■		
Maine	■						■
Maryland	■				■	■	
Massachusetts	(r-96)			■	■		
Michigan	■			■			■
Minnesota	■		■		■		■
Mississippi	■				■	■	■
Missouri	■						■
Montana	■			■	■		
Nebraska				■		■	
Nevada	■		■		■	■	■
New Hampshire	■		■				■
New Jersey	■						
New Mexico					■		
New York					■	■	
North Carolina	■	■					
North Dakota	■	■	■				■
Ohio	■	■					■
Oklahoma	■			■	■	■	■
Oregon	■				■	■	■
Pennsylvania	■		■		■	■	■
Rhode Island	■	■	■				■
South Carolina	■	■			■	■	
South Dakota	■				■	■	■
Tennessee	■					■	■
Texas	■						■
Utah	■		■		■		■
Vermont	■			■	■	■	
Virginia	■	■		■		■	■
Washington	■				■		■
West Virginia	■	■					
Wisconsin	■				■	■	■
Wyoming	■			■		■	

**Legend:** ■ indicates the provision(s) allowed by each State as of the end of the 1997 legislative session; "r" indicates repealed; \* indicates by court rule.

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# Transfer Provisions

## Waiver

### Discretionary Waiver

A total of 46 States give juvenile court judges discretion to waive jurisdiction in individual cases involving minors, so as to allow prosecution in adult criminal courts. Terminology varies from State to State—some call the process a “certification,” “bind-over,” or “remand” for criminal prosecution, for example, or a “transfer” or “decline” rather than a waiver proceeding—but all transfer mechanisms in this category have the effect of authorizing but not requiring juvenile courts to designate appropriate cases for adult prosecution.

Most discretionary waiver statutes specify threshold criteria similar to those outlined in *Kent v. United States* (383 U.S. 541, 566–67 (1966)) that must be met before the court may consider waiver in a given case: generally a minimum age, a specified type or level of offense, a sufficiently serious record of previous delinquency, or some combination of the three. However, 17 States authorize discretionary waiver, at least for certain age groups, for any offense. (This is not to say that offense seriousness is not taken into account in waiver determinations in those States, only that their statutes specify no particular kind or quality of offense as a threshold for waiver consideration.)

Some States specify that the prosecutor must initiate the discretionary waiver process by filing a motion; others allow any party or the court to initiate the process.

In all States where discretionary waiver is authorized, the juvenile court must conduct a hearing at which the parties are entitled to present evidence

bearing on the waiver issue. In addition, laws in seven States require a prehearing investigative report on the accused juvenile’s past record and current circumstances, prepared by a juvenile probation office or some other local agency, to be submitted to the juvenile court for its consideration.

The prosecution bears the burden of proof in a discretionary waiver hearing; however, some States designate special circumstances under which this burden may be shifted to the child (see Presumptive Waiver). Generally, the case for a waiver must be made by “a preponderance of the evidence,” although a few States require a higher showing (see Clear and Convincing Evidence Standard in next chapter). In most discretionary waiver jurisdictions, the law specifies factors a court must weigh, findings it must make, and an overall standard it must apply in making its waiver decision (see Transfer Criteria below).

Once a case has been waived to criminal court, statutes in seven States expressly provide that the criminal court may exercise jurisdiction not only over the offense that triggered the waiver, but also over any lesser included offenses.

### Transfer Criteria

Nearly all of the States that authorize juvenile courts to make discretionary waivers (44 out of 46) specify broad standards to be applied and/or factors to be considered in deciding whether to waive jurisdiction. Overall, standards tend to be in the form of extremely general formulas—“the best interests of the child and the public,” for instance. Lists of factors to be weighed by the courts are always considerably more specific and are usually at least loosely based on the eight factors enumerated in *Kent*.

The most common waiver standards call for courts to exercise their discretion to waive jurisdiction when the interests of the juvenile or the public (six States) or the interests of both (four States) would be served thereby; when the public safety (six States) or the public interest (four States) requires it; or when the juvenile does not appear to be amenable to treatment or rehabilitation within the juvenile system (four States). Most of the remaining standards combine these concepts in some way (the District of Columbia, for example, authorizes waiver if it is “in the interest of the public welfare and protection of the public security and there are no reasonable prospects for rehabilitation”) or simply allow waiver whenever the court finds “good cause” (Kansas) or whenever the accused is not a “proper subject” for juvenile treatment (Missouri and Virginia). Besides requiring the court to consider “the best interests of the youth and of society” as a number of other States do, Oregon departs from the usual practice by focusing on whether the juvenile has the capacity “to appreciate the nature and quality of [his or her] conduct.”

Most States that specify particular factors to be considered in waiver hearings either simply paraphrase the list from the U.S. Supreme Court’s *Kent* opinion or list some of the *Kent* factors that are considered more important while omitting others. But a few States add factors of their own to the *Kent* list. In the District of Columbia, for example, judges considering waiver are called upon to bear in mind, besides the *Kent* factors, the “potential rehabilitative effect . . . of parenting classes or family counseling” on the juvenile. Arizona adds consideration of the views of the victim and any gang involvement on the juvenile’s part to the usual list of factors. Maine requires the court to ask whether retaining jurisdiction would “diminish the gravity of the offense” in public opinion. In Missouri, courts must take into account any “racial disparity in certification” of juveniles for adult prosecution.

Most State statutes simply recite the factors and leave them to the consideration of juvenile court judges, without attempting to dictate precisely how they should fit into the waiver decision. In Michigan and Minnesota, however, courts are required to give the most weight to two specified factors (offense

seriousness and prior record), whereas in Kentucky the law specifies that, of the seven factors the court must consider, at least two must support any decision in favor of waiver.

### **Mandatory Waiver**

The statutes of 14 States provide for mandatory waiver in cases that meet certain age, offense, or other criteria. In these States, proceedings against the juvenile are initiated in juvenile court. However, the juvenile court has no role other than to confirm that the statutory requirements for mandatory waiver are met. Once it has done so, the juvenile court must send the case to a court of criminal jurisdiction.

Mandatory waiver must be distinguished from statutory exclusion. When an offense has been excluded by law from juvenile court jurisdiction, the case against a minor accused of that offense originates in criminal court. Under ordinary circumstances, the juvenile court has no involvement and is entirely bypassed. By contrast, although the juvenile court’s involvement in a mandatory waiver case may be minimal, it receives the case initially, conducts some sort of preliminary hearing to ensure that the case is one to which the mandatory waiver statute applies, and issues a transfer order and any other necessary orders, relating to appointment of counsel, interim detention, and so on.

The mandatory waiver classification applies to statutory mechanisms that actually tie the juvenile court’s hands—not those that merely seem to. So, for example, the many State laws that recite that the juvenile court “shall” or “must” transfer certain juveniles—if the public interest requires it or unless there are good reasons not to—are classified as discretionary waiver provisions. Generally, in a true mandatory waiver jurisdiction, the juvenile court is called upon only to determine that there is probable cause to believe a juvenile of the requisite age committed an offense falling within the mandatory waiver law. However, even this is not always necessary: in Indiana and South Carolina, which require mandatory waiver in cases involving juveniles with certain prior records, the juvenile court, once it has confirmed the juvenile’s record, may leave the probable cause determination to the

## Discretionary Waiver: Minimum Age and Offense Criteria, 1997

State	Lower Age†	Any Criminal Offense	Certain Felonies	Capital Crimes	Murder	Certain Offenses			
						Person Offenses	Property Offenses	Drug Offenses	Weapon Offenses
Alabama		14							
Alaska		NS							
Arizona	8		NS						
Arkansas	10		14/16*	14	14	14			14
California		16			14	14	14	14	
Colorado	10		12/14*		12	12			
Delaware		NS/14*							
District of Columbia		16/18*	15						NS
Florida		14							
Georgia		15		13					
Hawaii			14/16*		NS				
Idaho		14	NS		NS	NS	NS	NS	
Illinois		13							
Indiana		14	16		10/16*			16	
Iowa		14/15*							
Kansas	10	10							
Kentucky			14/16*	14					
Louisiana	10				14	14			
Maine			NS		NS				
Maryland	7	15		NS					
Michigan		14							
Minnesota	10		14						
Mississippi	10	13							
Missouri			12						
Montana*									
Nevada			14						
New Hampshire			15		13	13			
New Jersey		14			14	14	14		14
North Carolina	6		13						
North Dakota		16				14			
Ohio			14						
Oklahoma			NS						
Oregon			15		NS	NS/15*	15		
Pennsylvania	10		14						
Rhode Island			16	NS					
South Carolina		16	14		NS	NS/14*		14	14
South Dakota	10		NS						
Tennessee		16			NS	NS			
Texas	10		14/15*	14				14	
Utah			14						
Vermont	10				10	10	10		
Virginia			14						
Washington		NS							
West Virginia			NS/14*		NS	NS	NS	NS	
Wisconsin	10	15	14		14	14	14	14	
Wyoming		13							

Note: "NS" indicates "none specified."

†"Lower age" refers to the minimum age below which the juvenile court has no jurisdiction for delinquency matters.

\*See appendix for more detail on State provisions.

## Mandatory Waiver: Minimum Age and Offense Criteria, 1997

State	Lower Age†	Any Criminal Offense	Certain Felonies	Capital Crimes	Murder	Certain Offenses			
						Person Offenses	Property Offenses	Drug Offenses	Weapon Offenses
Connecticut			14	14	14				
Delaware			15		NS	NS/16*	16	16	
Georgia					14	14	15		
Illinois			15						
Indiana			NS						
Kentucky			14						
Louisiana					15	15			
North Carolina	6			13					
North Dakota					14	14		14	
Ohio		14			14/16*	16	16		
Rhode Island					17	17			
South Carolina			14						
Virginia					14	14			
West Virginia			14		14	14	14		

**Note:** “NS” indicates “none specified.”

†“Lower age” refers to the minimum age below which the juvenile court has no jurisdiction for delinquency matters.

\*See appendix for more detail on State provisions.

criminal court. In Connecticut, the law stipulates that, where the mandatory waiver provision applies, the juvenile’s counsel is not permitted to make any argument or file any motion to oppose transfer; in fact, in those mandatory waiver situations in which a probable cause finding is necessary, the court makes it without notice, a hearing, or any participation on the part of the juvenile or his or her attorney.

Laws in a few States specify types of cases in which courts must at least consider waiver. For instance, Delaware, besides requiring waiver in certain cases, also requires that the courts give consideration to waiver in some others—as when a juvenile of at least 14 is charged with violating a restitution order or when one who is at least 16 is charged with having committed any of various listed crimes. Likewise, a Missouri law mandates that the court at least hold a waiver hearing when a juvenile is charged with any of a number of serious crimes or has already committed two or more previous felonies. However, since these laws do not affirmatively mandate waiver—only that the courts consider waiver—they have been classified as discretionary waiver provisions.

### Presumptive Waiver

In 15 States, statutes (court rule in Arizona) designate a category of cases in which waiver to criminal court is rebuttably presumed to be appropriate. In such cases, the juvenile rather than the State bears the burden of proof in the waiver hearing; if a juvenile meeting age, offense, or other statutory criteria triggering the presumption fails to make an adequate argument against transfer, the juvenile court must send the case to criminal court.

It should be noted that the rebuttable presumption in these cases applies if the juvenile meets statutory criteria qualifying the case for presumptive waiver treatment. It would not ordinarily apply to the question of whether the juvenile meets these criteria. For instance, in Alaska—which like many States generally requires that the prosecutor in a waiver hearing demonstrate probable cause to believe that the juvenile actually committed the crime alleged (see Additional Pretransfer Findings Required)—the prosecutor must show probable cause even when the alleged crime is one that triggers a presumptive waiver. Only when the prosecutor has met this initial burden must the juvenile come forward with evidence of “amenability to treatment” as a juvenile.

## Presumptive Waiver: Minimum Age and Offense Criteria, 1997

State	Lower Age <sup>†</sup>	Any Criminal Offense	Certain Felonies	Capital Crimes	Murder	Certain Offenses			
						Person Offenses	Property Offenses	Drug Offenses	Weapon Offenses
Alaska						NS			
Arizona	8		16 <sup>Δ</sup>						
California			16		14/16*	16	16	16	
Colorado*									
District of Columbia		15			15	15	15		
Illinois			15						
Kansas	10		14			14		14	14
Minnesota	10		16						
Nevada						14			14
New Hampshire			15		15	15		15	
New Jersey					14	14	14	14	
North Dakota			14		14	14			
Pennsylvania	10		14		15	15			
Rhode Island*									
Utah			16		16	16	16		16

**Note:** "NS" indicates "none specified."

<sup>†</sup>"Lower age" refers to the minimum age below which the juvenile court has no jurisdiction for delinquency matters.

<sup>Δ</sup>By court rule.

\*See appendix for more detail on State provisions.

In four States, a child subject to a presumption in favor of waiver not only has the burden of proof at the waiver hearing, but must present "clear and convincing evidence" that a waiver is not justified (see Clear and Convincing Evidence Standard).

Statutory criteria triggering presumptive waiver fall into three broad categories. In some States, it is primarily the current offense that matters; in Alaska, for example, children of any age charged with certain violent felonies are rebuttably presumed to be "unamenable to treatment." (Alaska, however, is the only State that has set up a presumption against children younger than 14.) In others, older juveniles are singled out, even if the offenses of which they are accused would not otherwise trigger a presumption; in New Hampshire, the same crimes that would merely authorize consideration of a waiver in the case of a 13-year-old would presumptively require one if the juvenile involved was 15 at the time of commission. Still other States emphasize the child's prior offense history over other factors; in Colorado, if the juvenile otherwise qualifies for discretionary waiver treatment, a sufficiently serious prior delinquency record triggers the presumption all by itself.

## Direct File

Statutes in 15 States define a category of cases in which the prosecutor may determine whether to proceed initially in juvenile or criminal court. Typically, these direct file provisions give both juvenile and adult criminal courts the power to hear cases involving certain offenses or age/offense categories, leaving it up to the prosecutor to make discretionary decisions about where to file them.

Of course, prosecutors often have considerable discretionary powers in this area even in the absence of formal statutory authority. In their charging decisions, for instance, they may sometimes, in effect, choose the forum in which the case will be heard. What distinguishes direct file authority is that it rests on the juvenile and criminal courts' concurrent jurisdiction over a given type of case.

Again, as is the case with other transfer mechanisms, there is wide variation among the States regarding criteria for direct file treatment, with some emphasizing offense categories, others the age of the juvenile involved, and still others the extent and seriousness of the juvenile's offending history. Generally, the

## Direct File: Minimum Age and Offense Criteria, 1997

State	Lower Age†	Any Criminal Offense	Certain Felonies	Capital Crimes	Murder	Certain Offenses			
						Person Offenses	Property Offenses	Drug Offenses	Weapon Offenses
Arizona	8		14						
Arkansas	10		14/16*	14	14	14			14
Colorado	10		14/16*		14	14	14		14
District of Columbia					16	16	16		
Florida		16*	16	NS	14	14	14		14
Georgia				NS					
Louisiana	10				15	15	15	15	
Massachusetts	7		14			14			14
Michigan			14		14	14	14	14	
Montana					12/16*	12/16*	16	16	16
Nebraska		16	NS						
Oklahoma					15	15/16*	15/16*	16	15
Vermont	10	16							
Virginia					14	14			
Wyoming		17	14						

Note: "NS" indicates "none specified."

†"Lower age" refers to the minimum age below which the juvenile court has no jurisdiction for delinquency matters.

\*See appendix for more detail on State provisions.

minimum level of offense seriousness necessary to trigger direct file appears to be lower than that required for statutory exclusion or mandatory or presumptive waiver. Arkansas authorizes direct file treatment of a large range of offenses (including soliciting a minor to join a street gang), evidently trusting its prosecutors to make appropriate filing and resource allocation decisions. Florida allows even misdemeanors to be prosecuted in criminal court if the child involved is at least 16 and has a sufficiently serious record.

### Statutory Exclusion

Twenty-eight States have statutes that remove certain offenses or age/offense/prior record categories from the juvenile court's jurisdiction. Generally, the laws of such States simply exclude anyone fitting into one of these categories from being defined as a "child" for juvenile court jurisdictional purposes. A juvenile accused of an excluded offense is treated as an adult from the beginning—that is, proceeded against (by information, indictment, or otherwise) in the criminal court that would have had jurisdiction over the same offense if it had been committed by an adult. This way of proceeding is not merely an option available

to the prosecutor, as in those States that leave the determination of how to process certain offenses or age/offense categories to the prosecutor's discretion (see Direct File). Once the prosecutor has made the decision to charge a juvenile with an excluded offense, the case must be filed in criminal court—although many States provide a mechanism under which criminal courts may order excluded cases transferred to juvenile courts (see Reverse Waiver).

Some States exclude only the most serious offenses; in New Mexico, for example, only first-degree murder committed by a child of at least 15 is excluded. Others single out cases involving older juveniles. Mississippi excludes all felonies committed by 17-year-olds. It should be noted that one blanket application of this method—simply lowering the upper age limit of original juvenile court jurisdiction—excludes the largest number of juveniles for adult prosecution. Finally, as is the case with the presumptive and mandatory waiver provisions previously discussed, some States focus not so much on offense or age as on the individual juvenile's offense history. Arizona excludes any felony committed by a juvenile as young as 15, provided the juvenile has two or more previous delinquency adjudications for offenses that would have been felonies if committed by an adult.

## Statutory Exclusion: Minimum Age and Offense Criteria, 1997

State	Lower Age†	Any Criminal Offense	Certain Felonies	Capital Crimes	Murder	Certain Offenses			
						Person Offenses	Property Offenses	Drug Offenses	Weapon Offenses
Alabama			16	16				16	
Alaska						16	16		
Arizona	8		15		15	15			
Delaware			15						
Florida		NS				NS/16*			
Georgia					13	13			
Idaho					14	14	14	14	
Illinois			15		13/15*	15		15	15
Indiana			16		16	16		16	16
Iowa			16					16	16
Louisiana	10				15	15			
Maryland	7			14	16	16			16
Massachusetts	7				14				
Minnesota	10				16				
Mississippi	10		13/17*	13					
Montana					17	17	17	17	17
Nevada		NS			NS	16			16
New Mexico					15				
New York	7				13/14*	14	14		
Oklahoma					13				
Oregon					15	15			
Pennsylvania	10				NS/15*	15			
South Carolina			16						
South Dakota	10		16						
Utah			16		16				
Vermont	10				14	14	14		
Washington					16	16	16		
Wisconsin	10				10	NS			

Note: "NS" indicates "none specified."

†"Lower age" refers to the minimum age below which the juvenile court has no jurisdiction for delinquency matters.

\*See appendix for more detail on State provisions.

## Reverse Waiver

The laws of 23 States provide some mechanism whereby a juvenile who is being prosecuted as an adult in criminal court may petition to have the case transferred to juvenile court for adjudication or disposition. By enacting a reverse waiver provision, a State may simultaneously define a broad category of cases that it considers merit criminal court handling and ensure that its courts have an opportunity to consider whether such handling is actually appropriate in individual cases.

A statutory provision is placed in the reverse waiver category if it authorizes the State's adult criminal

courts to transfer a juvenile's case from criminal to juvenile court, however it arrived in the criminal court in the first place—via direct file, exclusion, or in some instances, waiver. The reverse waiver designation applies to provisions that authorize the criminal court to transfer a case for disposition to the juvenile court, but does not apply to "blended sentencing" provisions under which the criminal court retains the case while imposing a combination of dispositions, some of which are ordinarily available only to juvenile courts. Likewise, although many States allow a juvenile who has been waived by a juvenile court to appeal the decision immediately, provisions authorizing an appeals court (as opposed

to a trial-level criminal court) to order a case returned to juvenile court are not counted as reverse waiver provisions. Conversely, provisions that authorize a trial-level criminal court to make the decision either to accept jurisdiction over a case for trial, or to send it to juvenile court for adjudication, are considered reverse waiver provisions, even where (as in Virginia) they are designated “appeal” provisions.

Generally, when the reverse waiver proceeding represents the first time a court has had an opportunity to consider the appropriateness of adult prosecution in a given case—when the alleged offense is one that is excluded from juvenile jurisdiction by statute, for example, or when the prosecutor has exercised “direct file” discretion to proceed initially in criminal court—the court’s decision is governed by the same kinds of broad “best interests” standards and considerations as those taken into account by a juvenile court in deciding whether to waive jurisdiction (see Transfer Criteria). In Nebraska, for example, which gives county attorneys considerable direct file discretion but requires them to consider a number of factors (including “the best interests of the juvenile and the security of the public”), the district or county court must consider the very same factors in deciding whether to retain jurisdiction over such a case in the face of the juvenile’s objections.

However, six States (Connecticut, Kentucky, Mississippi, Nevada, Tennessee, and Virginia) authorize reverse waiver in some cases even when a juvenile court judge has already looked into the issues and determined that waiver to criminal court is appropriate. Under these circumstances, a reverse waiver is usually available only if the juvenile court’s decision was substantially groundless (Mississippi), or if other “exceptional circumstances” can be shown (Nevada). Tennessee and Virginia have particularly anomalous reverse waiver provisions. In Virginia, as noted above, the procedure is cast in terms of an “appeal” to the adult trial court from the juvenile court’s transfer decision, with the issue being whether the juvenile court’s decision was in substantial compliance with the law; however, in substance the decision is the same as in other reverse waiver situations—whether or not to accept jurisdiction and retain the case for an adult criminal trial. In Tennessee, a juvenile who has been waived to criminal court is entitled to an immediate *de novo* rehearing

on the issue at the adult criminal court level—but only if the waiver decision was made by a nonlawyer; otherwise, the juvenile must appeal the juvenile court’s waiver decision following a final conviction.

Twenty of the 35 States with direct file or statutory exclusion also have reverse waiver provisions.

- ◆ **States with reverse waivers:** Arizona, Arkansas, Colorado, Delaware, Georgia, Iowa, Maryland, Mississippi, Nebraska, Nevada, New York, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Vermont, Virginia, Wisconsin, and Wyoming.
- ◆ **States without reverse waivers:** Alabama, Alaska, District of Columbia, Florida, Idaho, Illinois, Indiana, Louisiana, Massachusetts, Michigan, Minnesota, Montana, New Mexico, Utah, and Washington.

## Once an Adult/Always an Adult

A special transfer category has been created in 31 States for juveniles who, having once been prosecuted as adults, are subsequently accused of new offenses. Most States with “once an adult/always an adult” provisions simply require criminal prosecution of all such subsequent offenses—by means of either a blanket exclusion or an automatic waiver mechanism. Others exclude or require waiver of only a broadly defined subset of these cases—those involving juveniles of a certain age, for instance, or those in which the subsequent offense is sufficiently serious.

Nearly all once an adult/always an adult provisions stipulate that the juvenile involved must have been convicted of the offense that triggered the adult prosecution. In California, however, this is not always necessary; a subsequent charge that would ordinarily require a fitness hearing in juvenile court may be filed directly in criminal court if the juvenile involved was previously declared unfit for juvenile handling and transferred to criminal court—even if no conviction followed the original transfer—provided the original unfitness determination was based on criteria (the juvenile’s delinquency history, failure of rehabilitation attempts, or both) unrelated to the juvenile’s guilt or innocence of the previous

charge. Likewise, in Delaware, the law does not require a conviction in the original case, provided a court (either the juvenile court in a discretionary waiver hearing or the criminal court following a reverse waiver request) had the opportunity to make a determination regarding the juvenile's amenability to the rehabilitative processes of the juvenile court. Idaho requires adult prosecution of a juvenile who has already been convicted as an adult, even if the original conviction was for a lesser offense that would not have been excluded from juvenile court jurisdiction. Mississippi requires no conviction on the first adult-prosecuted offense if the juvenile is subsequently accused of a felony.

Although most States require that, following a juvenile's conviction as an adult, all subsequent offenses be prosecuted in criminal court, three—Michigan, Minnesota, and Texas—restrict the coverage of their once an adult/always an adult provisions to cases in which juveniles are subsequently accused of felonies, and California specifies that the subsequent offense must be one for which waiver to criminal court would otherwise be allowed. Likewise, whereas most States make no distinction based on the ages of juveniles previously convicted as adults, California and Iowa limit the application of their once an adult/always an adult provisions to 16-year-olds. Oregon is the only State that leaves

the once an adult/always an adult decision to its juvenile courts, authorizing them, in connection with the waiver of jurisdiction over a juvenile of at least 16, to enter an order making waiver automatic in any subsequent case involving the same juvenile; however, if the juvenile is not convicted following the entry of such an order, the law requires that the order be vacated.

Many states require criminal prosecution of all subsequent offenses.

- ◆ **States with once an adult/always an adult provisions:** Alabama, Arizona, California, Delaware, District of Columbia, Florida, Hawaii, Idaho, Indiana, Iowa, Kansas, Maine, Michigan, Minnesota, Mississippi, Missouri, Nevada, New Hampshire, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin.
- ◆ **States without once an adult/always an adult provisions:** Alaska, Arkansas, Colorado, Connecticut, Georgia, Illinois, Kentucky, Louisiana, Maryland, Massachusetts, Montana, Nebraska, New Jersey, New Mexico, New York, North Carolina, South Carolina, Vermont, West Virginia, and Wyoming.

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# Additional Analyses

## Transfer for Nonviolent Offenses

Although State laws requiring or allowing the prosecution of juveniles as adults are commonly thought to be legislative responses to increases in juvenile violence, a surprising number of such laws authorize criminal prosecution for nonviolent offenses.

Twenty-one States require or allow adult prosecution of juveniles accused of certain property offenses—most often arson or burglary. Statutes in 19 States authorize or mandate prosecution of juveniles accused of drug offenses in criminal court. Forty-six States allow waiver to criminal court for a range of offenses—personal and property, violent and nonviolent. If the accused juvenile is of sufficient age, 16 States (Alabama, Alaska, Delaware, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Maryland, Mississippi, North Dakota, Tennessee, Washington, Wisconsin, and Wyoming) permit waivers for any criminal offense; 17 (Arizona, Colorado, District of Columbia, Hawaii, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Utah, and Virginia) allow or require adult prosecution for any felony; 6 (Connecticut, Kentucky, Maine, Michigan, South Carolina, and Texas) allow or require adult prosecution for any felony of a particular grade; and 9 authorize or mandate adult handling of specified offenses that do not necessarily involve violence, such as escape (Arkansas, Illinois, Michigan, and Oregon), soliciting a minor to join a street gang (Arkansas), “aggravated driving under the influence” (Arizona), auto theft (New Jersey), perjury (Texas) and treason (West Virginia). In addition, many States require or allow prosecution of juveniles as adults for misdemeanors, ordinance violations, and summary statute violations (e.g., fish and game violations).

## Additional Pretransfer Findings Required

Statutes in 30 States expressly require that, before a case may be waived to criminal court, the juvenile court must find probable cause to believe that the juvenile actually committed the alleged offense. In three States, although a probable cause finding is not mandated, the list of factors for the court to consider in making its waiver determination includes the “prosecutive merit” of the case against the juvenile (see Transfer Criteria). In Maryland and the District of Columbia, on the other hand, the laws specify that, for purposes of the waiver determination, the juvenile’s guilt is to be assumed.

In seven States, in addition to other findings to support a waiver order, the court must determine that the accused juvenile is not a fit subject for treatment in an institution for the mentally ill or the mentally retarded.

## Clear and Convincing Evidence Standard

Generally, a prosecutor seeking a waiver to criminal court must make the case for waiver by “a preponderance of the evidence.” In six States, however, a higher burden is specified: proof by “clear and convincing evidence” that waiver is justified. Under certain circumstances, the laws of four States impose the “clear and convincing evidence” burden on the juvenile who opposes waiver or seeks a transfer from criminal to juvenile court.

**Minimum Age and Offenses for Which a Juvenile Can Be Transferred to Criminal Court in Every State, 1997**

State	Minimum Transfer Age	Any Criminal Offense	Certain Felonies	Capital Crimes	Murder	Certain Offenses			
						Person Offenses	Property Offenses	Drug Offenses	Weapon Offenses
Alabama	14	14	16	16				16	
Alaska	NS	NS				NS	16		
Arizona	NS		NS		15	15			
Arkansas	14		14*	14	14	14			14
California	14	16	16		14	14	14	14	
Colorado	12		12*		12	12	14		14
Connecticut	14		14	14	14				
Delaware	NS	NS/14*	15		NS	NS*	16	16	
District of Columbia	NS	16*	15		15	15	15		NS
Florida	NS	NS		NS	14	NS*	14		14
Georgia	NS	15		NS	13	13	15		
Hawaii	NS		14*		NS				
Idaho	NS	14	NS		NS	NS	NS	NS	
Illinois	13	13	15		13*	15		15	15
Indiana	NS	14	NS		10*	16		16	16
Iowa	14	14*	16					16	16
Kansas	10	10	14			14		14	14
Kentucky	14		14	14					
Louisiana	14				14	14	15	15	
Maine	NS		NS		NS				
Maryland	NS	15		NS	16	16			16
Massachusetts	14		14		14	14			14
Michigan	14	14	14		14	14	14	14	
Minnesota	14		14		16				
Mississippi	13	13	13*	13					
Missouri	12		12						
Montana	12				12*	12*	16	16	16

(continued)

**Special Transfer Treatment Based on Prior Record**

Transfer statutes in 25 States single out juveniles with specified prior offense histories for adverse treatment. Of course, a sufficiently serious record of past involvement with the law would often be relevant to a waiver determination, and in fact this is one factor for consideration suggested in the U.S. Supreme Court’s *Kent* decision (see Transfer Criteria). However, 25 States go further than this, either by defining a direct file or statutory exclusion category to include juveniles with previous delinquency adjudications or by requiring less of a showing for the waiver of juveniles with specified delinquency histories.

**Devices To Limit Prosecutorial Discretion**

Six States grant prosecutors discretion to decide when to try juveniles as adults in court proceedings but attempt to limit that discretion in some way. In Florida, for example, in cases involving specified age/offense categories, a State’s Attorney must either attempt an adult prosecution or provide the juvenile court with written reasons for failing to do so. Before exercising direct file authority to prosecute juveniles as adults in Nebraska and Wyoming, prosecutors are required to give consideration to the same kinds of enumerated “factors” that are ordinarily weighed by courts making waiver determinations.

**Minimum Age and Offenses for Which a Juvenile Can Be Transferred to Criminal Court in Every State, 1997 (continued)**

State	Minimum Transfer Age	Any Criminal Offense	Certain Felonies	Capital Crimes	Murder	Certain Offenses			
						Person Offenses	Property Offenses	Drug Offenses	Weapon Offenses
Nebraska	NS	16	NS						
Nevada	NS	NS	14		NS	14			14
New Hampshire	13		15		13	13		15	
New Jersey	14	14			14	14	14	14	14
New Mexico	15				15				
New York	13				13*	14	14		
North Carolina	13		13	13					
North Dakota	14	16	14		14	14		14	
Ohio	14	14	14		14*	16	16		
Oklahoma	NS		NS		13	15*	15*	16	15
Oregon	NS		15		NS	NS*	15		
Pennsylvania	NS		14		NS*	15			
Rhode Island	NS		16	NS	17	17			
South Carolina	NS	16	14		NS	NS*		14	14
South Dakota	NS		NS						
Tennessee	NS	16			NS	NS			
Texas	14			14				14	
Utah	14		14		16	16	16		16
Vermont	10	16			10	10	10		
Virginia	14		14		14	14			
Washington	NS	NS			16	16	16		
West Virginia	NS		NS*		NS	NS	NS	NS	
Wisconsin	NS	15	14		10	NS	14	14	
Wyoming	13	13	14						

**Note:** "NS" indicates "none specified."

\*See appendix for more detail on State provisions.

## Minimum Age Provisions

Twenty-three States have at least one provision for transferring juveniles to criminal court for which no minimum age is specified. Other sections of the State statute may specify the lowest age for juvenile court delinquency jurisdiction, below which juveniles cannot be processed as delinquents in juvenile court (16 States), and/or the lowest age for criminal responsibility, below which children cannot be tried in criminal court (14 States).

As States lower the age at which youth can be transferred to criminal court, minimum age of criminal responsibility becomes important in deciding when and if a criminal court can accept jurisdiction of such youth. In two States, the juvenile code does not stipulate a minimum transfer age but the criminal code does specify a minimum age of criminal responsibility (Georgia for capital crimes; Nevada for murder).

## Lowest Age of Criminal Responsibility/Criminal Court Jurisdiction, 1997

Age (years)					
7	8	10	12	13	14
Oklahoma*	Nevada Washington†	Colorado	Oregon	Georgia Illinois New Hampshire New York	California Idaho New Jersey Texas Utah
No Specified Lowest Age					
Alabama	Indiana	Minnesota	Pennsylvania		
Alaska	Iowa	Mississippi	Rhode Island		
Arizona	Kansas	Missouri	South Carolina		
Arkansas	Kentucky	Montana	South Dakota		
Connecticut	Louisiana	Nebraska	Tennessee		
Delaware	Maine	New Mexico	Vermont		
District of Columbia	Maryland	North Carolina	Virginia		
Florida	Massachusetts	North Dakota	West Virginia		
Hawaii	Michigan	Ohio	Wisconsin		
			Wyoming		

\*For youth ages 7 to 14, the State must prove that, at the time of the act, the youth knew it was wrong.

†Youth ages 8 to 12 are presumed incapable of committing a crime.

## Lowest Age for Original Juvenile Court Jurisdiction in Delinquency Matters, 1997

Age (years)				
6	7	8	10	
North Carolina	Maryland Massachusetts New York	Arizona	Arkansas Colorado Kansas Minnesota Mississippi	Pennsylvania South Dakota Texas Vermont Wisconsin
No Specified Lowest Age				
Alabama Alaska California Connecticut Delaware District of Columbia Florida Georgia Hawaii	Idaho Illinois Indiana Iowa Kentucky Maine Michigan Missouri Montana	Nebraska Nevada New Mexico New Hampshire New Jersey New Mexico North Dakota Ohio Oklahoma	Oregon Rhode Island South Carolina Tennessee Utah Virginia Washington West Virginia Wyoming	

The State-by-State summary of transfer laws contained in the appendix is based on an analysis of statutory provisions authorizing or requiring adult criminal prosecution of juveniles for serious and violent crimes in all 50 States and the District of Columbia. The summary reflects the state of the law as amended through the 1997 legislative sessions.

## Lower and Upper Ages

For each State, the upper age of juvenile court jurisdiction is provided—this is the age beyond which the juvenile courts of that State have no original jurisdiction over individual offenders. In addition, if the State specifies a minimum age below which the juvenile courts have no jurisdiction for delinquency matters, that age is provided as well.

## Discretionary Waiver

If the State has a provision that gives juvenile court judges discretion to waive jurisdiction over individual cases involving minors to allow prosecution in adult criminal courts, the provision is described under Discretionary Waiver. (These and all descriptive summaries of statutory provisions are matters of analysis and interpretation; readers should consult the statutes on which these summaries are based for the exact law in a given jurisdiction.) Beneath this description is a list of offense categories for which discretionary waiver may be authorized: “any criminal” for provisions that allow waiver for any criminal offense;

“certain felonies” when the offense must be a felony or one of a range of felonies; “capital” when the offense must be punishable by death or life imprisonment; “murder” for any sort of homicide or attempted homicide; “person” for all other offenses against the person; “property” for property offenses; “drug” for drug offenses; and “weapon” for offenses consisting of the unlawful possession, transfer, etc., of weapons. If the State allows waiver for a particular category of offense, additional information is entered next to that category. If the State allows waiver for a category of offense, but only for offenders of a certain age, the minimum age is specified; otherwise, “none specified” is entered. (To meet a minimum age requirement, the juvenile must have reached the age specified before the offense was committed.) Under “offense detail,” a more specific description of the offense that may trigger the waiver is provided, including any requirements that the accused juvenile have a prior record of delinquency adjudications or criminal convictions.

## Mandatory Waiver

A State that requires its juvenile courts to waive cases under certain circumstances is specified under mandatory waiver. Mandatory waiver is not the same as statutory exclusion. In a mandatory waiver situation, the juvenile court must receive the case initially, conduct some sort of preliminary hearing to ensure that the mandatory waiver statute applies, and issue a transfer order and other necessary orders relating to appointment of counsel, interim detention, and so on. By contrast, when an offense has been excluded by law from juvenile court jurisdiction, the case originates in criminal court, and the juvenile court ordinarily has no involvement.

## Presumptive Waiver

If the State designates a category of cases in which waiver to criminal court is rebuttably presumed to be appropriate, a description of the pertinent law is included under Presumptive Waiver. Again, beneath the description is a breakdown of the offense categories triggering the presumption, any minimum age and prior record requirements that apply, and other details.

## **Direct File**

If the State allows prosecutors, in certain kinds of cases, to choose between filing a petition in juvenile court and proceeding against the juvenile in criminal court, a descriptive entry is made under Direct File.

## **Statutory Exclusion**

If the State simply excludes any category of cases from juvenile court jurisdiction, the provision is described under Statutory Exclusion.

## **Reverse Waiver**

Provisions that permit a juvenile who is being prosecuted as an adult in criminal court to petition to have the case transferred to juvenile court for adjudication or disposition are described under Reverse Waiver.

## **Once an Adult/Always**

If the State has a special provision that permanently terminates the juvenile court's jurisdiction over juveniles who have once been prosecuted as adults, the provision is described under the heading Once an Adult/Always.

A hard copy of this Report, including the appendix, entitled "Summary of Transfer Laws," is available from the Juvenile Justice Clearinghouse, P.O. Box 6000, Rockville, MD 20849-6000, 800-638-8736, 301-519-5212 (fax), E-mail: [askncjrs@ncjrs.org](mailto:askncjrs@ncjrs.org).

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The following list highlights popular and recently published OJJDP documents and videotapes, grouped by topical areas.

The *Office of Juvenile Justice and Delinquency Prevention Brochure* (1996, NCJ 144527 (23 pp.)) offers more information about the agency. The *OJJDP Publications List* (BC000115) offers a complete list of OJJDP publications and is also available online.

## Corrections and Detention

*Beyond the Walls: Improving Conditions of Confinement for Youth in Custody*. 1998, NCJ 164727 (116 pp.).

*Boot Camps for Juvenile Offenders*. 1997, NCJ 164258 (42 pp.).

*Conditions of Confinement Teleconference* (Video). 1993, NCJ 147531 (90 min.), \$14.00.

*Effective Programs for Serious, Violent and Chronic Juvenile Offenders Teleconference* (Video). 1996, NCJ 160947 (120 min.), \$17.00.

*Juvenile Arrests* 1996. 1997, NCJ 167578 (12 pp.).

*Juvenile Boot Camps Teleconference* (Video). 1996, NCJ 160949 (120 min.), \$17.00.

*Juvenile Court Statistics* 1995. 1998, NCJ 170607 (112 pp.).

## Courts

*Has the Juvenile Court Outlived Its Usefulness? Teleconference* (Video). 1996, NCJ 163929 (120 min.), \$17.00.

*Offenders in Juvenile Court*, 1995. 1997, NCJ 167885 (12 pp.).

*RESTTA National Directory of Restitution and Community Service Programs*. 1998, NCJ 166365 (500 pp.), \$33.50.

## Delinquency Prevention

*1997 Report to Congress: Title V Incentive Grants for Local Delinquency Prevention Programs*. 1998, NCJ 170605 (71 pp.).

*Allegheny County, PA: Mobilizing To Reduce Juvenile Crime*. 1997, NCJ 165693 (12 pp.).

*Combating Violence and Delinquency: The National Juvenile Justice Action Plan* (Report). 1996, NCJ 157106 (200 pp.).

*Combating Violence and Delinquency: The National Juvenile Justice Action Plan* (Summary). 1996, NCJ 157105 (36 pp.).

*Communities Working Together Teleconference* (Video). 1996, NCJ 160946 (120 min.), \$17.00.

*Mentoring—A Proven Delinquency Prevention Strategy*. 1997, NCJ 164834 (8 pp.).

*Mentoring for Youth in Schools and Communities Teleconference* (Video). 1997, NCJ 166376 (120 min.), \$17.00

*Mobilizing Communities To Prevent Juvenile Crime*. 1997, NCJ 165928 (8 pp.).

*Reaching Out to Youth Out of the Education Mainstream*. 1997, NCJ 163920 (12 pp.).

*Serious and Violent Juvenile Offenders*. 1998, NCJ 170027 (8 pp.).

*Treating Serious Anti-Social Behavior in Youth: The MST Approach*. 1997, NCJ 165151 (8 pp.).

*The Youngest Delinquents: Offenders Under Age 15*. 1997, NCJ 165256 (12 pp.).

*Youth-Oriented Community Policing Teleconference* (Video). 1996, NCJ 160947 (120 min.), \$17.00.

*Youth Out of the Education Mainstream Teleconference* (Video). 1996, NCJ 163386 (120 min.), \$17.00.

## Gangs

*1995 National Youth Gang Survey*. 1997, NCJ 164728 (41 pp.).

*Gang Members and Delinquent Behavior*. 1997, NCJ 165154 (6 pp.).

*Youth Gangs: An Overview*. 1998, NCJ 167249 (20 pp.).

*Youth Gangs in America Teleconference* (Video). 1997, NCJ 164937 (120 min.), \$17.00.

## General Juvenile Justice

*Comprehensive Juvenile Justice in State Legislatures Teleconference* (Video). 1998, NCJ 169593 (120 min.), \$17.00.

*Developmental Pathways in Boys' Disruptive and Delinquent Behavior*. 1997, NCJ 165692 (20 pp.).

*Guidelines for the Screening of Persons Working With Children, the Elderly, and Individuals With Disabilities in Need of Support*. 1998, NCJ 167248 (52 pp.).

*Juvenile Justice*, Volume III, Number 2. 1997, NCJ 165925 (32 pp.).

*Juvenile Justice*, Volume IV, Number 2. 1997, NCJ 166823 (28 pp.).

*Juvenile Justice*, Volume V, Number 1. 1998, NCJ 170025 (32 pp.).

*Juvenile Justice Reform Initiatives in the States 1994–1996*. 1997, NCJ 165697 (81 pp.).

*A Juvenile Justice System for the 21st Century*. 1998, NCJ 169726 (8 pp.).

*Juvenile Offenders and Victims: 1997 Update on Violence*. 1997, NCJ 165703 (32 pp.).

*Juvenile Offenders and Victims: A National Report*. 1995, NCJ 153569 (188 pp.).

*Keeping Young People in School: Community Programs That Work*. 1997, NCJ 162783 (12 pp.).

*Sharing Information: A Guide to the Family Educational Rights and Privacy Act and Participation in Juvenile Justice Programs*. 1997, NCJ 163705 (52 pp.).

## Missing and Exploited Children

*Court Appointed Special Advocates: A Voice for Abused and Neglected Children in Court*. 1997, NCJ 164512 (4 pp.).

*Federal Resources on Missing and Exploited Children: A Directory for Law Enforcement and Other Public and Private Agencies*. 1997, NCJ 168962 (156 pp.).

*In the Wake of Childhood Maltreatment*. 1997, NCJ 165257 (16 pp.).

*Portable Guides to Investigating Child Abuse: An Overview*. 1997, NCJ 165153 (8 pp.).

*When Your Child Is Missing: A Family Survival Guide*. 1998, NCJ 170022 (96 pp.).

## Substance Abuse

*Beyond the Bench: How Judges Can Help Reduce Juvenile DUI and Alcohol and Other Drug Violations* (Video and discussion guide). 1996, NCJ 162357 (16 min.), \$17.00.

*Capacity Building for Juvenile Substance Abuse Treatment*. 1997, NCJ 167251 (12 pp.).

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