



OJJDP FACT SHEET

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A Study of Juvenile Transfers to Criminal Court in Florida

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Florida's study on juvenile transfers to criminal court is one of three transfer studies funded by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) since 1995. The project is assessing the impact of transfer laws and practices, including the effectiveness of using transfer as a crime control strategy.

In Florida, adolescents remain under the original jurisdiction of the juvenile court until their 18th birthdays, unless they are transferred to the criminal court. If they are transferred prior to turning 18, they are treated as if they were adults for any subsequent offenses under a "once an adult, always an adult" rule.

Florida leads the Nation in juvenile transfers to criminal court. In fiscal year 1994-95, nearly 5,000 juveniles (more than 7,000 cases) were transferred to criminal court. This represents more than 10 percent of the juvenile offenders handled judicially in the State. During that same period, 8,100 juvenile offenders received residential commitments in the juvenile justice system. The number of transfers has come to rival the number of residential placement dispositions for juvenile offenders in Florida. Consequently, the State is an ideal policy laboratory in which to study questions about transfer. This Fact Sheet provides a brief overview of the four research components of the Florida transfer study.

Component One

Prior to 1994, juveniles could be transferred to criminal courts in Florida through discretionary judicial waiver, discretionary prosecutorial waiver (or direct file), and, for those charged with capital or life felonies, grand jury indictment. The direct file provisions gave prosecutors broad discretion to transfer juveniles age 16 and older and limited discretion with respect to 14- and 15-year-olds. Direct file was first introduced in Florida in 1978. After only a few years, it eclipsed judicial waiver, the transfer mechanism traditionally used in Florida and other States.

In 1994, the Florida legislature expanded both the methods by which cases are transferred and the scope of eligibility criteria. These reforms expanded discretionary direct file criteria for 14- and 15-year-olds. They also mandated direct file of certain repeat

and violent offenders and established a presumptive judicial waiver for other repeat offenders. The first component of the OJJDP-funded study is exploring the impact of these changes. Using automated data from multiple sources for 1993 and 1995, researchers are assessing transfer trends, generating profiles of transferred offenders, exploring the processing of transfer cases in criminal courts, and examining sentences.

Component Two

The Florida legislature also mandated that prosecutors in each of Florida's 20 judicial circuits develop written guidelines for transfer. In the second component of the study, researchers are analyzing these guidelines to determine how the law has been interpreted and translated into local policy and to assess the variation in policy across jurisdictions. Telephone interviews with juvenile and criminal prosecutors and judges in each judicial circuit are being conducted to assess general attitudes toward transfer and specific attitudes toward the new provisions, officials' perceptions of transfer outcomes, and shifts in policy, practice, and philosophy associated with the 1994 legal reforms.

Component Three

Crime control policymaking is often based on assumptions and speculations about how offenders will react to the processing, sanctioning, and treatment programs to which they are exposed. Transfer policies are no exception. One of the rationales for transfer is the belief that processing and punishment in the criminal justice system will deter juvenile offenders more effectively than juvenile justice system responses. However, little is known about the experiences of transferred juvenile offenders in the criminal courts and corrections systems, how young offenders understand or interpret those experiences, or how juveniles' experiences in the criminal justice system affect their attitudes about crime and subsequent behavior.

The third component of the project is designed to learn about the experiences and reactions of transferred juveniles in the criminal justice system and how they compare with the experiences and

reactions of juveniles processed in the juvenile justice system. Researchers are conducting face-to-face interviews with a sample of juveniles transferred to Florida's criminal courts and sentenced to the State Department of Corrections and with a sample of delinquent youth who were retained in the juvenile courts and sentenced to the most secure and restrictive juvenile placements. The interviews focus on juveniles' perceptions of and reactions to processing in juvenile and criminal courts, pretrial detention in juvenile halls and adult jails, community-based programs in both systems, and juvenile and adult criminal correctional environments.

Component Four

Prior research on transfer has relied largely on automated data systems that provide an incomplete picture of transferred juveniles, their offenses, and their offense histories. Little is known about some potentially crucial features of offenses and offenders that may influence transfer decisions and differentiate transferred youth from those retained in the juvenile justice system (e.g., use of weapons, extent of victim injury, role of drugs and alcohol, gang involvement, legal status of the offender). Many studies indicate that transfer practices do not effectively target serious, violent, and chronic juvenile offenders, but such conclusions may be premature given the lack of information about significant case details. Similarly, although studies suggest that transferred offenders may be more likely to recidivate than "matched" offenders retained in the juvenile justice system, they have not ruled out the hypothesis that differences in recidivism are attributable to unmeasured differences across groups that are linked to the risk of reoffending.

The fourth component of this project involves collecting detailed data from police and court records in four judicial circuits. Data are being obtained for transferred juveniles and for a sample of juveniles retained in the juvenile justice system with whom they have been matched using Florida's automated data system. The records contain considerable information on characteristics of offenses, offenders, offense histories, and dispositional histories and will supplement the automated data. This component of the project will permit researchers to describe transferred juveniles in greater detail and to make more valid assessments of the extent to which they constitute serious and/or intractable offenders. It also will help determine whether

transfers are equivalent to the matches generated through the automated data system and, if not, whether more valid matches can be generated using detailed case information.

Results from the first phase of the project will be available later in 1999. In the final phase of the research, to be completed in 2000, analyses of recidivism will be conducted using the more detailed offense, offender, and offense history information gathered from the case records.

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