



OJJDP FACT SHEET

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Delinquency Cases Waived to Criminal Court, 1987-1996

by Anne L. Stahl

National data on juvenile court cases waived to criminal court

An increasing number of States (35 in 1996) automatically exclude cases from the juvenile court that meet specific age and offense criteria; some States (11 in 1996) 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 to refer them to criminal court for prosecution. This Fact Sheet presents data from the National Juvenile Court Data Archive on cases transferred from juvenile court to criminal court via judicial waiver between 1987 and 1996. The data were provided to the Archive by 1,775 jurisdictions representing 67% of the U.S. juvenile population (youth age 10 through the upper age of original juvenile court jurisdiction in each State). These data were used to generate national estimates.

For every 100 formally handled delinquency cases, 1 was waived to criminal court

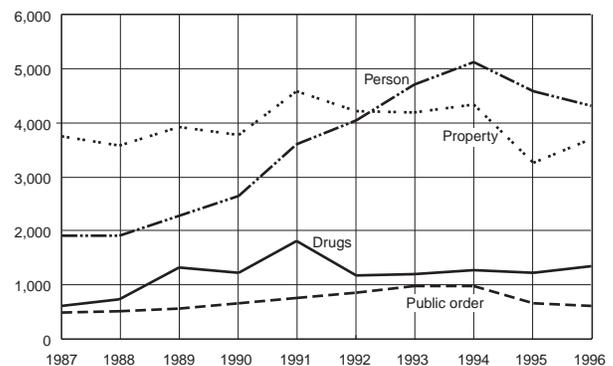
In 1996, U.S. courts with juvenile jurisdiction handled nearly 1.8 million delinquency cases. More than half (56% or 938,100) of these cases were handled formally (that is, a petition was filed requesting an adjudication or waiver hearing). In 1996, as in previous years, waivers to criminal court represented a very small proportion (1% or approximately 10,000) of the formally processed delinquency caseload.

The profile of cases waived to criminal court changed considerably between 1987 and 1996

Between 1987 and 1994, the number of delinquency cases judicially waived to criminal court grew 73%, from 6,800 to 11,700 cases annually. The number of waived cases declined 17% in 1995 and then increased 2% in 1996. The profile of waived cases also changed considerably between 1987 and 1996. Prior to 1992, more property offense cases than person

Since 1992, person offenses have outnumbered property offenses among waived cases

Number of cases judicially waived to criminal court



The characteristics of waived cases changed between 1987 and 1996

	1987	1992	1996
Total Cases Waived	6,800	10,300	10,000
Most Serious Offense			
Person	28%	39%	43%
Property	55	41	37
Drugs	9	11	14
Public order	7	8	6
Gender			
Male	95%	96%	95%
Female	5	4	5
Age at Time of Referral			
Under 16 years	7%	12%	15%
16 or older	93	87	85
Race/Ethnicity			
White	57%	47%	51%
Black	41	50	46
Other	2	3	3
Predisposition Detention			
Detained	58%	53%	51%
Not detained	42	47	49

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

offense cases were waived. For example, in 1987, property offense cases accounted for 55% of the waived caseload. By 1995, property offense cases accounted for 34% of waived delinquency cases, while person offense cases accounted for 47%. In 1996, although waived person offense cases (43%) still outnumbered property offense cases (37%), the gap had closed somewhat.

The use of judicial waiver varied by the offense and the race of the offender

The cases most likely to be waived to criminal court in 1996 were those involving person offenses (1.9%). From 1989 through 1992, the type of cases most likely to be waived were drug offense cases. The proportion of petitioned drug offense cases waived reached 4.1% in 1991 but declined to 1.2% in 1996.

Cases involving white youth and youth of other races were less likely to be waived than cases involving black youth. In 1996, 1.4% of formally processed cases involving black juveniles were

waived to criminal court, compared with 0.8% of cases involving white youth or youth of other races.

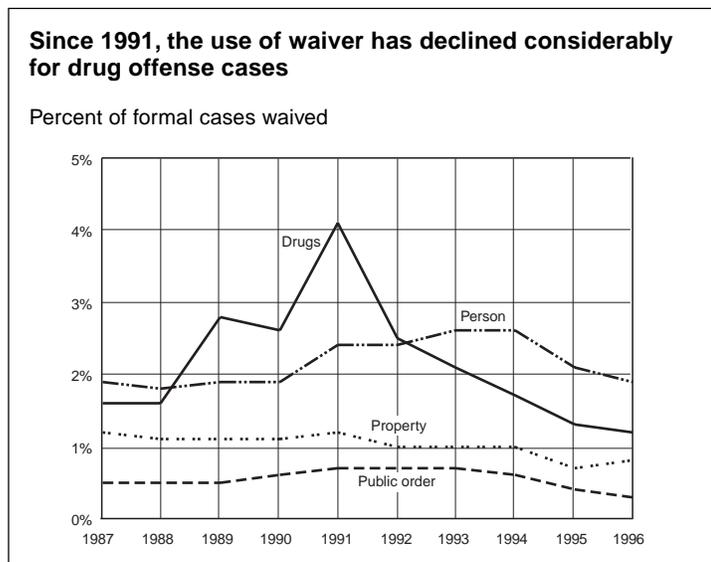
From 1987 through 1996, cases involving white juveniles were most likely to be waived if they involved a person offense. The use of waiver in cases involving black youth changed considerably between 1987 and 1991. The use of waiver for black youth charged with drug offenses increased substantially between 1987 and 1991 (from 2.3% to 5.9%). As of 1992, however, waivers of drug cases declined for black youth (3.6%) and, in 1993, person offense cases were more likely than drug offense cases to be waived to criminal court (3.4% versus 3.1%). This trend continued for black youth; in 1996, person offense cases were the most likely to be waived to criminal court (2.3%) compared with 1.9% for drug offense cases.

For further information

This Fact Sheet is based on the forthcoming report *Juvenile Court Statistics 1996*. 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.

Anne L. Stahl is the Manager of Data Collection for 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.



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