



# OJJDP FACT SHEET

June 2001 #22

## Juvenile Transfers to Criminal Court in Florida: The 1994 Reforms

Since 1995, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) has funded a multifaceted study of juvenile transfers to criminal court in Florida. One component of the study examines the impact of legislative changes on transfer outcomes. In Florida, juveniles are transferred to adult criminal jurisdiction through voluntary waiver (the offender requests prosecution as an adult), legislative waiver or statutory exclusion (legislation excludes some cases from juvenile court jurisdiction based on offense, age, or prior record), prosecutorial direct file (a prosecutor decides to file formal charges in criminal court), or judicial waiver (a judge grants a motion to move a case to criminal court).

By the late 1980s, most transfers in Florida occurred through prosecutorial direct file; that is, charges were filed directly in criminal court. In 1994, the Florida legislature expanded State laws on transfer by enacting three major provisions. First, it extended prosecutorial direct file by permitting prosecutors to file charges directly in criminal court against 14- and 15-year-old defendants charged with 1 of 14 “qualifying” serious felony offenses. Second, it required prosecutors to file charges directly in criminal court against any juvenile being prosecuted for a new offense who had already been adjudicated delinquent on at least three separate occasions and for whom three separate residential placements had been previously ordered. Third, it enacted a presumptive judicial waiver for juveniles with three prior delinquency adjudications (or adjudications withheld) for felonies, one or more of which involved violence against a person or using or possessing firearms. Under Florida’s presumptive judicial waiver, a prosecutor is required to request a waiver and the judge is required to grant it unless the judge provides written reasons to support processing the case in juvenile court.

### Florida’s Data on Juveniles

The data used to examine transfers to criminal court come from the Client Information System (CIS) of Florida’s Department of Juvenile Justice. CIS tracks each referral to juvenile court from intake or arrest to disposition.<sup>1</sup> For youth transferred to criminal court, the transfer is coded as the disposition. The comparisons in

this Fact Sheet are based on CIS data for transferred youth during 1993 and 1995 (before and after the 1994 reforms).

### Number of Transfers

According to CIS data, the number of cases transferred to criminal court decreased slightly between 1993 and 1995, despite Florida’s expansion of transfer authority. Transferred youth accounted for about 7 percent of all referrals in CIS in 1993 and about 6 percent of all referrals in 1995. This slight decrease occurred even though the total number of juveniles referred to the juvenile justice system rose by 20 percent between 1993 and 1995. The enhanced legal authority provided by the 1994 reforms did not increase the numbers of youth transferred to criminal court in Florida in 1995.

**Characteristics of Florida juveniles transferred to criminal court changed little between 1993 and 1995**

Characteristic	1993		1995	
	Number	Percent	Number	Percent
<b>Gender</b>				
Male	5,254	91	5,093	90
Female	491	9	538	10
Total	5,745		5,631	
<b>Race</b>				
White	2,611	45	2,722	48
Nonwhite	3,136	55	2,915	52
Total	5,747		5,637	
<b>Age (years)</b>				
11 and under	58	1	39	1
12–13	190	3	150	3
14–15	828	15	985	18
16–17	4,393	80	4,234	78
Total	5,469		5,408	

Notes: Detail may not add to 100% because of rounding. Totals differ across categories because of incomplete data.

<sup>1</sup> If more than one referral of an individual occurred on the same day, the referrals were grouped together as a “case.” For individuals who had more than one case in a given year, the earliest referral date that resulted in transfer to criminal court was the case that was included in the study for that individual.

## For Further Information

For more information on the Florida transfer study, contact:

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For more information and to request additional publications on juvenile transfers to criminal court, call the Juvenile Justice Clearinghouse at 800-638-8736.

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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.*

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### The offense that triggered transfer of Florida juveniles to criminal court changed little between 1993 and 1995

Offense	1993		1995	
	Number	Percent	Number	Percent
Felony	4,550	79	4,612	82
Misdemeanor	1,070	19	923	16
Other	127	2	102	2
Total	5,747	100	5,637	100

### The offense history of Florida juveniles transferred to criminal court changed little between 1993 and 1995

Number of Prior Referrals	1993		1995	
	Number	Percent	Number	Percent
0	868	15	874	16
1	636	11	650	12
2-4	1,374	24	1,401	25
5-9	1,380	24	1,424	25
10 or more	1,489	26	1,288	23
Total	5,747	100	5,637	101

Note: Detail may not add to 100% because of rounding.

## Effects of the 1994 Reforms

The 1994 reforms addressed younger offenders, juveniles who committed felony offenses, and juveniles who had significant prior records. However, data from CIS indicate that these reforms had little effect on the types of youth who were transferred in the year following the changes. The lack of immediate impact may indicate that prosecutors and judges have been slow to implement their new authority. It may also reflect differences in perception between legislators and practitioners who deal directly with criminal youth.