



# OJJDP FACT SHEET

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## Delinquency Cases Waived to Criminal Court, 1989–1998

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### 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 (28 in 1998) automatically exclude cases from juvenile court that meet specific age and offense criteria. Other States (15 in 1998) 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.

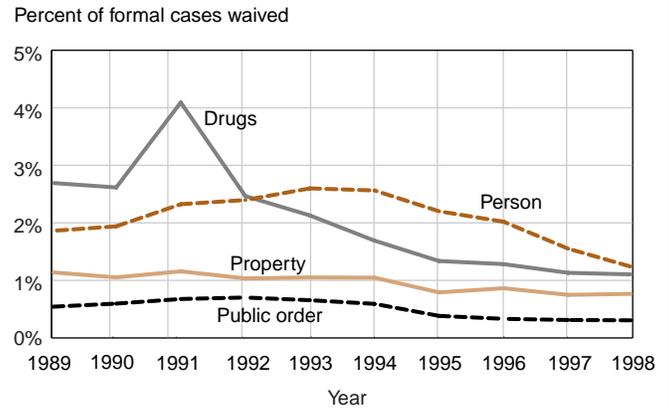
This Fact Sheet presents estimates of the number of cases transferred from juvenile court to criminal court through the judicial waiver mechanism between 1989 and 1998. These estimates are based on data from nearly 2,100 jurisdictions, representing almost 70% of the U.S. juvenile population (youth age 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

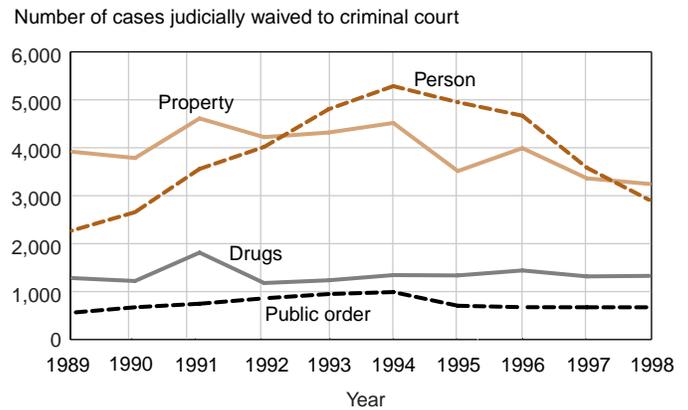
In 1998, U.S. courts with juvenile jurisdiction handled nearly 1.8 million delinquency cases. More than half (57% or 1,000,300) of these cases were handled formally (that is, a petition was filed requesting an adjudication or waiver hearing). The number of delinquency cases judicially waived to criminal court peaked in 1994 with 12,100 cases. This represented a 51% increase over the number of cases waived in 1989 (8,000). Since 1994, however, the number of cases waived to criminal court has declined 33% to 8,100 cases, representing less than 1% of the formally processed delinquency caseload.

The proportion of formally processed cases waived to criminal court varied by category of offense. For example, in 1998, 1.2% (2,900) of all formally processed person offense cases were waived to criminal court. From 1989 through 1992, formally processed drug offense cases were more likely to be waived to

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



criminal court than any other offense category. The proportion of petitioned drug offense cases waived peaked at 4.1% (1,800 cases) in 1991 and has declined since then (1.1% or 1,300 cases

### The characteristics of waived cases changed between 1989 and 1998

	1989	1994	1998
<b>Total cases waived</b>	8,000	12,100	8,100
<b>Most serious offense</b>			
Person	28%	43%	36%
Property	48	37	40
Drug	16	11	16
Public order	7	8	8
<b>Gender</b>			
Male	95%	95%	93%
Female	5	5	7
<b>Age (years) at time of referral</b>			
Under 16	11%	13%	13%
16 or older	89	87	87
<b>Race/ethnicity</b>			
White	49%	51%	55%
Black	50	45	42
Other	2	4	3
<b>Predisposition detention</b>			
Detained	59%	56%	50%
Not detained	41	44	50

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

### Offense characteristics of waived cases for white and black youth, 1989–98

Most Serious Offense	1989	1994	1998	Percent Change	
				1989–98	1994–98
<b>White</b>					
Total delinquency	3,900	6,200	4,500	15%	-33%
Person	900	2,300	1,500	69	-34
Property	2,400	3,000	2,200	-11	-26
Drugs	300	400	400	54	9
Public order	300	500	300	26	-36
<b>Black</b>					
Total delinquency	4,000	5,500	3,400	-14%	-37%
Person	1,300	2,700	1,300	-5	-54
Property	1,300	1,400	1,000	-28	-31
Drugs	1,000	900	900	-12	-3
Public order	300	400	300	3	-27

Notes: Detail may not equal total due to rounding. Percent change figures are based on the unrounded number of cases.

in 1998). From 1993 to 1997, formally processed person offense cases were more likely to be judicially waived than cases involving other offenses.

Between 1989 and 1992, the profile of cases judicially waived varied. Prior to 1992, waived cases involving property offenses outnumbered those involving person offenses. 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 1998, the decline in waived person offense cases (45%) outpaced the decline in waived property offense cases (28%). As a result, by 1998, property offenses (3,200 cases) comprised a greater share of the waived caseload than person offenses (2,900 cases).

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

From 1989 through 1998, the number of judicially waived cases involving black youth decreased 13% compared with a 12% increase for white youth. From 1990 through 1998, person offense 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 1989 through 1998.

### For further information

This Fact Sheet is based on the forthcoming Report, *Juvenile Court Statistics 1998*, which will be available on OJJDP's Web site ([ojjdp.ncjrs.org](http://ojjdp.ncjrs.org)). 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."

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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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