

The logo for Building Blocks for Youth is displayed on a dark blue rectangular background. The words "Building Blocks" are written in a white, serif font, with "Building" in a smaller size above "Blocks". Below "Blocks", the words "for Youth" are written in a white, cursive script font.

## **Youth Crime/Adult Time: Is Justice Served?**

**By Jolanta Juskiewicz, from the Pretrial Services Resource Center**

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### **Executive Summary**

#### **I. INTRODUCTION**

Over the last ten years, nearly every state has changed its laws to make it easier to prosecute juveniles as adults. Traditionally, since a separate court for young people was created in Chicago in 1899, juveniles who broke the law were brought before the juvenile court. In rare cases, judges decided which youth were so violent or such chronic offenders that they were "not amenable to treatment" in the juvenile court. In such cases the jurisdiction of the juvenile court was "waived" and the youth were transferred to adult criminal court. Some states had legislation that automatically excluded youth charged with the most serious offenses, notably murder, from juvenile court jurisdiction.

Recently, however, states throughout the country have passed a variety of measures to send more youth to criminal court. These measure include any or a combination of the following: lowering the age at which juveniles can be prosecuted as adults; greatly expanding the categories of crimes for which youth are automatically prosecuted in criminal court; giving prosecutors the exclusive authority to decide which juveniles are charged as adults; and limiting the discretion of judges to overturn decisions by prosecutors and law enforcement officials.

This shift in policy has occurred at a time of growing awareness of and concern about disproportionate representation of minorities in both the adult and juvenile justice systems. Numerous reports, including two by the *Building Blocks for Youth initiative*, have shown that youth of color are over-represented in the populations held in detention facilities and transferred from juvenile to adult court. In the *Building Blocks for Youth* report, "*And Justice For Some: Differential Treatment of Minority Youth in the Justice System*," the research demonstrates that minority youth experience a "cumulative disadvantage" as they move from arrest to referral on charges, to adjudication, to disposition or sentencing, and finally to incarceration.

Disproportionate representation is not the same thing as racial bias. Some argue that over-representation of minority youth in the justice system is simply a result of minority youth committing more crimes than White youth. Even when that is the case, a fair analysis, however, requires consideration of police practices such as targeting patrols in low-income neighborhoods, locations of offenses (on the street or in homes), differences in delinquent behavior by minority and White youth, differential reactions of crime victims to offenses committed by White or minority youth, and racial bias by decisionmakers in

the system. As noted in *And Justice for Some*, a meta-analysis of studies on race and the juvenile justice system, two-thirds of the studies of disproportionate minority confinement showed negative "race effects" at one stage or another of the juvenile justice process.

This study, the first of its kind, takes an in-depth look at the prosecution of minority youth in criminal court. It is distinctive in several ways. First, it includes the full range of "transfer" mechanisms, e.g., judicial decisions, prosecutorial decisions, and legislative exclusions. Second, the study is broad-based, examining all the major decision points in criminal case processing, from arrest to final disposition. Third, there are a sufficient number of Latino youth to consider them separately in the analysis. Fourth, this is a multi-jurisdictional study of juvenile cases prosecuted in adult courts in 18 large urban counties across the country. Finally, the findings are based on data gathered specifically for this study and not from secondary sources.

While the study echoes some of the findings of earlier reports regarding over-representation and disparate treatment of minority youth, it also reveals disturbing aspects of the transfer process. In effect, in most cases, there is no longer an actual "transfer" process. In a marked departure from tradition, most determinations (85%) to prosecute juveniles as adults are not made by judges, but instead by prosecutors or legislatures. Moreover, although prosecution in criminal court is thought to be reserved for youth charged with the most serious offenses, this study indicates that many youth who are sent to the adult system have cases that are dismissed, resolved without conviction or transferred back to the juvenile justice system, scarcely justifying their prosecution in adult court, detention in adult jails, and subsequent incarceration in adult jails and prisons. Particular disparities in the prosecution of minority youth are also evident. Thus, this research raises serious questions about the fairness and appropriateness of prosecuting youth in the adult criminal justice system.

## II. METHODOLOGY

### A. Sample

This study includes cases that involved a juvenile charged with at least one felony offense. All the cases that were filed between January 1, 1998 and June 30, 1998 in 18 criminal courts were tracked from the filing date to final adjudication (i.e., dismissal or sentencing) in adult court or until March 31, 1999, whichever occurred first. The jurisdictions are:

Jefferson County (Birmingham), AL

Maricopa County (Phoenix), AZ

Pima County (Tucson), AZ

Los Angeles County (Los Angeles), CA

Orange County (Santa Ana), CA

Dade County (Miami), FL

Hillsborough County (Tampa), FL

Orange County (Orlando), FL  
Marion County (Indianapolis), IN  
Baltimore City, MD  
St. Louis County (St. Louis), MO  
Bronx County (Bronx), NY  
Kings County (Brooklyn), NY  
New York County (Manhattan), NY  
Queens County (Queens), NY  
Philadelphia County (Philadelphia), PA  
Harris County (Houston), TX  
Milwaukee County (Milwaukee), WI

There are 2,584 cases in the study. They represent 100% of the total number of cases involving White, African-American, and Latino youth that were filed in the criminal court involving juveniles in the 18 jurisdictions for the first six months of 1998.

The 18 jurisdictions selected for this study were drawn from those that participate in the State Court Processing Statistics (SCPS) project of the Bureau of Justice Statistics, U.S. Department of Justice. Conducted biennially since 1988, SCPS tracks for one year a sample of felony cases filed during one month in 40 jurisdictions representative of the 75 most populous jurisdictions in the country. The jurisdictions that had the highest numbers of juvenile felony charges filed in adult court during the 1996 series of SCPS (the last year for which data were available) were selected to participate in this study. This produced a sample of 18 jurisdictions, with the remainder having too few cases to warrant inclusion.

## **B. Definitions**

For the purposes of this report, these terms are defined as follows:

*Youth or juvenile:* An individual who has not reached the statutorily defined upper age for original juvenile court jurisdiction in the state in which he or she is charged, be that 15, 16, or 17.

*Minority:* An individual who is of a race other than White or who is of Latino ethnicity, regardless of race.

*Disproportionate representation or over-representation:* The proportion of a group with a specific characteristic that exceeds the proportion of that group in the population being considered. Thus, if Latino youth in a certain county make up 25% of arrests and 50% of youth tried as adults, that group's

proportion of juveniles tried as adults would constitute disproportionate representation.

*Disparity:* Different treatment of individuals who are similarly situated or have common characteristics.

*Felony:* A crime punishable by more than a year imprisonment.

*Violent offenses:* Include murder, rape, robbery, assault, and other crimes against persons such as domestic violence and negligent homicide.

*Property offenses:* Include burglary, theft, motor vehicle theft, fraud, forgery, and other property crimes such as arson, damage to property, and buying or receiving stolen property.

*Drug offenses:* Include drug trafficking, drug sales and delivery, drug possession, and other drug offenses such as possession of drug paraphernalia.

*Public order offenses:* Include weapons, felony traffic, and other public order offenses such as gambling, prostitution, rioting, corruption or escape from custody.

*Transfer back:* The process, available in some states, in which a juvenile charged in criminal court by a prosecutor or automatically by statute may petition the court for transfer "back" to the juvenile court.

*Detention or pretrial detention:* Locked confinement in a juvenile detention facility or an adult jail while the case is pending.

*Public defenders:* Attorneys employed in government offices to represent youth in juvenile or adult court.

*Private counsel:* Attorneys retained and paid by juveniles and their families to provide representation.

*Assigned counsel:* Private attorneys chosen by judges and compensated from public funds to represent juveniles in particular cases. Assigned counsel are often utilized in jurisdictions where there is no existing or no full-time public defender program, or when there are multiple defendants charged in one case who require separate counsel.

## **C. Analyses**

The analysis of the data entails making comparisons between minority and White youth across all jurisdictions (aggregate analysis) as well as jurisdiction-by-jurisdiction analysis. Aggregate analyses report overall or average findings. In some situations, the aggregate findings may mask significant differences among the 18 jurisdictions. Consequently, where appropriate, the study presents site-by-site findings in addition to the aggregate findings. Indeed, a number of the aggregate findings suggest that the transfer process is not working as expected, yet these findings may not be true for any particular jurisdiction in the study.

Several types of analyses are performed in this study. First, the study looks at over-representation. For example, is the percentage of African-American youth charged as adults higher than the percentage of African-American youth who were arrested for felony offenses? Second, the study looks at possible disparities among racial and ethnic groups, i.e., of youth charged in adult court for drug felonies, are minority youth treated more severely than White youth? Third, the study examines differences across

groups by asking, within each racial/ethnic group, the percentage of the group charged with a certain category of crime (or released before trial, or convicted, or sentenced to incarceration, etc.), comparing the percentages across groups.

Finally, the study provides findings on the overall impact on youth of the transfer process, regardless of race, by examining whether and when youth are released on the charges (either with or without money bail), the amount of bail, and the percentage of youth ultimately convicted of the charges.

### **III. STUDY OVERVIEW**

The study found that minority youth, particularly African-American youth, were over-represented and received disparate treatment at several stages of the process. In some jurisdictions, African-American youth were over-represented in felony charges filed in adult court compared to their percentage in the felony arrest population, most evident in charges for drug and public order offenses. African-American youth were significantly less likely to be represented by private counsel, and youth represented by private counsel were less likely to be convicted of a felony and more likely to be transferred back to juvenile court. Of youth not convicted of their original charges, White youth were twice as likely as minority youth to have their charges reduced to a misdemeanor.

African-American youth were more likely to be held pretrial in adult jails, while Latino youth were more likely to be held in juvenile facilities.

In other aspects of the process, minority youth received treatment comparable to or even more favorable than White youth. For example, of youth released on bail, the average amount of bail for African-American youth was significantly lower than for White youth, and the average bail for White youth was significantly lower than for Latino youth. Violent cases involving White youth took longer to adjudicate than those involving minority youth.

A number of the findings raise significant concerns about the manner in which youth, regardless of race, are prosecuted in the adult criminal justice system. First, 85% of determinations of whether to charge a juvenile as an adult were not made by judges, but by prosecutors or by legislatures through statutory exclusions from juvenile court. Second, prosecution in adult court is expected to be reserved for youth charged with the most serious offenses. However, several of the findings in this report suggest that cases brought against youth prosecuted as adults were either not particularly serious or not very strong. For example, a substantial portion of those prosecuted as adults were charged with non-violent offenses, and many were not convicted or were transferred back to the juvenile court for disposition. If one of the main goals of these transfer laws was to adjudicate cases of children who commit severe offenses in the adult criminal justice system, this study suggests that this goal is not being achieved. The findings suggest that the adult criminal court is taking on numerous cases that should be prosecuted in the juvenile justice system. Furthermore, despite the fact that a great many youth had their cases dismissed, reduced to misdemeanors, or transferred, two-thirds of the youth who were detained pretrial were held in adults jails.

### **IV. MAJOR FINDINGS**

#### **A. Felony Arrests**

Arrest figures were available for 10 of the 18 jurisdictions and only for African-American youth. (Available figures combined White and Latino youth.)

- In 9 of the 10 jurisdictions, African-American youth were disproportionately charged in adult court. This means that the proportion of African-American youth whose felony cases were filed in the adult courts was higher than the proportion of African-American youth who were arrested for felony offenses.
- African-American youth were over-represented especially in drug and public order offense cases. Although African-American youth accounted for 64% of all juveniles arrested for felony drug offenses, they represented 76% of the drug offenses that were filed in adult court. Similarly, while African-American youth accounted for two-thirds (68%) of all youth arrested for public order offenses, they represented over three-fourths (76%) of all youth whose public order offenses were filed in adult court.
- In some jurisdictions, the disproportionate number of African-American youth whose cases were filed in adult court was dramatic. In Jefferson County, Alabama, for example, African-American youth accounted for approximately 3 out of 10 felony arrests, but represented 8 out of 10 felony cases filed in criminal court.

## **B. Charges Filed**

- During the first six months of 1998, in the 18 jurisdictions in the study, the overwhelming majority (82%) of cases that were filed in adult courts involved minority youth. African-American males constituted over half (52%) of the entire sample.
- There were variations among the participating jurisdictions, with minority youth constituting 60% - 100% of those youth prosecuted as adults. In one-third of the sites, minority youth represented 90% or more of the cases filed.
- In six of the sites African-American youth made up three-quarters of the entire sample. In five of the sites, Latino youth constituted 40% or more of the sample. There was only one site where White youth represented as many as 40% of the sample. Eight sites had less than 7% Latino representation in their sample, while in three sites Latino youth represented more than half of the sample.
- In all of the major categories of offenses charged-i.e., violent, property, drug, and public order-the highest percentage of cases involved African-American youth.
- Although African-American youth accounted for 57% of all charges in the study, they comprised more than 85% of drug charges and 74% of public order charges.
- Drug cases were filed against African-American youth at five times the rate of White youth (17% vs. 3%) and three times the rate of Latino youth (5%). Twice as many African-American youth were charged with public order offenses (8%) as White youth (4%). Five percent of Latino youth were charged with public order offenses.

- Although the aggregate findings showed that minority youth were more likely to have charges for violent crimes than White youth, this analysis masked differences in individual sites. In half of the sites, White youth were more likely than minority youth to have violent cases filed in adult court.

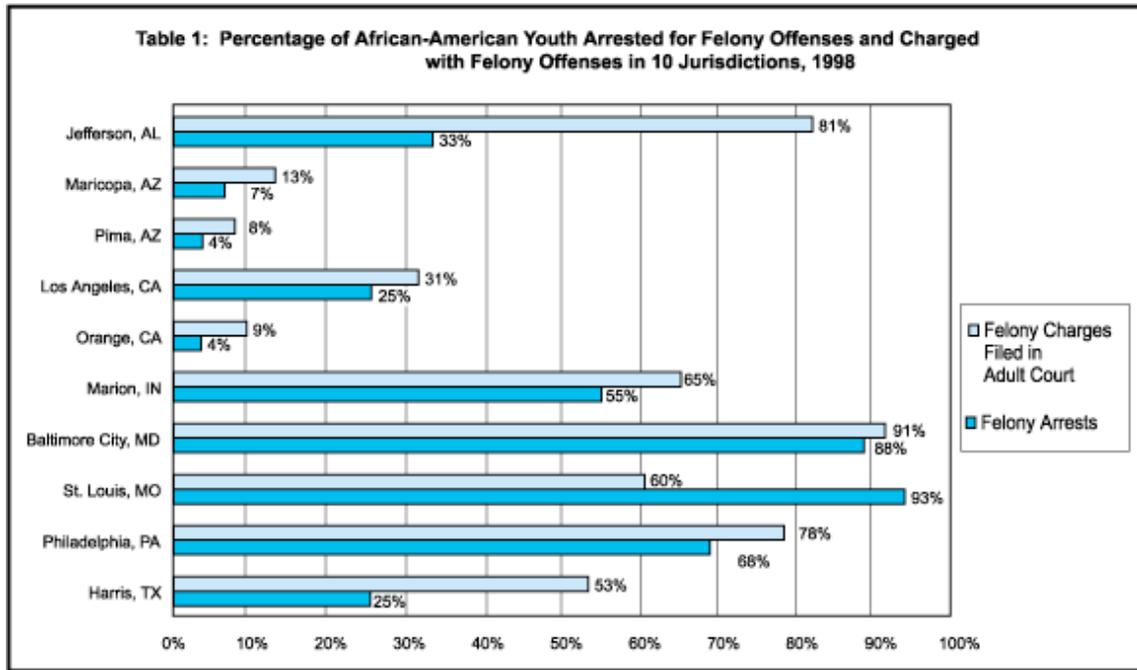
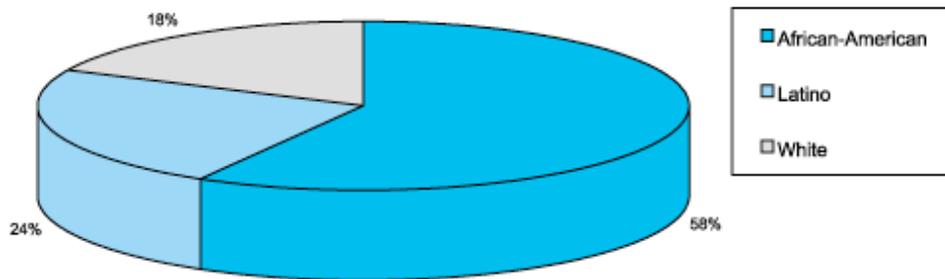
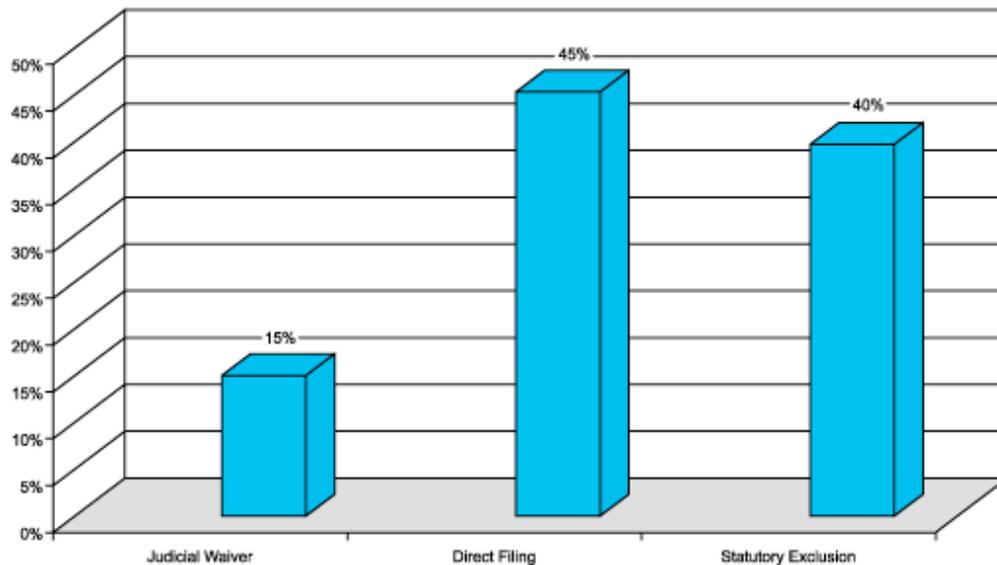


Chart 1: Percentage of Felony Cases Filed in 18 Criminal Courts by Race/Ethnicity, 1998



### C. Charging Mechanism

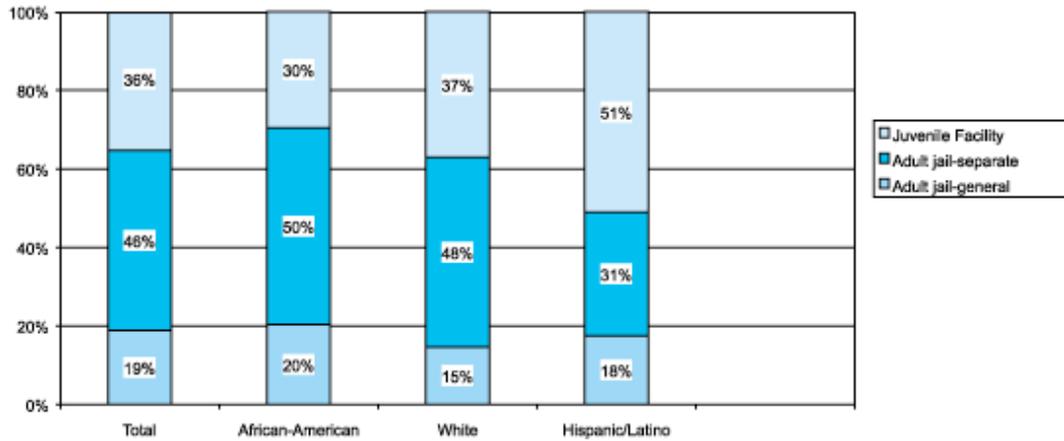
- Most determinations (85%) whether to charge a juvenile as an adult were not made by judges. This was even more true for African-American youth, 89% of whom were charged in adult court through direct file or statutory waiver.
- More than 45% of cases resulted from direct filing by prosecutors.
- In almost 40% of the cases, the charges automatically excluded youth from juvenile court jurisdiction.

**Table 2: Percentage of Felony Cases Filed in 18 Criminal Courts by Type of Filing Mechanism, 1998**

#### D. Pretrial Release and Detention

- The majority of youth in the sample, regardless of category of offense, were released before trial.
- There were differences in individual sites. While most sites released more juveniles than they detained, in three sites (Los Angeles and Orange Counties, California and Harris County, Texas) around 90% of their juveniles were detained pending trial.
- For violent, property, and public order offenses, there were virtually no differences in the release rates among the racial/ethnic groups. For youth charged with drug offenses, however, a higher percentage of White youth (86%) were released pretrial than African-American youth (67%).
- For youth who were released on bail, the average bail amount was significantly lower for African-American youth (\$8,761) than for White youth (\$10,174) and Latino youth (\$13,556).
- Significant numbers of youth were released on non-financial conditions: two-thirds of Latino youth, half of African-American youth, and 40% of White youth.
- Significant numbers of youth were not held longer than 24 hours: almost half of minority youth (46% African-American and 45% Latino) were released the same day they were charged, and more than half were released within 24 hours. Forty percent of white youth were released within 24 hours.

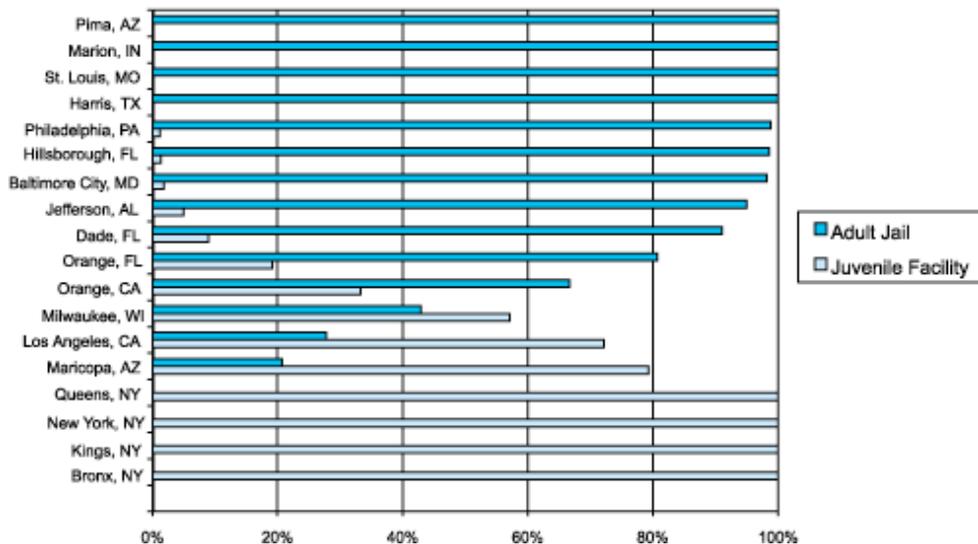
**Table 3: Percentage of Youth Detained Pretrial in 18 Jurisdictions by Race/Ethnicity and Facility Type, 1998**



**E. Place of Pretrial Detention**

- Nearly two-thirds of the detained juveniles in the sample were held in adult jails pending disposition of their cases. Of those, one-third were confined with the general population of adult inmates.
- In four of the jurisdictions (Pima County, Arizona; Marion County, Indiana; St. Louis County, Missouri; and Harris County, Texas) all youth were held pretrial in adult jails. In the four New York sites, all juveniles were held in juvenile detention facilities. In the remaining sites, youth were held either in adult jails or juvenile facilities

**Table 4: Percentage of Youth Detained Pretrial in 18 Jurisdictions by County and Type of Detention Facility, 1998**



**F. Results of Prosecution**

- In nearly one-third of the 18 jurisdictions in the study, less than half of the youth were convicted.

- Overall, substantial numbers of youth were not convicted, and significantly fewer African-American youth were convicted than other youth. Forty-three percent of African-American youth were not convicted, as were 28% of Latino youth and 24% of White youth.
- African-American were much more likely to have their cases transferred back to juvenile court. The rate for such transfer back for African-American youth was nearly three times as high as for White youth (13% vs. 5%).
- Less than half (46%) of African-American youth prosecuted for a violent offense in adult court were convicted. In fact, 20% of African-American youth prosecuted for violent offenses had their cases transferred back to juvenile court. Similarly, less than half (45%) of public order offenses against African-American youth resulted in conviction.
- For violent offenses, the median time frame from filing to adjudication was 126 days for White youth, compared to 88 days for African-American youth and 97 days for Latino youth.
- Of youth not convicted of their original charges, White youth were twice as likely as minority youth to have their charges reduced to a misdemeanor (13% of White youth vs. 6% of African-American youth and 5% Latino youth).

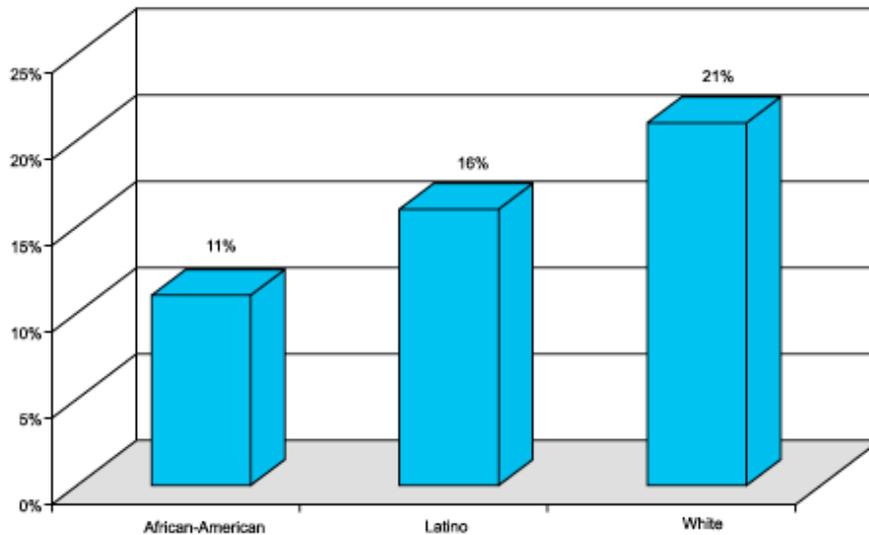
### **G. Attorney**

- A majority of all three racial/ethnic groups were represented by public defenders. White youth were twice as likely as African-American youth to have retained private counsel (21% vs. 11%).
- Youth represented by private attorneys were less likely to be convicted and more likely to be transferred back to juvenile court, regardless of racial/ethnic group.

### **H. Sentences**

- African-American (43%) and Latino (37%) youth were more likely than White youth (26%) to receive a sentence of incarceration (as opposed to a split sentence or probation). This held true when controlling for the adjudicated offense. For example, of those convicted of a violent offense, 58% of African-American youth and 46% of Latino youth received a sentence of incarceration, compared to 34% of White youth.
- Of those sentenced to prison, African-American youth in almost all offense categories had longer sentences than White or Latino youth.
- For those convicted of drug offenses, a lower percentage of African-American youth (37%) received probation than White youth (44%) or Latino youth (53%).

**Table 5: Percentage of Youth Represented by Retained Private Counsel in 18 Criminal Courts by Race/Ethnicity, 1998**



## V. CONCLUSION

Like the earlier reports by the *Building Blocks for Youth initiative*, this research raises serious concerns about the fairness of the justice system. The data indicate that minority youth, particularly African-American youth, receive disparate treatment at several points in the process. On the other hand, the data demonstrate that the system is not monolithic, and minority youth actually receive more favorable treatment (or treatment that seems more favorable) in some circumstances. One value of this research is that it allows a more in-depth examination of these issues. In this study, however, it was impossible to explore in detail the reasons why these disparities exist. Consequently, there is a strong need for more comprehensive research in this area. One partial explanation for some disparity is that White youth were twice as likely as African-American youth to be represented by private counsel who are burdened by the high caseloads that public defenders carry.

Perhaps the most significant contribution of this research is the spotlight it throws on those aspects of the justice system that appear to work contrary to traditional reasons for prosecution of youth in adult court. The decision to prosecute a juvenile as an adult has momentous consequences for the individual involved. This study found that nearly two-thirds of the juveniles detained pretrial were held in adult jails pending disposition of their cases. Of those, one-third were confined with the general adult inmate population. Yet, the overall high pretrial release rates (often with no bail required), high non-conviction rates, and high probation rates suggest that the cases filed in adult court in many instances may not be sufficiently serious or strong. Since most states have committed themselves to increased prosecution of juveniles in adult court, this is clearly an area that requires additional research, policy review, and new legislation to ensure that young people are not unnecessarily and inappropriately swept up into the adult criminal justice system.

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## Youth Crime/Adult Time:

# Is Justice Served?

## I. INTRODUCTION

Over the last ten years, nearly every state has changed its laws to make it easier to prosecute juveniles as adults. Traditionally, since a separate court for young people was created in Chicago in 1899, juveniles who broke the law were brought before the juvenile court. In rare cases, judges decided which youth were so violent or such chronic offenders that they were "not amenable to treatment" in the juvenile court. In such cases the jurisdiction of the juvenile court was "waived" and the youth were transferred to adult criminal court. Some states had legislation that automatically excluded youth charged with the most serious offenses, notably murder, from juvenile court jurisdiction.

Recently, however, states throughout the country have passed a variety of measures to send more youth to criminal court. These measures include any or a combination of the following: (1) lowering the age at which juveniles can be prosecuted as adults; (2) greatly expanding the categories of crimes for which youth are automatically prosecuted in criminal court; (3) giving prosecutors the exclusive authority to decide which juveniles are charged as adults; and (4) limiting the discretion of judges to overturn decisions by prosecutors and law enforcement officials.

This shift in policy has occurred at a time of growing awareness of and concern about disproportionate representation of minorities in both the adult and juvenile justice systems. Numerous reports, including those by the *Building Blocks for Youth* initiative, have shown that youth of color are over-represented in the populations held in detention facilities and transferred from juvenile to adult court. In the *Building Blocks for Youth* report, *And Justice for Some: Differential Treatment of Minority Youth in the Justice System*, the research demonstrates that minority youth experience a "cumulative disadvantage" as they move from arrest to referral on charges, to adjudication, to disposition or sentencing, and finally to incarceration.<sup>1</sup>

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) issued a report in 1999 showing that in 1997, minority youth comprised about one-third of the juvenile population nationwide, yet nearly two-thirds of the youth detained and committed to secure juvenile detention facilities.<sup>2</sup> These disparities were much larger for African-American youth. While comprising 15 percent of the juvenile population, African-American youth accounted for 26 percent of juveniles arrested and 45 percent of cases involving detention.<sup>3</sup>

A number of sources have shown that overrepresentation of minorities also exists in the waiver of cases from juvenile to adult court. According to an OJJDP report on the number of cases waived to adult court between 1988 and 1997,<sup>4</sup> those involving African-American youth increased 35 percent, compared to a 14 percent rise for White youth.<sup>5</sup> There were similar findings in studies of individual states. For example:

- Compared to White youth, African-American and Latino juveniles in California were six times more likely to have their cases transferred to adult court, according to the *Building Blocks for Youth* report, *The Color of Justice: An Analysis of Juvenile Adult Court Transfers in California*. Furthermore, looking at Los Angeles County alone, Latino juveniles were six times and African-American juveniles were 12 times more likely to face prosecution as adults.<sup>6</sup>

- According to a 1998 report published by the Florida Department of Juvenile Justice, African-American juveniles made up only 23 percent of Florida's population of youth ages 10 through 17, but 41 percent of all juvenile cases, and 54 percent of all the cases transferred to adult court in FY 1996-97. These figures were unchanged from the previous year. The data also showed that in four of Florida's districts, between 60 and 68 percent of all the youth transferred to adult court were African-American.<sup>7</sup>
- A 1995 study published by the Maryland Department of Juvenile Justice reported that 73 percent of the cases waived from juvenile court in Maryland involved African-American juveniles.<sup>8</sup>
- A 1994 study in Ohio showed that African-American youth represented 62 percent of all youth whose cases were waived to adult court. The study also showed that in Ohio's six large urban counties, between 64 and 82 percent of all youth transferred to adult court were African-American.<sup>9</sup>
- A Minnesota study found that minority youth comprised 88 percent of the youths who prosecutors sought to waive in 1992.<sup>10</sup>
- The General Accounting Office published a report in 1995 that focused on juvenile cases waived to adult court in several states in 1990 and 1991. In California, for example, 94 percent of the juvenile cases waived to adult court involved African-American youth. In Missouri, 70.5 percent of the youth waived to adult court were African-American. In Pennsylvania, African-American youth accounted for 56 percent of the cases waived to adult court.<sup>11</sup>

Disproportionate representation is not the same thing as racial bias. Some argue that over-representation of minority youth in the justice system is simply a result of minority youth committing more crimes than White youth. Even when that is the case, a fair analysis, however, requires consideration of certain police practices. These include targeting patrols in low-income neighborhoods, locations of offenses (on the street or in homes), differences in delinquent behavior by minority and White youth, differential reactions of crime victims to offenses committed by White or minority youth, and racial bias by decision-makers in the system. As noted in the last *Building Blocks for Youth* report, *And Justice for Some: Differential Treatment of Minority Youth in the Justice System*, researchers found that about two-thirds of the studies of disproportionate minority confinement showed negative "race effects" at one stage or another of the juvenile justice process.<sup>12</sup>

This study, which takes an in-depth look at the prosecution of minority youth in criminal court, is distinctive in several ways. First, it includes the full range of "transfer" mechanisms, e.g., judicial decisions, prosecutorial decisions, and legislative exclusions. Second, the study is broad-based, examining all the major decision points in criminal case processing, from arrest to final disposition. Third, there are a sufficient number of Latino youth to consider them separately in the analysis. Fourth, this is a multi-jurisdictional study of juvenile cases prosecuted in adult courts in 18 large urban jurisdictions (17 counties and 1 city) across the country. Finally, the findings are based on data gathered specifically for this study and not from secondary sources.

While the study echoes some of the findings of earlier reports regarding over-representation and disparate treatment of minority youth, it also reveals disturbing aspects of the transfer process. In effect, in most cases in this study, there is no longer an actual "transfer" process. In a marked departure from

tradition, most determinations (85%) to prosecute juveniles as adults were found not to have been made by judges, but instead by prosecutors or legislatures. Moreover, some findings of this study are contrary to the perception that prosecution in criminal court is reserved for youth charged with the most serious offenses. Among its findings are that many youth who are sent to the adult system have cases that are dismissed, resolved without conviction or transferred back to the juvenile justice system, scarcely justifying their prosecution in adult court, detention in adult jails, and subsequent incarceration in adult jails and prisons. Particular disparities in the prosecution of minority youth are also evident. Thus, this research raises serious questions about the fairness and appropriateness of prosecuting youth in the adult criminal justice system.

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Pima County (Tucson), AZ

Los Angeles County (Los Angeles), CA

Orange County (Santa Ana), CA

Dade County (Miami), FL

Hillsborough County (Tampa), FL

Orange County (Orlando), FL

Marion County (Indianapolis), IN

Baltimore City, MD

St. Louis County, MO

Bronx County (Bronx), NY

Kings County (Brooklyn), NY

New York County (Manhattan), NY

Queens County (Queens), NY

Philadelphia County (Philadelphia), PA

Harris County (Houston), TX

Milwaukee County (Milwaukee), WI

There are 2,584 cases in the study. They represent 100% of the total number of cases involving White, African-American, and Latino youth that were filed in the first six months of 1998 in the criminal courts in 18 jurisdictions.

The 18 jurisdictions selected for this study were drawn from those that participate in the State Court Processing Statistics (SCPS) project of the Bureau of Justice Statistics, U.S. Department of Justice. Conducted biennially since 1988, SCPS tracks for one year a sample of felony cases filed in criminal courts during one month in 40 jurisdictions representative of the 75 most populous jurisdictions in the country. The jurisdictions that had the highest numbers of juvenile felony charges filed in the criminal court in the 40 jurisdictions during the 1996 series of SCPS (the last year for which data were available) were selected to participate in this study.<sup>13</sup> This produced a sample of 18 large urban jurisdictions, with the remainder having too few cases to warrant inclusion. While the 18 jurisdictions do not statistically represent the 40 jurisdictions, they do account for nearly 90% of all cases involving juveniles that were filed in 1996 in the 40 jurisdictions.

## **B. Definitions**

For the purposes of this report, these terms are defined as follows:

*Youth or juvenile:* An individual who has not reached the statutorily defined upper age for original juvenile court jurisdiction in the state in which he or she is charged, be that 15, 16, or 17.

*Minority:* An individual who is of a race other than White or who is of Latino ethnicity, regardless of race. *Disproportionate representation or over-representation:* The proportion of a group with a specific characteristic that exceeds the proportion of that group in the population being considered. Thus, if Latino youth in a certain county make up 25% of arrests and 50% of youth prosecuted as adults, that group's proportion of juveniles prosecuted as adults would constitute overrepresentation.

*Disparity:* Different treatment (i.e., different outcomes) of individuals who are similarly situated or have common characteristics.

*Judicial Waiver:* A judge decides whether to transfer a juvenile to adult criminal court for prosecution.

*Direct Filing:* A prosecutor decides whether to prosecute a juvenile in juvenile court or adult criminal court.

*Statutory Exclusion:* The legislature decides by passing a statute that juveniles charged with certain offenses are excluded from juvenile court jurisdiction and automatically prosecuted in adult criminal court.

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*Violent offenses:* Include murder, rape, robbery, assault, and other crimes against persons such as domestic violence and negligent homicide.

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*Drug offenses:* Include drug trafficking, drug sales and delivery, drug possession, and other drug offenses such as possession of drug paraphernalia.

*Public order offenses:* Include weapons, felony traffic, and other public order offenses such as gambling, prostitution, rioting, corruption or escape from custody.

*Transfer back:* The process, available in some states, in which a juvenile charged in criminal court by a prosecutor or automatically by statute may petition the court for transfer "back" to the juvenile court.

*Detention or pretrial detention:* Locked confinement in a juvenile detention facility or an adult jail while the case is pending.

*Public defenders:* Attorneys employed in government offices to represent youth in juvenile or adult court.

*Retained private counsel:* Attorneys retained and paid by juveniles and their families to provide representation.

*Assigned counsel:* Private attorneys chosen by judges and compensated from public funds to represent juveniles in particular cases. Assigned counsel are often utilized in jurisdictions where there is no existing or no full-time public defender program, or when there are multiple defendants charged in one case who require separate counsel.

### **C. Analyses**

The analysis of the data entails making comparisons between minority and White youth across all 18 jurisdictions (aggregate analysis) as well as jurisdiction-by-jurisdiction analysis. Aggregate analyses report overall or average findings. In some situations, the aggregate findings may mask significant differences among the 18 jurisdictions. Consequently, where appropriate, the study presents site-by-site findings in addition to the aggregate findings. Indeed, a number of the aggregate findings suggest that the transfer process is not working as expected, yet these findings may not be true for any particular jurisdiction in the study.

Several types of analyses are performed in this study. First, the study looks at over-representation. For example, is the percentage of African-American youth charged as adults higher than the percentage of African-American youth who were arrested for felony offenses? Second, the study looks at possible disparities among racial and ethnic groups, i.e., of youth charged in adult court for drug felonies, are minority youth treated more severely than White youth? Third, the study examines differences across groups by asking, within each racial/ethnic group, the percentage of the group charged with a certain category of crime (or released before trial, or convicted, or sentenced to incarceration, etc.), comparing

the percentages across groups.

Finally, the study provides findings on the overall impact on youth of the transfer process, regardless of race, by examining whether and when youth are released on the charges (either with or without bail), the amount of bail, and the percentage of youth ultimately convicted of the charges.

The analyses are descriptive rather than explanatory. The specific reasons or explanations for findings of overrepresentation or disparities are beyond the scope of this study. Only in-depth case and defendant-specific information, such as the nature of the case, the strength of the evidence, and the criminal history of the defendant, can provide explanations for certain outcomes. The intention of this study is to identify the existence, if any, of over-representation or disparities experienced by minority youth in adult court. Moreover, this study sheds light on what happens to cases involving youth that are prosecuted in adult court. Should the findings reveal disparate outcomes for minority youth or that cases are transferred back to juvenile court, further empirical research would be warranted to delve into the underlying reasons for those findings.

### **III. STUDY OVERVIEW**

The study found that minority youth, particularly African-American youth, were over-represented and received disparate treatment at several stages of the process. In some jurisdictions, African-American youth were over-represented in felony arrests and felony charges filed in adult court compared to their percentage in the general juvenile population and the felony arrest population, respectively. This was most evident in charges for drug and public order offenses. African-American youth were significantly less likely to be represented by retained private counsel, and youth represented by retained private counsel were less likely to be convicted of a felony and more likely to be transferred back to juvenile court. Of youth not convicted of their original charges, White youth were twice as likely as minority youth to have their charges reduced to a misdemeanor. African-American youth were more likely to be held pretrial in adult jails, while Latino youth were more likely to be held in juvenile facilities. Of youth who were not convicted of the charges in adult court, African-American youth were twice as likely as White youth to be detained pending case disposition.

In other aspects of the process, minority youth received treatment comparable to or even more favorable than White youth. For example, of youth released on bail, the average amount of bail for African-American youth was significantly lower than for White youth, and the average bail for White youth was significantly lower than for Latino youth. Violent cases involving White youth took longer to adjudicate than those involving minority youth.

A number of the findings raise significant concerns about the manner in which youth, regardless of race, are prosecuted in the adult criminal justice system. First, 85% of determinations of whether to charge a juvenile as an adult were not made by judges, but by prosecutors or by legislatures through statutory exclusions from juvenile court. Second, several of the findings in this report suggest that the adult criminal court, rather than being reserved for the most serious cases, is taking on numerous cases that should be prosecuted in the juvenile justice system. For example, a substantial portion of those prosecuted as adults were charged with non-violent offenses. Many were not convicted or had their cases transferred back to the juvenile court for disposition. Third, and most disturbing, is the finding that many youth were detained in adult jails pending disposition of their cases. In fact, many youth who were detained had their cases dismissed, reduced to misdemeanors, or transferred. If one of the main

goals of these transfer laws is to adjudicate in the adult criminal justice system only cases of children who commit severe offenses, the findings of this study put to question whether this goal is being achieved.

## **IV. MAJOR FINDINGS**

### **A. Demographics**

- In the 18 jurisdictions in this study, in the first six months of 1998, 82% of the juvenile cases filed in the criminal courts involved minority youth, which include African-American, Latino, Asian, and American Indian youth. White youth accounted for the remaining 18%. Of the minority youth, African-Americans constituted the largest group, representing 57% of the total sample and 70% of the minority youth. Latino youth accounted for 23% of the total sample and 28% of the minority youth. African-American males constituted over half (52%) of the entire sample.

### **B. Felony Arrests**

Juvenile population and arrest figures were available for 10 of the 18 jurisdictions and only for African-American youth. (Available figures combined White and Latino youth.)

- In 7 of the 10 jurisdictions, African-American youth were disproportionately arrested for felony offenses. In 9 of the 10 jurisdictions, African-American youth were disproportionately charged in adult court. In the first instance, this means that the proportion of African-American youth who were arrested for felony offenses was higher than the proportion of African-American youth in the general juvenile population. In the second, this means that the proportion of African-American youth whose felony cases were filed in adult courts was higher than the proportion of African-American youth who were arrested for felony offenses.
- African-American youth were over-represented especially in drug and public order offense cases filed in adult court. Although African-American youth accounted for 64% of all juveniles arrested for felony drug offenses, they represented 76% of the drug offenses that were filed in adult court. Similarly, while African-American youth accounted for two-thirds (68%) of all youth arrested for public order offenses, they represented over three-fourths (76%) of all youth whose public order offenses were filed in adult court.
- In some jurisdictions, the disproportionate number of African-American youth whose cases were filed in adult court was dramatic. In Jefferson County, Alabama, for example, African-American youth accounted for approximately 3 out of 10 felony arrests, but comprised 8 out of 10 felony cases filed in criminal court.

### **C. Charges Filed**

- There were variations among the participating jurisdictions with minority youth comprising 60% to 100% of those youth prosecuted as adults. In one-third of the sites, minority youth represented 90% or more of the cases filed.

- In six of the sites African-American youth made up three-quarters of the entire sample. In five of the sites, Latino youth constituted 40% or more of the sample. There was only one site where White youth represented as much as 40% of the sample. Eight sites had less than 7% Latino representation in their sample, while in three sites Latino youth represented more than half of the sample.
- In all of the major categories of offenses charged, i.e., violent, property, drug, and public order, the highest percentage of cases involved African-American youth.
- Although African-American youth accounted for 57% of all charges in the study, they comprised more than 85% of drug charges and 74% of public order charges.
- Drug cases were filed against African-American youth at five times the rate of White youth (17% vs. 3%) and three times the rate of Latino youth (5%). Twice as many African-American youth were charged with public order offenses (8%) as White youth (4%). Five percent of Latino youth were charged with public order offenses.
- Although the aggregate findings showed that minority youth were more likely to have charges for violent crimes than White youth, this analysis masked differences in individual sites. In half of the sites, White youth were more likely than minority youth to have violent cases filed in adult court.

#### **D. Charging Mechanism**

- Most determinations (85%) whether to charge a juvenile as an adult were not made by judges. This was particularly true for African-American youth, 89% of whom were charged in adult court through direct file or statutory waiver.
- More than 45% of cases resulted from direct filing by prosecutors. In almost 40% of the cases under state statutes, the charges automatically excluded youth from juvenile court jurisdiction.

#### **E. Pretrial Release and Detention**

- The majority of youth in the sample, regardless of offense category, were released before trial.
- There were differences in individual sites. While most sites released more juveniles than they detained, in three sites (Los Angeles and Orange Counties, California and Harris County, Texas) around 90% of their juveniles were detained pending trial.
- For violent, property, and public order offenses, there were virtually no differences in the release rates among the racial/ethnic groups. For youth charged with drug offenses, however, a higher percentage of White youth (86%) were released pretrial than African-American youth (67%).
- For youth who were released on bail, the average bail amount was significantly lower for African-American youth (\$8,761) than White youth (\$10,174) and Latino youth (\$13,556).
- Significant numbers of youth were released on non-financial conditions (e.g., personal

recognizance): two-thirds of Latino youth, half of African-American youth, and 40% of White youth.

- Significant numbers of youth were not held longer than 24 hours: almost half of minority youth (46% African-American and 45% Latino) were released the same day they were charged, and more than half were released within 24 hours. Forty percent of white youth were released within 24 hours.

## **F. Place of Pretrial Detention**

- Nearly two-thirds of the detained juveniles in the sample were held in adult jails pending disposition of their cases. Of those, one-third of the youth were confined with the general population of adult inmates.
- In four of the jurisdictions (Pima County, Arizona; Marion County, Indiana; St. Louis County, Missouri; and Harris County, Texas) all youth were held pretrial in adult jails. In the four New York sites, all juveniles were held in juvenile detention facilities. In the remaining sites, youth were held either in jails or juvenile facilities.

## **G. Results of Prosecution**

- In nearly one-third of the 18 jurisdictions in the study, less than half of the youth were convicted.
- Overall, substantial numbers of youth were not convicted, and significantly fewer African-American youth were convicted than other youth. Forty-three percent of African-American youth were not convicted, as were 28% of Latino youth and 24% of White youth.
- African-American youth were much more likely to have their cases transferred back to juvenile court; the rate for such transfer back for African-American youth was nearly three times as high as for White youth (13% vs. 5%).
- Less than half (46%) of African-American youth prosecuted in adult court for violent offenses were convicted. In fact, 20% of African-American youth prosecuted for violent offenses had their cases transferred back to juvenile court. Similarly, less than half (45%) of public order offenses filed against African-American youth resulted in conviction.
- For violent offenses, the median time frame from filing to adjudication was 126 days for White youth, compared to 88 days for African-American youth and 97 days for Latino youth.
- Of youth not convicted of their original charges, White youth were twice as likely as minority youth to have their charges reduced to a misdemeanor (13% of White youth vs. 6% of African-American youth and 5% Latino youth).

## **H. Attorney**

- A majority of all three racial/ethnic groups were represented by public defenders. White youth were twice as likely as African-American youth to have retained private counsel (21% vs. 11%).

- Youth represented by retained private attorneys were less likely to be convicted and more likely to be transferred back to juvenile court, regardless of racial/ethnic group.

## I. Sentences

- African-American (43%) and Latino (37%) youth were more likely than White youth (26%) to receive a sentence of incarceration (as opposed to split sentences or probation). This held true when controlling for the adjudicated offense. For example, of those convicted of a violent offense, 58% of African-American youth and 46% of Latino youth received a sentence of straight incarceration, compared to 34% of White youth.
- Of those sentenced to prison, African-American youth in almost all offense categories had longer sentences than White or Latino youth.
- For those convicted of drug offenses, a lower percentage of African-American youth (37%) received probation than White youth (44%) or Latino youth (53%).

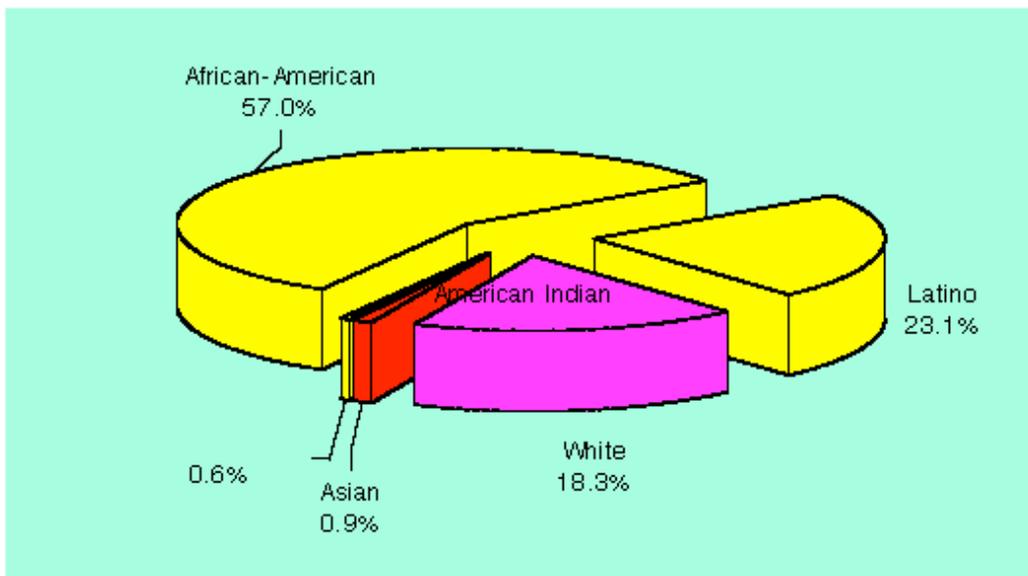
## V. DETAILED FINDINGS AND DISCUSSION

This study focuses on case processing of juveniles in the criminal justice system, beginning with case filing and continuing through to disposition. Two measures of overrepresentation of minority youth are used in this study. One measure is the difference between the proportion that minority youth represented in the general juvenile population and their proportion of those arrested for felony offenses. The second measure is the proportion of minority youth who were arrested for felony offenses and the proportion that they represented of cases that were filed in criminal court.<sup>14</sup>

To measure the overrepresentation of minority cases being filed in criminal court requires three sets of numbers: general population numbers for the specific age group (namely statutorily defined juveniles); arrest figures; and case filing figures for each racial/ethnic category. Not all the necessary information was available. General population figures for the specific age and racial/ethnic groups and arrest figures for all three groups - White, African-American, and Latino youth - were available for 10 of the 18 jurisdictions. In addition, as noted earlier, for arrests Latino youth were combined with White youth in all jurisdictions.<sup>15</sup> Finally, there was an undercount in arrest figures, where they were available.<sup>16</sup>

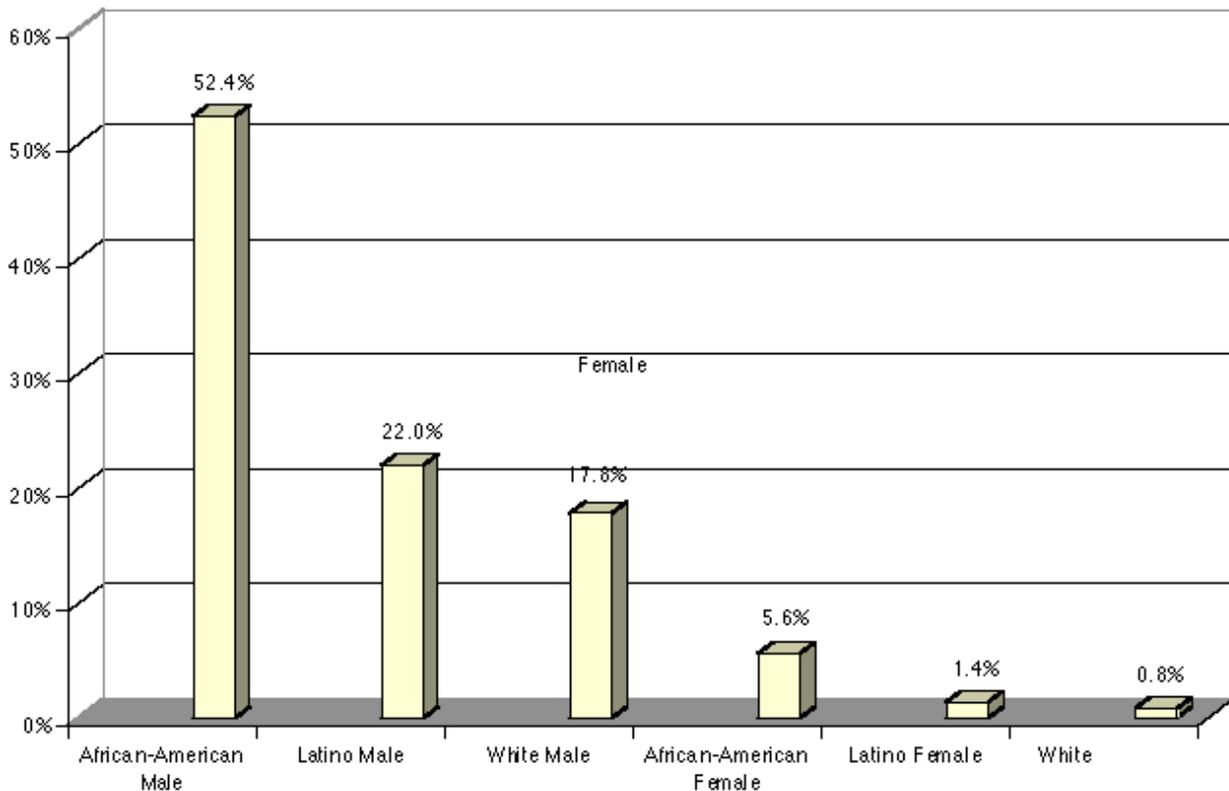
### A. Demographics

In the 18 jurisdictions in this study, in the first six months of 1998, 82% of the juvenile cases filed in the criminal courts involved minority youth. **(Figure 1)** White youth accounted for the remaining 18%. Of the minority youth, African-Americans constituted the largest group, representing 57% of the total sample and 70% of the minority youth. Latino youth comprised 23% of the total sample and 28% of minority youth. American Indians and Asians each made up less than one percent of the total and minority samples. Because of the small number of juveniles in these two categories, they are not included in the analyses in this study. Excluding American Indians and Asian, **African-American youth** account for **58%**, **Latino youth 23%**, and **White youth 19%** of the youth whose cases were filed in the criminal courts in the 18 jurisdictions in this study.



The overwhelming number of cases involved male youth, 92% compared to 8% female youth. **(Figure 2)** African-American male youth represented over half (52%) of the all the cases in this study; Latino male youth accounted for another 22% of the cases and White male youth for 18% of the cases. About one out of 20 cases (6%) involved African-American female youth and about one out of 100 cases involved Latina youth (1%) or White female youth (.8%).

**Figure 2: Percentage of Juveniles in Criminal Court by Gender and Race/Ethnicity in 18 Jurisdictions, 1998**



The greatest percentage (42%) of juveniles whose cases were filed in criminal court were 17 years of age. **(Figure 3)** The age range was 9 to 18 years of age.<sup>17</sup> A higher percentage of minority youth than White youth were represented in the younger age categories. For example, all youth ages 13 or younger were minority youth (4 African-American and 2 Latino). All but 6% of the 14 year-old males were minority youth. An even higher percentage of minority females were represented in the younger than 14 years of age categories. There were no White female juveniles age 14 or under whose case was filed in criminal court. By comparison, 79% of African-American females and 21% of Latina females were 14 or younger. In the 15-18 age categories, the percentage of minority youth was comparable to the percentage of the total population (i.e., approximately 80%).

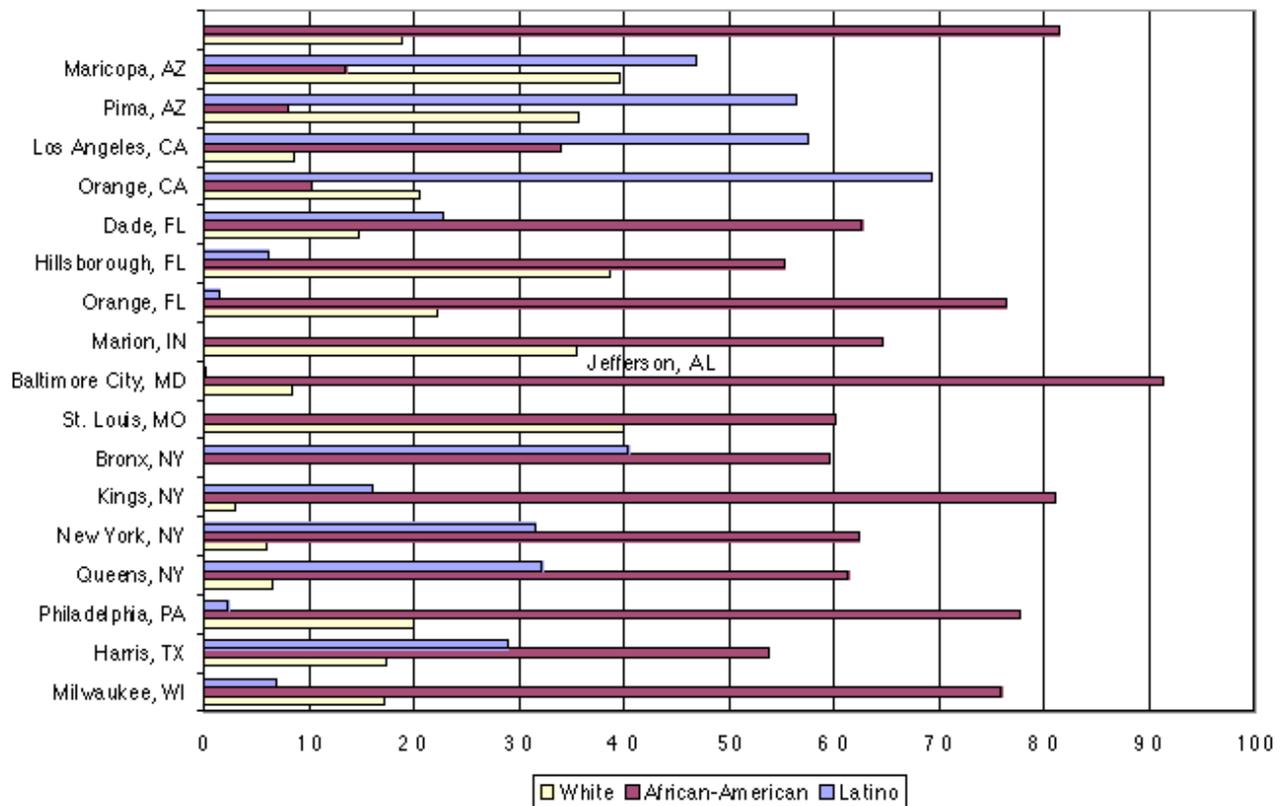
**Figure 3: Percentage of Juveniles in Criminal Court by Age, Gender and Race/Ethnicity in 18 Jurisdictions, 1998**

Age at Filing	Male								Female				
	Total	African-American		White		Latino		Total	African-American		White		Latino
	f	f	%	f	%	f	%	f	f	%	f	%	f
9	1	1	0.1	0	0.0	0	0.0	0	0	0.0	0	0.0	0
10	5	0	0.2	0	0.0	2	0.3	0	0	0.0	0	0.0	0
14	200	120	9.1	10	2.9	64	11.3	34	27	19.9	0	0.0	7
15	489	275	20.3	89	15.1	125	22.0	57	36	25.0	4	19.1	17
16	622	363	26.9	113	24.9	146	25.7	42	31	21.5	7	33.3	4
17	1029	552	40.9	254	55.7	223	39.3	85	47	32.8	10	47.6	9
19	50	35	2.8	7	1.5	9	1.4	3	3	2.1	0	0.0	0
<b>Total</b>	<b>2376</b>	<b>1352</b>	<b>99.9%</b>	<b>456</b>	<b>100.0%</b>	<b>569</b>	<b>100.0%</b>	<b>201</b>	<b>144</b>	<b>100.0%</b>	<b>21</b>	<b>100.0%</b>	<b>36</b>

In Criminal Court

According to Figure 4, which shows the racial breakdown of the 18 jurisdictions, there were significant differences among the sites. Although White youth represented 19% of the entire sample of cases in the study, in some of the jurisdictions, White defendants constituted less than 10% of those whose cases were filed in adult court. This was the case in Baltimore City, Maryland (8%) and all four New York City boroughs, Kings County, (3%), New York County (6%), Queens County (6%), and Bronx County with no cases involving White juveniles.

**Figure 4: Percentage of Juvenile Felony Cases Filed in Criminal Court by County in 18 Jurisdictions, 1998**

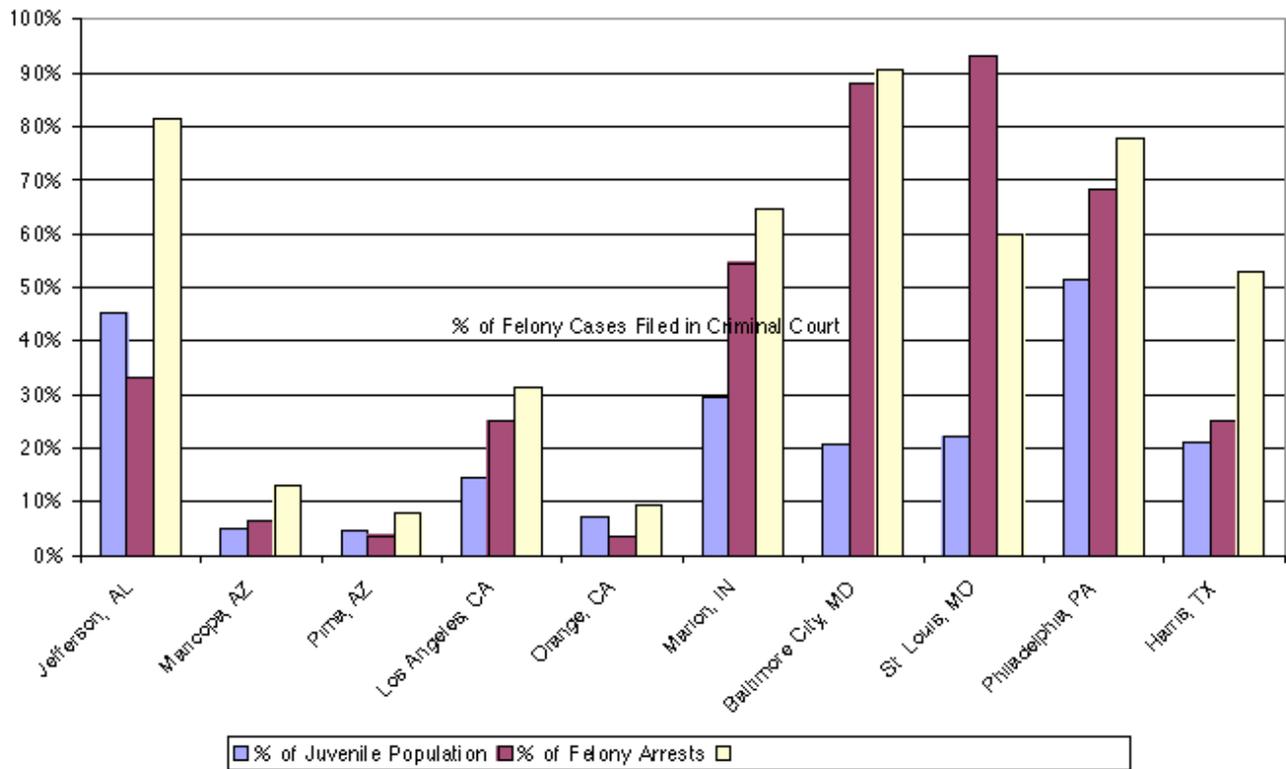


Minority youth ranged from 100% of the cases in the Bronx to 60% of the St. Louis County cases. In six of the jurisdictions, African-American youth made up three-quarters of the entire sample of cases in the study. In three jurisdictions there were no cases involving Latino youth, including Jefferson County, Alabama, Marion County, Indiana, and St. Louis County, Missouri. In three other counties the majority of cases involved Latino youth: Pima County, Arizona (54%) and Los Angeles and Orange Counties, California (53% and 63%, respectively). Latinos comprised less than 10% of the cases in eight of the jurisdictions.

**B. Felony Arrests**

As mentioned earlier, the only group for which overrepresentation could be calculated were African-American youth. Juvenile population and arrest figures were used as the baselines to gauge whether the percentage of African-American youth who were prosecuted in adult court were representative of their proportion of the juvenile population as well as the proportion of those who were arrested. As Figure 5 shows, in 7 of the 10 jurisdictions, African-American youth were disproportionately arrested for felony offenses.

**Figure 5: Percentage of African-American Juvenile Population, Felony Arrests, and Felony Cases Filed in Criminal Courts in 10 Jurisdictions, 1998**



In 9 of the 10 jurisdictions, African-American youth were disproportionately charged in adult court. In the first instance this means that the proportion of African-American youth who were arrested for felony was higher than the proportion of African-American youth in the general juvenile population. In the second instance this means that the proportion of African-American youth whose felony cases were filed in the adult courts was higher than the proportion of African-American youth who were arrested for felony offenses. In half of the counties for which arrest information was available, the proportion of felony charges against African-American youth was about twice the proportion of felony arrests.

In some jurisdictions, the disproportionate number of African-American youth whose cases were filed in adult court was dramatic. In Jefferson County, Alabama, for example, African-American youth accounted for approximately 3 out of 10 felony arrests, but represented 8 out of 10 felony cases filed in criminal court. About one-fourth of all the felony arrests in Harris County, Texas involved African-American youth, yet they represented over half the juvenile felony cases filed in criminal court.

In only one of the ten jurisdictions, St. Louis County, Missouri, were African-American youth not over-represented in the number of felony cases filed in adult court (93% of felony arrests and 60% of felony cases filed in adult court). Yet, it is noteworthy that in St. Louis County the proportion of African-American youth who were arrested was more than four times higher than the proportion that they represented in the general juvenile population (93% of felony arrests and 22% of juvenile

population).

African-American youth were over-represented especially in drug and public order offense cases filed in adult court. Although African-American youth accounted for 64% of all juveniles arrested for felony drug offenses, they represented 76% of the drug offenses that were filed in adult court. Similarly, while African-American youth accounted for two-thirds (68%) of all youth arrested for public order offenses, they represented over three-fourths (76%) of all youth whose public order offenses were filed in adult court.

For certain categories of offenses-drug and public order offenses-the proportion of cases of African-American youth filed in adult court exceeded the proportion of African-American youth arrested for those crimes. **(Figure 6)** African-American youth accounted for 76% of filings for drug offenses, compared to 64% of arrests for such offenses. Similarly, African-American youth were over-represented in the public order cases (primarily for weapons offenses) filed in adult court (76% of filings compared to 68% of arrests). On the other hand, the proportion of cases filed against African-American youth for violent and property offenses was less than their proportion of arrests. For property and violent offenses, African-American youth were involved in 31% and 50% of such filings, respectively, compared to 51% and 62% of arrests, respectively.

**Figure 6: Percentage of African-American Juveniles Arrested for Felony Offenses and Felony Cases Filed in Criminal Court in 10 Jurisdictions, 1998**

County	Percentage of Total Felony Arrests				Percentage		
	Total # African-American	Violent %	Drug %	Property %	Public Order %	Total # African-American	Violent %
Jefferson, AL	63	31.9	20.0	40.2	14.3	65	81.8
Maricopa, AZ	40	6.8	3.0	7.1	6.3	42	8.1
Pima, AZ	80	0.4	3.9	3.0	3.0	9	4.3
Los Angeles, CA	671	31.4	19.2	24.7	21.8	48	34.9
Orange, CA	15	7.7	2.0	2.0	3.6	4	10.8
Marion, IN	2,463	55.9	56.6	51.6	75.1	31	40.0
Baltimore City, MD	7,297	87.0	92.5	82.0	90.7	249	90.0
St. Louis, MO	299	86.0	100.0	97.6	96.0	6	75.0
Philadelphia, PA	6,035	74.4	63.5	63.8	75.5	136	77.1
Harris, TX	398	24.4	20.4	25.9	17.6	28	53.2
<b>Total # of All Juvenile Felony Arrests</b>	<b>29,646*</b>	<b>9,020</b>	<b>7,296</b>	<b>11,320</b>	<b>1,971</b>	<b>1,241</b>	<b>843</b>
<b>Total # of African-American Juveniles</b>	<b>17,361</b>	<b>5,555</b>	<b>4,692</b>	<b>5,774</b>	<b>1,340</b>	<b>618</b>	<b>421</b>
<b>% of African-American Juveniles</b>		<b>61.6</b>	<b>64.3</b>	<b>51.0</b>	<b>68.0</b>		<b>49.9</b>

\* Excludes American Indian and Asian juveniles.

There were vast differences among the individual jurisdictions in the patterns of arrests and prosecutions of African-American youth. For example, for violent offenses, the percentage of African-American youth who were arrested exceeded the percentage they represented in cases filed for such offenses in two jurisdictions, St. Louis (86% of arrests and 75% of filings) and Marion Counties (56% of arrests and 40% of filings).

For drug offenses this was true in three jurisdictions, Los Angeles and Orange Counties, California and Baltimore City, Maryland. In Los Angeles County, while one out of five arrested for drug offenses were African-American youth, none were prosecuted for drug offenses in adult court. In Orange County, African-American youth represented only 2% of those arrested for drug offenses and again, none were prosecuted in adult court. Baltimore City presents a very different picture with African-American youth accounting for over 90% (93%) of those arrested for drug offenses and slightly fewer (89%) of those prosecuted for such offenses in adult court.

For property offenses the percentage of African-American youth prosecuted in adult court was higher than the percentage they represented of those who were arrested for such offenses in five of the 10 jurisdictions. African-American youth were prosecuted for public order offenses in only three jurisdictions: Maricopa County, Arizona; Baltimore City, Maryland; and Philadelphia, Pennsylvania.

All of the youth prosecuted for public order offenses in Philadelphia were African-American and virtually all (99%) were African-American in Baltimore City. The range of African-American youth arrested for public order offenses was from 3% in Pima County, Arizona to 96% in St. Louis County, Missouri.

### C. Charges Filed

The processing of felony cases in adult court varies across jurisdictions, but generally follows a similar path. Persons arrested on a felony offense are brought before a judicial officer shortly after arrest for a review of charges and for initial bail setting. At bail setting, the judicial officer has several options, including granting the defendant non-financial release (i.e., release on personal recognizance or with specified conditions), setting a financial bond, or ordering the defendant detained. If a financial bond is set, the defendant remains detained unless or until the bond is posted.

Adult defendants who are detained pretrial are typically held in the county jail. Detained juveniles who are prosecuted as adults are either held in the county jail or juvenile detention facility, depending on the law in the jurisdiction. In many jurisdictions, the prosecutor reviews the charges before the initial court appearance and files formal charges at that hearing. In other jurisdictions, the prosecutorial review occurs later. The case then proceeds to a preliminary hearing or grand jury to determine if there is sufficient cause to continue prosecution. The case is then put on a trial calendar.

The types of cases that were filed can be categorized as follows: 63% violent offenses, 11% drug offenses, 20% property offenses, and 6% public order offenses. Again, there were significant differences in individual county figures. **(Figure 7)** For example, in certain jurisdictions-California, New York, Pennsylvania, and Texas-the overwhelming proportion of cases that were filed (around 90%), regardless of defendants' race or ethnicity, were for violent offenses. By contrast, counties in Florida and Indiana had a high proportion of drug cases, 26% and 31% respectively. Counties in several states had a higher than average percentage of property cases, including Arizona, Florida, Indiana, Missouri, and Wisconsin. Well over half (58%) of the cases involving juveniles filed in Marion County, Indiana were for property crimes; approximately one-third of the cases filed in counties in Arizona and Florida were for property crimes. One out of four cases in Jefferson County, Alabama and one out of five cases in Milwaukee County, Wisconsin were for property crimes.<sup>18</sup>

**Figure 7: Percentage of Juvenile Felony Cases Filed by Offense Type and County in 18 Jurisdictions, 1998**

County	African-American				White				Violent %
	Violent	Drug	Property	Public Order	Violent	Drug	Property	Public Order	
	%	%	%	%	%	%	%	%	
Jefferson, AL	69.2	4.6	26.2	0.0	66.7	6.7	20.0	6.7	0.0
Maricopa, AZ	31.0	4.8	52.4	11.9	51.2	0.0	45.5	3.3	57.5
Pima, AZ	33.0	22.2	44.4	0.0	70.0	0.0	25.0	5.0	61.9
Los Angeles, CA	93.8	0.0	6.3	0.0	100.0	0.0	0.0	0.0	88.9
Orange, CA	100.0	0.0	0.0	0.0	100.0	0.0	0.0	0.0	92.6
Dade, FL	34.9	28.9	27.9	8.3	43.7	7.0	47.9	1.4	41.3
Hillsborough, FL	26.0	58.0	14.0	2.0	35.7	5.7	50.0	8.6	63.6
Orange, FL	30.9	37.3	25.5	6.4	53.1	3.1	40.6	3.1	0.0
Marion, IN	6.5	45.2	48.4	0.0	17.6	5.9	76.5	0.0	0.0
Baltimore City, MD	61.4	9.6	3.2	25.7	73.9	8.7	13.0	4.3	0.0
St. Louis, MO	50.0	16.7	33.3	0.0	25.0	0.0	75.0	0.0	0.0
Bronx, NY	93.8	0.0	4.9	1.2	0.0	0.0	0.0	0.0	96.4
Kings, NY	95.1	0.0	3.5	1.4	100.0	0.0	0.0	0.0	89.3
Queens, NY	95.2	2.4	2.4	0.0	87.5	12.5	0.0	0.0	88.1
Queens, NY	97.4	2.6	0.0	0.0	100.0	0.0	0.0	0.0	100.0
Philadelphia, PA	94.1	2.9	0.7	2.2	97.1	0.0	2.9	0.0	100.0
Harris, TX	89.3	10.7	0.0	0.0	88.9	0.0	11.1	0.0	93.3
Milwaukee, WI	42.9	19.0	14.3	23.8	25.0	0.0	50.0	25.0	50.0

As Figure 8 indicates, although minority youth represented 81% of the cases, nearly 95% of youth charged with drug offenses were minorities. African-American youth, who accounted for 58% of all cases filed in adult court, comprised 85% of all drug cases. On the other hand, African-American youth were under-represented in the property offense category. Only 41% of all the property offenses involved African-American youth. Although White youth comprised 19% of the overall cases, they were 34% of property offenses.

**Figure 8: Percentage of Juvenile Felony Cases Filed in Criminal Court by Specific Offense Type in 18 Jurisdictions, 1998**

Filed Cases	Total		African-American		White		Latino	
	#	%	#	%	#	%	#	%
All Offenses	2580	100.0	1494	57.9	480	18.6	606	23.5
<b>Violent</b>	<b>1622</b>	<b>100.0</b>	<b>922</b>	<b>56.8</b>	<b>274</b>	<b>16.9</b>	<b>426</b>	<b>26.3</b>
Murder	75	100.0	28	37.3	15	20.0	32	42.7
Rape	66	100.0	41	62.1	9	13.6	16	24.2
Robbery	900	100.0	558	62.0	117	13.0	225	25.0
Assault	507	100.0	264	52.1	105	20.7	138	27.2
Other Violent	75	100.0	32	42.7	28	37.3	15	20.0
<b>Drug</b>	<b>289</b>	<b>100.0</b>	<b>246</b>	<b>85.1</b>	<b>15</b>	<b>5.2</b>	<b>28</b>	<b>9.7</b>
Sales	179	100.0	155	86.6	10	5.6	14	7.8
Other Drug	110	100.0	91	82.7	5	4.5	14	12.7
<b>Property</b>	<b>515</b>	<b>100.0</b>	<b>212</b>	<b>41.2</b>	<b>174</b>	<b>33.8</b>	<b>129</b>	<b>25.0</b>
Burglary	290	100.0	109	37.6	100	34.5	81	27.9
Theft	62	100.0	19	30.6	27	43.5	16	25.8
Auto Theft	106	100.0	63	59.4	28	26.4	15	14.2
Fraud	0	100.0	0	0.0	0	0.0	0	0.0
Forgery	10	100.0	4	40.0	4	40.0	2	20.0
Other Property	47	100.0	17	36.2	15	31.9	15	31.9
<b>Public Order</b>	<b>154</b>	<b>100.0</b>	<b>114</b>	<b>74.0</b>	<b>17</b>	<b>11.0</b>	<b>23</b>	<b>14.9</b>
Weapons	125	100.0	98	78.4	12	9.6	15	12.0
Driving Related	6	100.0	3	50.0	1	16.7	2	33.3
Other P.O.	2	100.0	13	54.2	5	20.8	5	12.5

More than four out of five cases prosecuted in the criminal courts of the 18 jurisdictions in this study involved minority youth. African-American youth accounted for nearly three-fifths of all the cases prosecuted in criminal court. To put this finding in perspective, arrest figures were examined for the 18 jurisdictions. As mentioned earlier, complete information was available for only 10 of the 18 jurisdictions.<sup>19</sup> These showed that for most jurisdictions, African-American youth were over-represented, especially for drug and public order offenses.

As Figure 9 shows, drug cases were filed against African-American youth at five times the rate of White youth (17% versus 3%) and over three times the rate of Latino youth (5%). Arrests of African-American youth for drug offenses did not account for these disparities. Twice as many African-American youth were charged with public order offenses (mostly attributable to weapons offenses) as White youth (8% versus 4%).

**Figure 9: For Each Group, Percentage of Juvenile Felony Cases Filed in Criminal Court by Specific Offense Type 18 Jurisdictions, 1998**

Filed Charge	Total		African-American		White		Latino	
	#	%	#	%	#	%	#	%
All Offenses	2580	100.0	1494	57.9	480	18.6	606	23.5
Violent	1622	62.9	922	61.7	274	57.1	426	70.0
Murder	75	2.9	28	1.9	15	3.1	32	5.0
Rape	66	2.6	41	2.7	9	1.9	16	3.0
Robbery	900	34.9	558	37.3	117	24.4	225	37.0
Assault	507	19.7	264	17.7	105	21.9	138	23.0
Other Violent	75	2.9	32	2.1	28	5.8	15	2.0
Drug	289	11.2	246	16.5	15	3.1	28	5.0
Sales	179	6.9	155	10.4	10	2.1	14	2.0
Other Drug	110	4.3	91	6.1	5	1.0	14	2.0
Property	515	20.0	212	14.2	174	36.3	129	21.0
Burglary	290	11.2	109	7.3	100	20.8	81	13.0
Theft	62	2.4	19	1.3	27	5.6	16	3.0
Auto Theft	106	4.1	63	4.2	28	5.8	15	2.0
Fraud	0	0.0	0	0.0	0	0.0	0	0.0
Forgery	10	0.4	4	0.3	4	0.8	2	0.0
Other Property	47	1.8	17	1.1	15	3.1	15	2.0
Public Order	154	6.0	114	7.6	17	3.5	32	5.0
Weapons	125	4.8	98	6.6	12	2.5	15	2.0
Driving related	6	0.2	3	0.2	1	0.2	2	0.0
Other P.O.	24	0.9	13	0.9	5	1.0	56	9.0
Other Felony	2	0.1	2	0.1	0	0.0	0	0.0

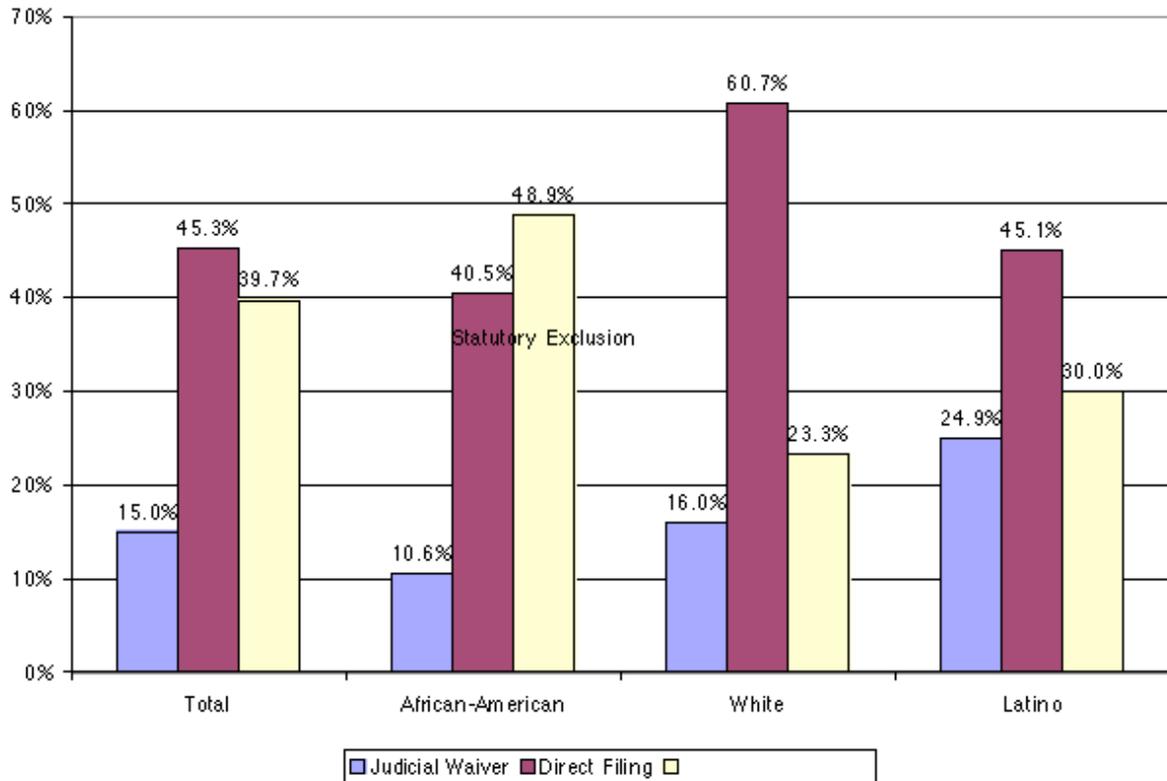
On the other hand, the most prevalent overall charge category was violent offenses, accounting for 63% of all the cases, regardless of race or ethnicity of the defendant.<sup>20</sup> The most overall prevalent charge type was robbery, with over one-third (35%) of the entire sample having been charged with this offense. Robbery was the most serious charge in over 37% of the cases for both African-American and Latino youth and a somewhat lesser percentage in cases involving White juveniles (24%). The next most prevalent charge overall was assault, for which one out of five of all youth were charged. There were only slight (not statistically significant) differences among the percentages of African-American, White, and Latino youth who were charged with assault, 18%, 22%, and 23%, respectively. In addition, two and one half times more White youth than African-American youth were charged with a property crime (36% versus 14%). Latino youth fell in between, with one out of five (21%) being charged with a property offense. In all these cases, arrest figures cannot explain the disparities.

#### D. Charging Mechanism

As shown in Figure 10, in the 18 jurisdictions in this study, direct filing was the most prevalent filing mechanism (45%), three times more prevalent than judicial waiver (15%).<sup>21</sup> Another two out of five were filed by means of a statutory exclusion (40%). Thus, judges were not involved in most determinations (85%) whether to charge a juvenile as an adult. For African-American youth, judges were involved in even fewer determinations. Almost 90% of African-American youth charged with

violent offenses had their cases filed by direct filing or statutory exclusion, and more than 90% of those charged with drug offenses had their cases filed by direct filing or statutory exclusion.

**Figure 10: Percentage of Juvenile Felony Cases Filed in Criminal Court by Charging Mechanism in 18 Jurisdiction 1998**



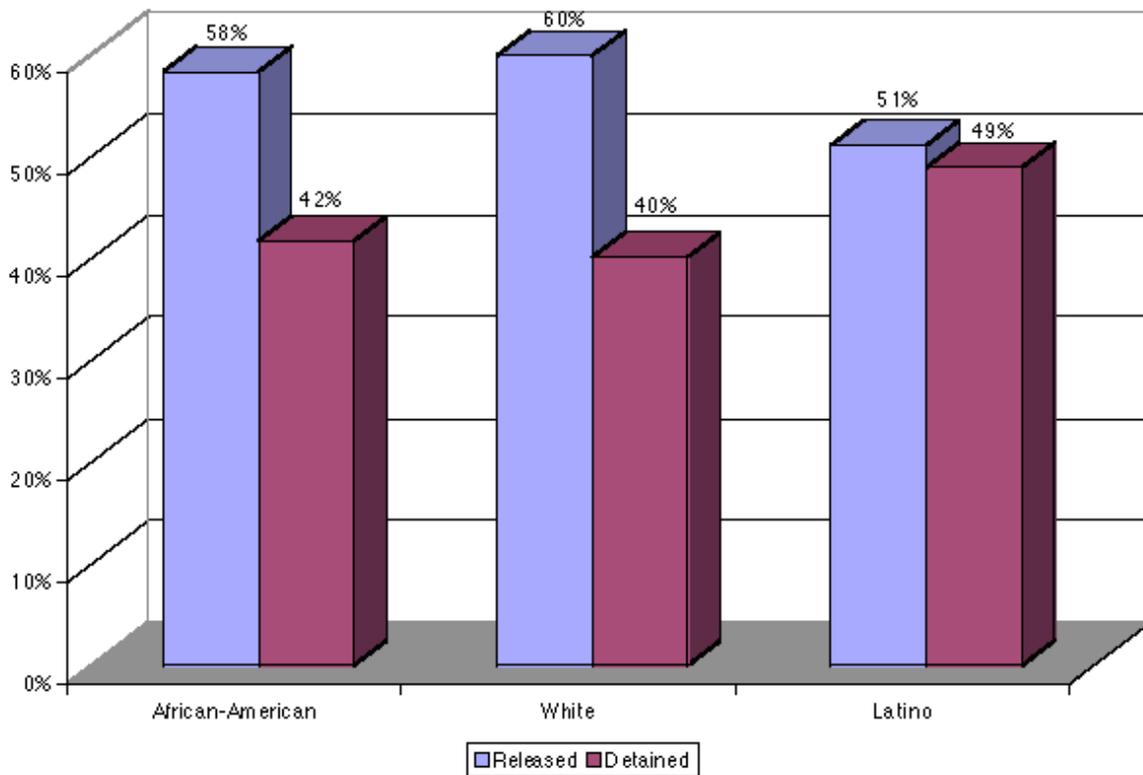
Looking specifically at African-American youth, they were least likely to have their charges filed in criminal court by means of judicial waiver (11% compared to 16% of White youth and 25% of Latino). The most prevalent filing mechanism for African-American youth was statutory exclusion (50%), followed by direct filing (41%), whereas for White and Latino youth the most prevalent filing mechanism was direct filing (61% and 45%, respectively).

### E. Pretrial Release and Detention

The decision to whether to release or detain a person charged in the adult system is one of the most important facing a judicial officer. Research has found that adult criminal defendants detained pretrial plead guilty or are convicted more often, and are sentenced to prison more often than defendants released pretrial,<sup>22</sup> even when controlling for such relevant factors as current charge, prior criminal history, community ties, and type of counsel.

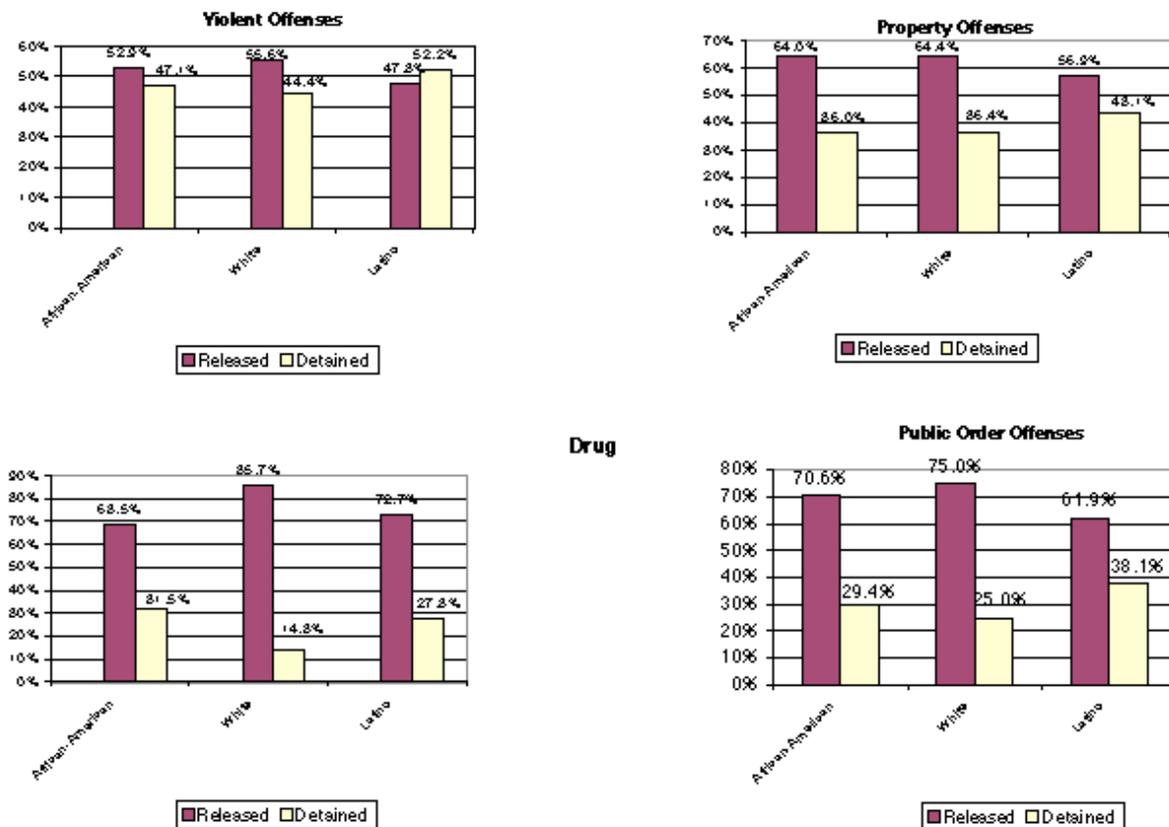
The majority of all youth in this study (57%) were released prior to disposition of the case. The release rates did not differ significantly among the three groups of defendants: 58% of African-American

youth, 60% of White youth, and 51% of Latino youth.<sup>23</sup>(Figure 11)



As could be expected, the release rate for all youth was lowest for violent offenses. Nevertheless, even in this category, a majority of African-American and White youth were released pending disposition of their cases, as well as almost 48% of Latino youth.(Figure 12) Indeed, there were no statistically significant differences in the release rate for the three major racial/ethnic groups where the most serious charge was a violent offense. In the other categories of offenses, substantially over half of all youth were released.

**Figure 12: Percentage of Juveniles Released/Detained Pretrial by Offense Type in 18 Jurisdictions, 1998**



Among youth charged with a drug offense, White youth were most likely to be released (86%) compared to 69% of African-American youth and 73% of Latino youth. The data were further analyzed to determine if African-American youth were charged with more serious drug offenses (i.e., drug sales as opposed to possession charges). The findings showed that in sheer numbers there were many more African-American youth (155) charged with drug trafficking offenses than either White (10) or Latino (14) youth. As a proportion of all drug offenses, however, the groups did not differ significantly. About two-thirds of both African-American and White youth whose cases were filed in adult court were charged with a drug sales or trafficking as opposed to drug possession charge.

The release rates for African-American youth charged with a public order offense and White youth differed slightly (71% versus 75%); the percentage of Latino youth who were charged with a public order offense and released was lower than the other groups (62%).

When site-by-site release decisions were examined, there was a wide range of findings across sites. (Figure 13) Overall most sites released more juveniles than they detained. However, in three sites - Los Angeles and Orange Counties, California and Harris County, Texas - around 90% of their entire sample was detained pending trial. In 10 jurisdictions African-American youth were more likely to be released than detained. In eight of the jurisdictions Latino youth were more likely to be released. White youth were more likely to be released in 12 of the 18 jurisdictions. White youth were more likely than African-American youth to achieve release pretrial in 12 of seventeen of the sites (Bronx County, New York had no White youth in its sample).

**Figure 13: Percentage of Juvenile Released/Detained Pretrial by County in 18 Jurisdictions, 1998**

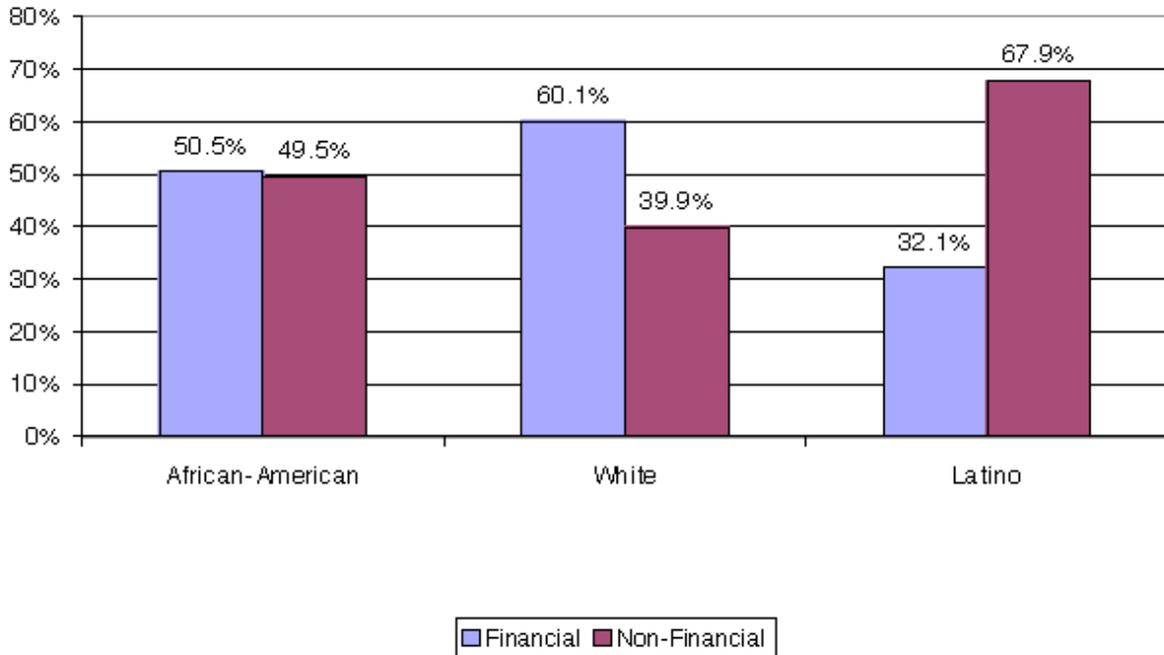
County	Total		African-American		White		Latino	
	Released	Detained	Released	Detained	Released	Detained	Released	Detained
			%	%	%	%	%	%
Jefferson, AL	71.6	28.4	72.1	27.9	69.2	30.8	0.0	0.0
Maricopa, AZ	51.0	49.0	39.1	60.9	59.0	41.0	47.9	52.1
Pima, AZ	57.3	42.4	20.0	80.0	54.3	45.7	63.5	36.5
Los Angeles, CA	3.5	96.5	2.1	97.9	25.0	75.0	1.2	98.8
Orange, CA	2.6	97.4	0.0	100.0	0.0	100.0	3.7	96.3
Dade, FL	70.0	30.0	71.9	28.1	63.1	36.9	69.5	30.5
Hillsborough, FL	61.3	38.7	55.0	45.0	74.3	25.7	36.4	63.6
Orange, FL	48.7	51.3	47.8	52.2	50.0	50.0	100.0	0.0
Marion, IN	70.2	29.8	73.3	26.7	64.7	35.3	0.0	0.0
Balt. City, MD	57.5	42.5	57.4	42.6	60.9	39.1	0.0	100.0
St. Louis, MO	70.0	30.0	66.7	33.3	75.0	25.0	0.0	0.0
Bronx, NY	79.4	20.6	78.2	21.8	0.0	0.0	81.1	18.9
Kings, NY	66.3	33.7	64.8	35.2	80.0	20.0	71.4	28.6
Queens, NY	81.8	18.2	80.5	19.5	87.5	12.5	83.3	16.7
Queens, NY	77.6	22.4	72.3	27.7	75.0	25.0	88.9	11.1
Philadelphia, PA	45.0	55.0	38.5	61.5	68.6	31.4	66.4	33.6
Harris, TX	11.5	88.5	10.7	89.3	11.1	88.9	13.3	86.7
Milwaukee, WI	27.6	72.4	36.4	63.6	0.0	100.0	0.0	100.0

### 1. Conditions of Release

With few exceptions, criminal defendants are entitled to bail.<sup>24</sup> Judges may set financial or non-financial conditions of bail. Money bonds that are imposed may be posted in a variety of ways - cash in the full amount of the bond, a percentage of the bond in the form of a deposit bond or property bond posted directly with the court, or one promised by a commercial or surety bondsman.<sup>25</sup> Non-financial release conditions that may be imposed run the gamut from a defendant's simple promise to appear ("own recognizance" bond) to intensive supervision by a public or private agency. Conditions may include restrictions on alcohol consumption, possession of weapons, travel, association with certain individuals, whereabouts or residence, reporting to third parties, admission to and attendance at particular programs, and continued employment.

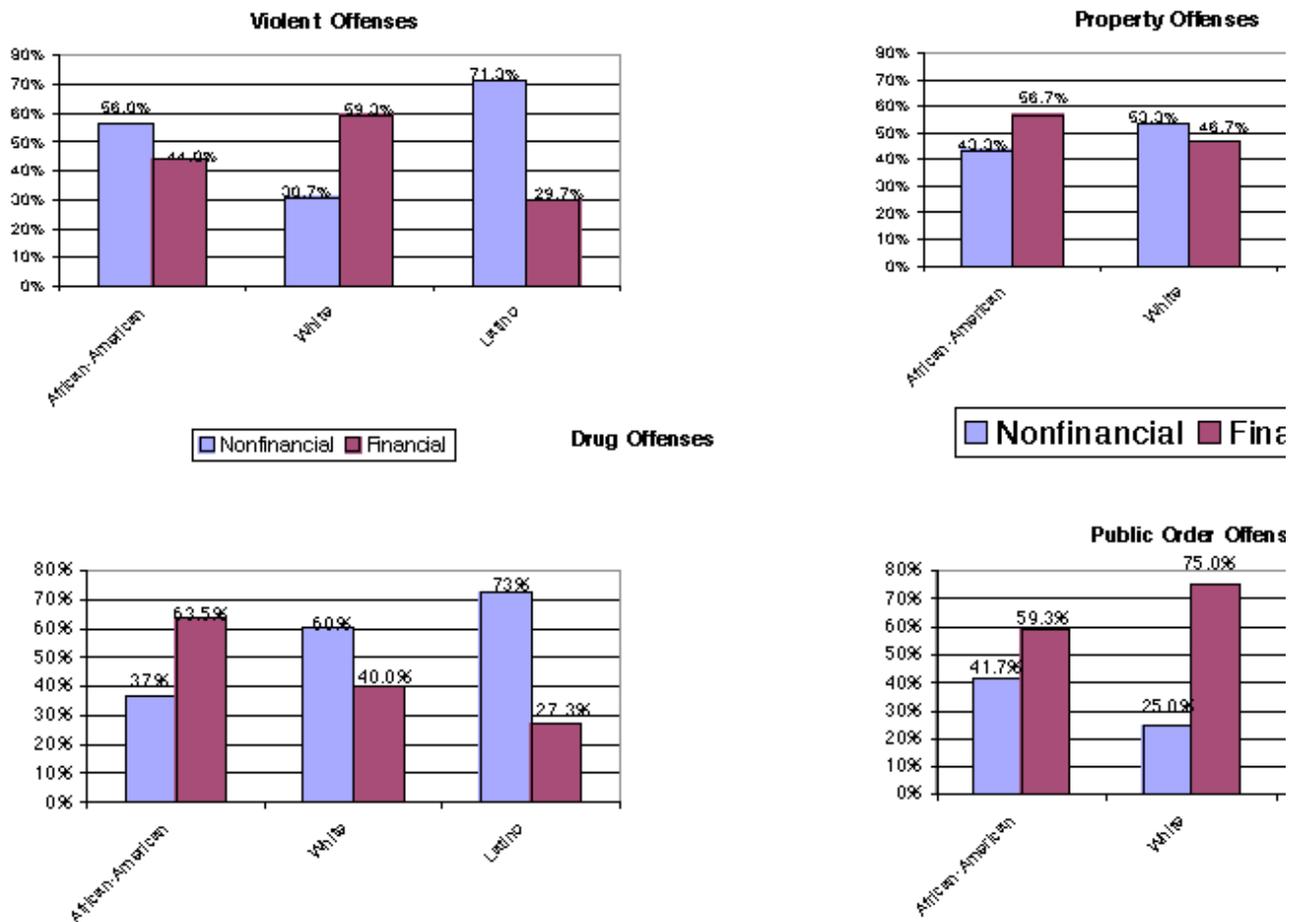
Judges take many factors into consideration when setting bond, including those related to the case and defendant characteristics. These factors include seriousness of the charge, the strength of the case, defendant's community ties, prior criminal record, and prior appearance history, to name a few. The factors are considered indicators of the defendant's likelihood of appearing in court and not posing a danger to the community. Only one factor was addressed in this study, the seriousness of the offense.

Of African-American youth released prior to disposition, half were released on financial conditions and the other half on non-financial conditions. (**Figure 14**) Of Latino youth over two-thirds (68%) were released on non-financial conditions. The opposite was true for White youth, two-fifths were released on non-financial (40%) and the other three-fifths on financial conditions (60%).



Of those released on financial conditions (bond), the average bond for African-American youth was significantly lower than for White youth, and the average bond for White youth was significantly lower than for Latino youth. Examining release conditions by charge type revealed that the racial/ethnic differences were more pronounced in the violent offense category. White youth were least likely to be released on non-financial conditions (31%) and Latino youth most likely (71%). **(Figure 15)** African-American youth fell in the middle with 56% released on non-financial conditions.

**Figure 15: Percentage of Juveniles Released on Financial/Non-Financial Conditions by Offense Type in 18 Jurisdictions, 1998**



In the drug category, the percentages of White and African-American youth who were released on non-financial conditions were quite different: 60% of the White youth were released on non-financial conditions compared to 37% of the African-American youth. Nearly three-fourths of the Latino youth (73%) charged with a drug offense were released on non-financial conditions. For property offenses the percentage of African-American youth released on non-financial conditions (43%) was lower than for either White (53%) or Latino youth (58%). Only one out of four White youth charged with a public order offense were released on non-financial conditions compared to two out of five African-American youth (42%) and three out of five Latino youth (62%).

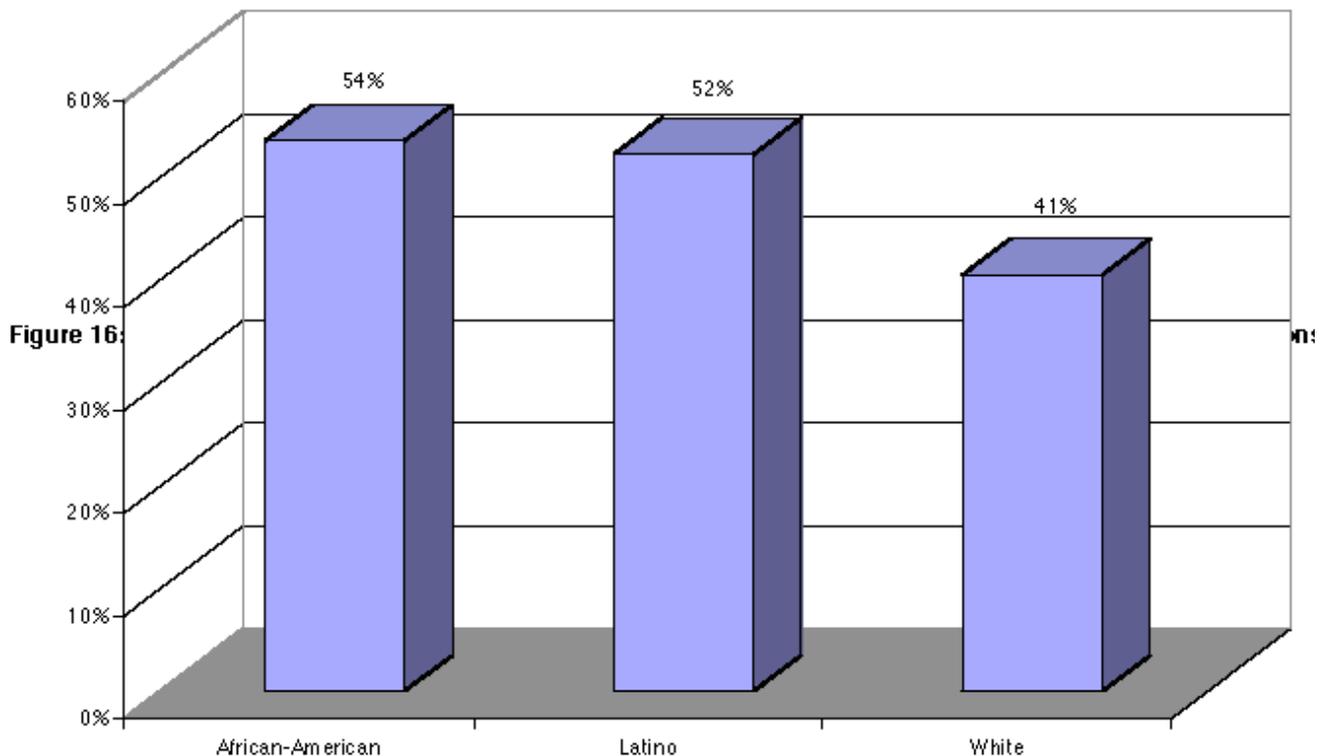
The means by which each of the three groups posted a financial bond were also examined. Over 60% of those released on financial conditions posted a surety bond; 61% of African-American, 67% of White, and 64% of Latino youth. Surety bond release refers to release that is secured by hiring a bail bond agent, and paying a fee, usually 10% of the full amount of the bond, to assume the liability for the bond to the court.<sup>26</sup>

The three groups had statistically significant different mean surety bonds. The mean or average surety bond that African-American youth posted was \$8,761. This compared with \$10,174 for White youth and \$13,556 for Latino youth.

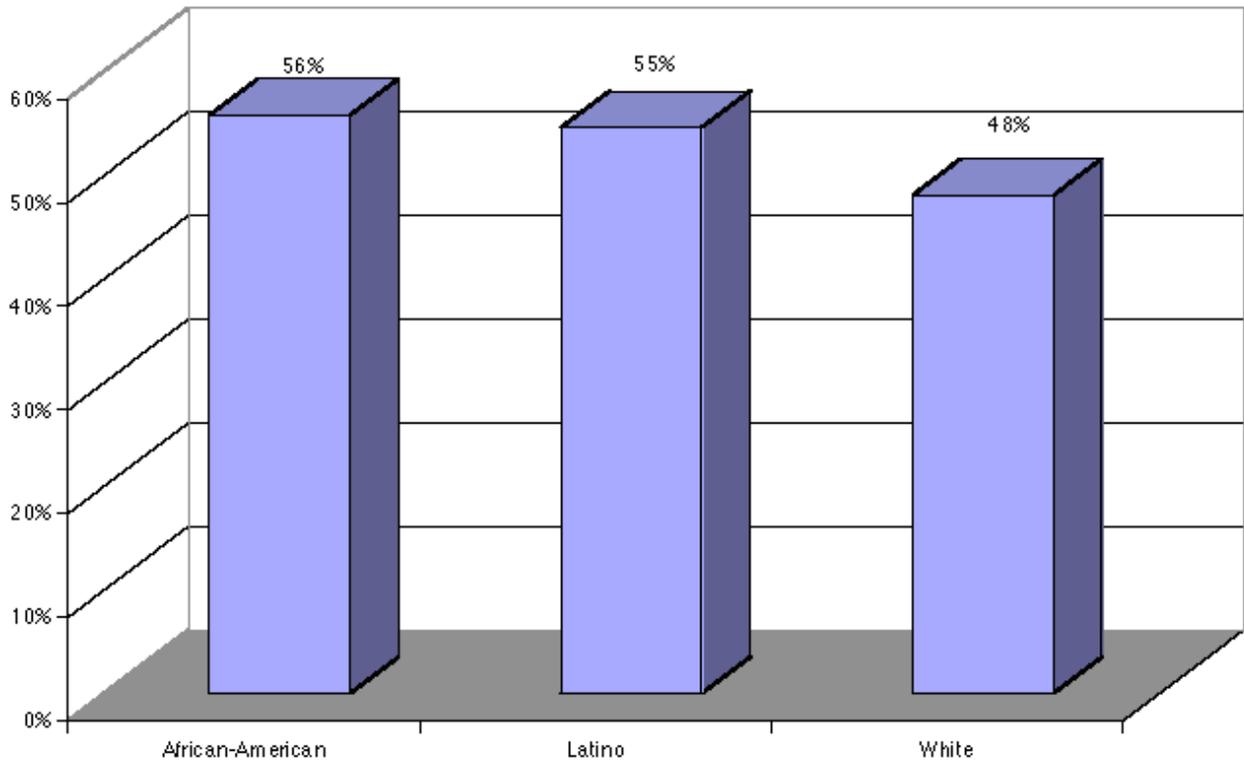
## 2. Time from Filing to Release

Perhaps the most striking finding in the study is that a large percentage of all youth were released the same day as their cases were filed in the criminal courts. **(Table 16)** Specifically, over half of African-American and Latino youth (54% and 52%, respectively) were released within 24 hours of case filing, as were 41% of White youth. It took up to five days to achieve release for a majority of White youth (51%).

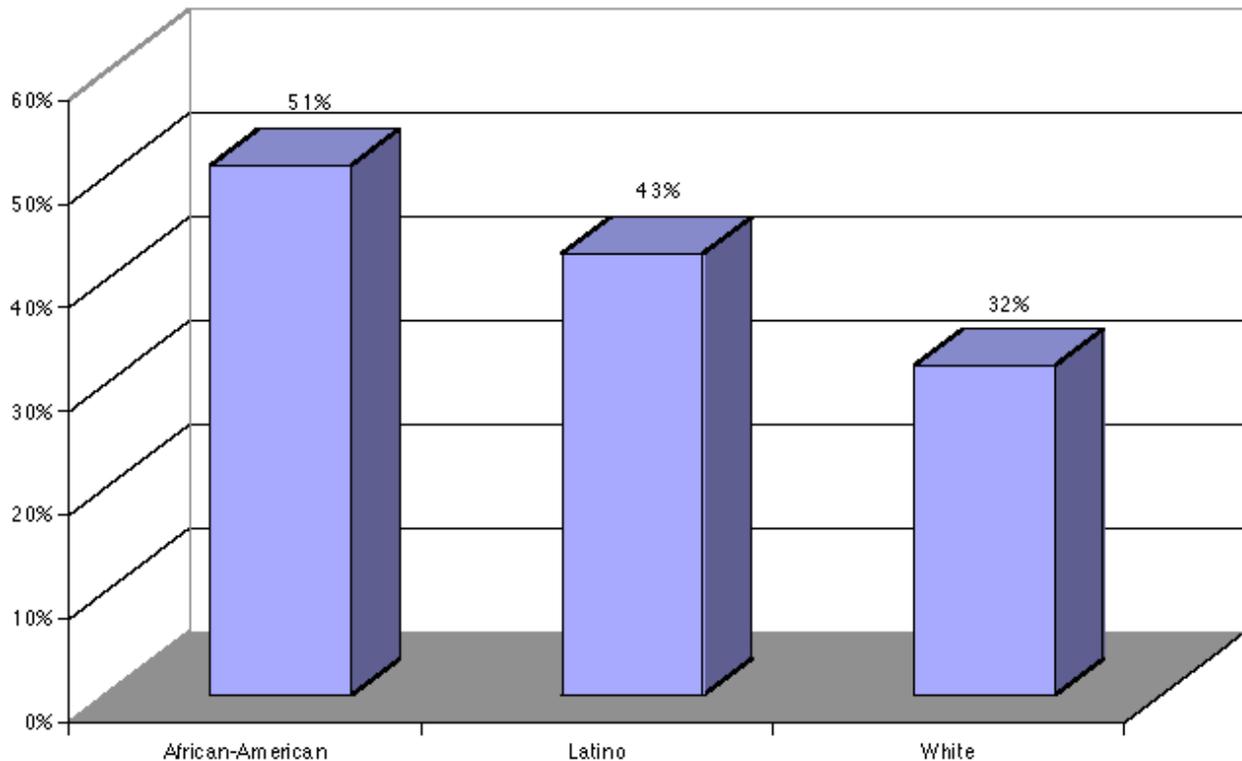
1998



A majority of both African-American and Latino youth charged with a violent offense were released within 24 hours of their cases being filed in adult court, 56% and 55%, respectively; while 48% of White youth were released within this period. **(Figure 17)** Over two-thirds African-American youth (70%) and three-fifths Latino youth (63%) charged with a violent offense were released within five days of case filing, as were 51% of White youth.

**Figure 17: Percentage of Juveniles Charged with a Violent Offense Released Within 24 Hours of Case Filing in**

In property crime cases the percentages were similar. **(Figure 18)** Over half of African-American youth (51%) charged with a property offense were released within 24 hours of filing, while 32% of White youth and 43% of Latino youth were likewise released. Within 10 days of filing two-thirds of African-American youth charged with property crimes were released compared to just over half of White (51%) and nearly 60% of Latino youth (59.6%).

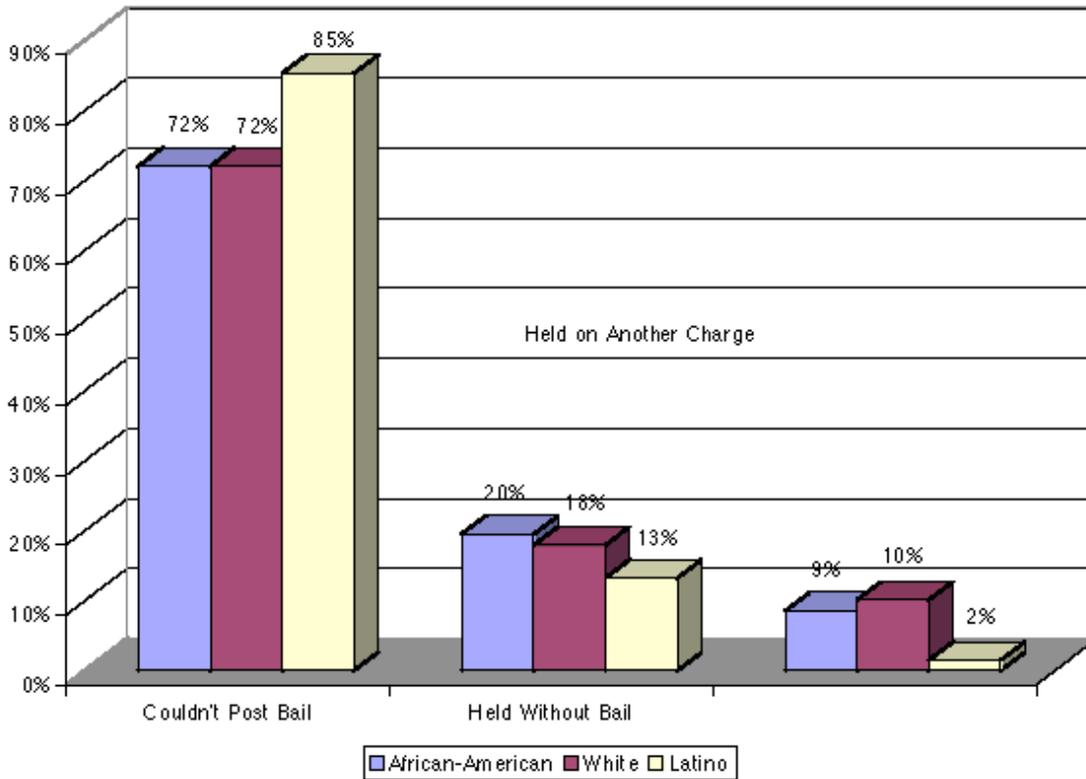
**Figure 18: Percentage of Juveniles Charged with a Property Offense Released Within 24 Hours of Case Filing in**

There were too few White and Latino youth charged with a drug offense who were released to make comparisons with African-American youth. Similarly, the numbers were extremely small for those charged with public order offenses, but the percentages mirror those of the violent and property categories.

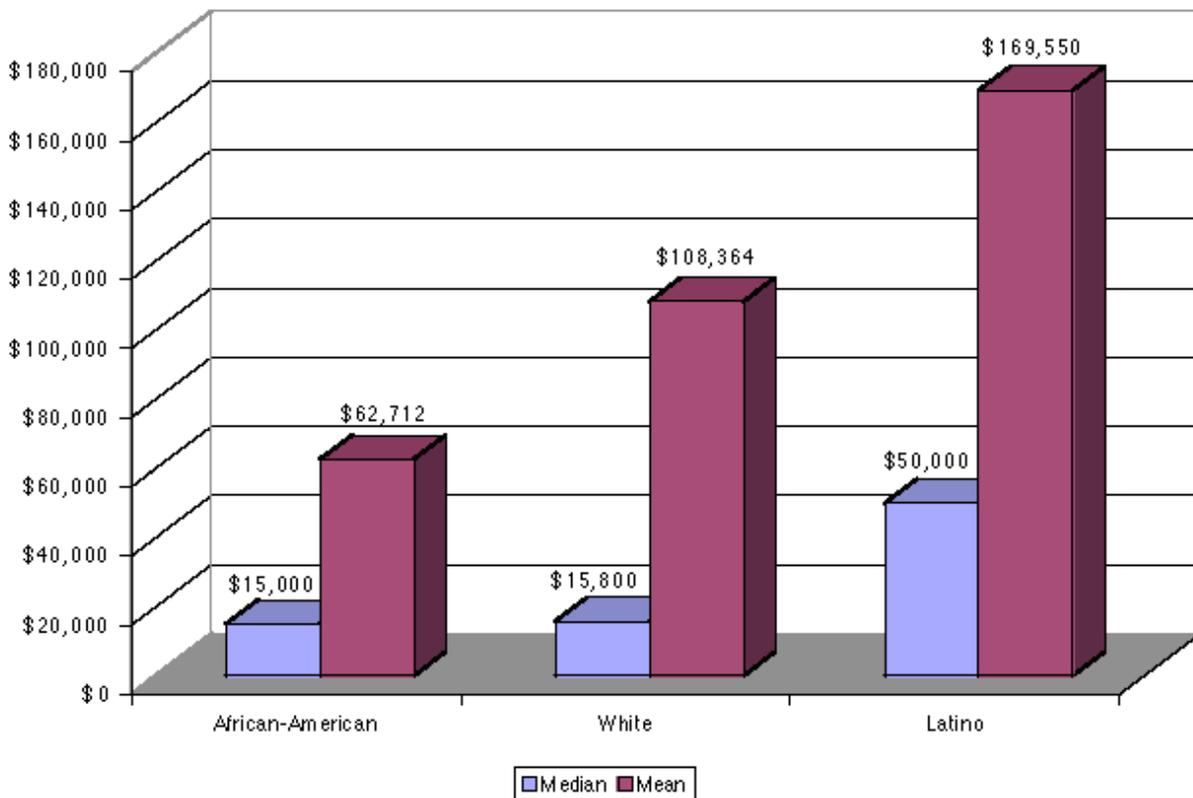
### 3. Reason for Pretrial Detention

An overwhelming percentage of all detained youth were held because of their inability to post bail; nearly three-fourths (72%) of both African-American and White youth were in this category as were 85% of Latino youth. **(Figure 19)** About the same percentages of both African-American and White youth, one out of five, were held without bail (20% and 18%, respectively); 13% of Latino youth were in this category. A slightly larger percentage of White youth than African-American youth were held on another charge (10% versus 9%); fewer than 2% of Latino youth were in this category.

**Figure 19: Percentage of Juveniles Detained Pretrial by Reason for Detention in 18 Jurisdictions, 1998**



According to Figure 20, the median and mean bail that Latino youth could not post (\$50,000 and \$169,550, respectively) were significantly higher than those for African-American (\$15,000 and \$62,712) youth or White youth (\$15,800 and \$108,364).

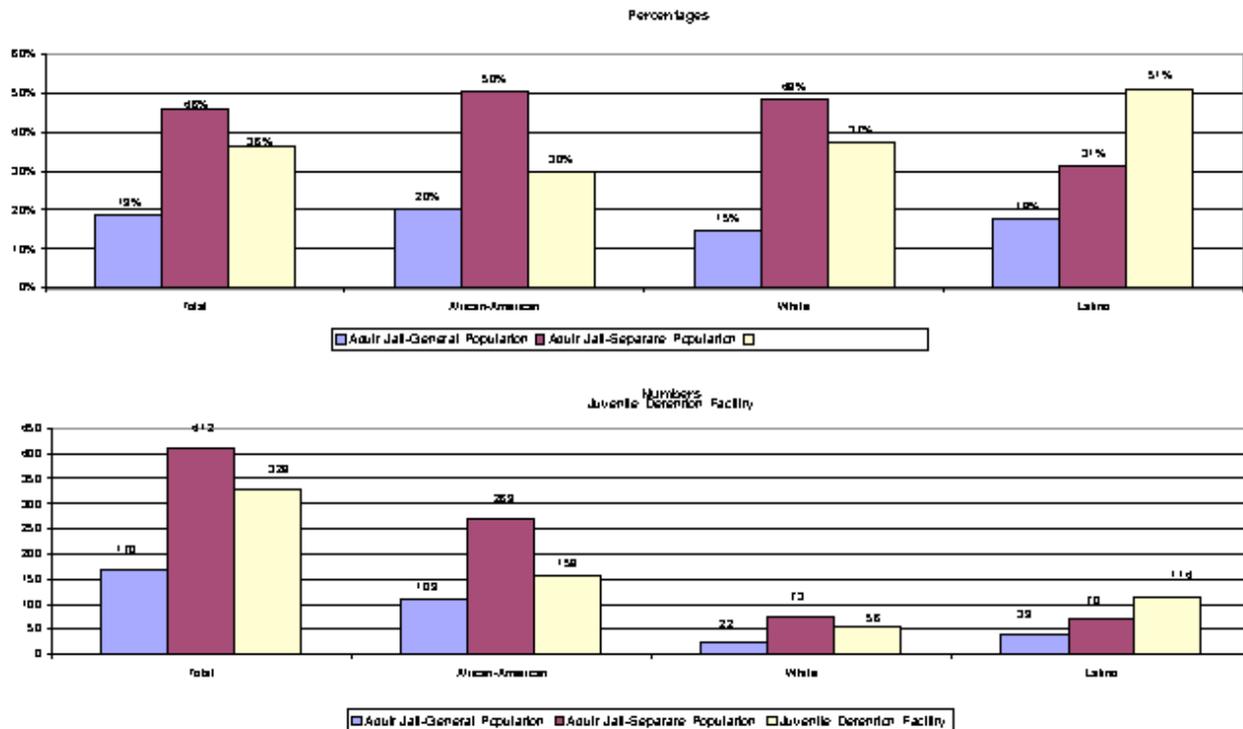


Again what is interesting is the range of the bail amounts that were set. While a higher percentage of Latino youth were released on non-financial conditions, those who had financial conditions set had higher amounts imposed. Half of all the Latino youth unable to post bond had a bond of \$50,000, requiring a minimum of \$5,000 to secure release. This compares with half of White and African-American youth not being able to post bonds of around \$15,000 requiring depositing \$1,500 and \$1,580, respectively, of the full bond amount.

#### F. Place of Pretrial Detention

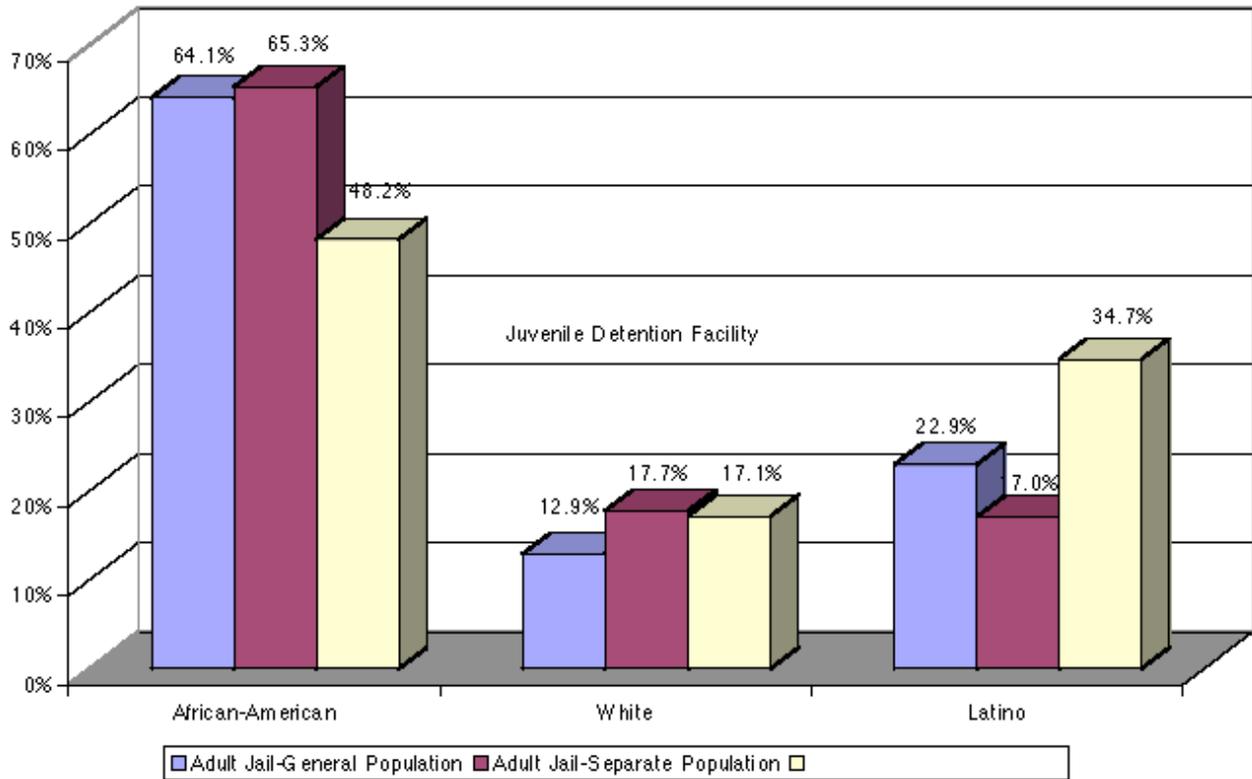
State law typically determines where juveniles are held pretrial when they are charged in adult court. In some states, local authorities have discretion to detain youth in adult jails or juvenile facilities. In this study, majorities of both African-American and White youth were detained in an adult jail pending case disposition. **(Figure 21)** However, the percentage of African-American youth who were detained in an adult jail pending case disposition was significantly higher than White youth (70% versus 63%). In contrast, more than half (51%) of Latino youth were held in a juvenile facility pretrial.

**Figure 21: Percentage and Number of Juveniles Detained Pretrial by Type of Detention Facility in 18 Jurisdictions, 1998**



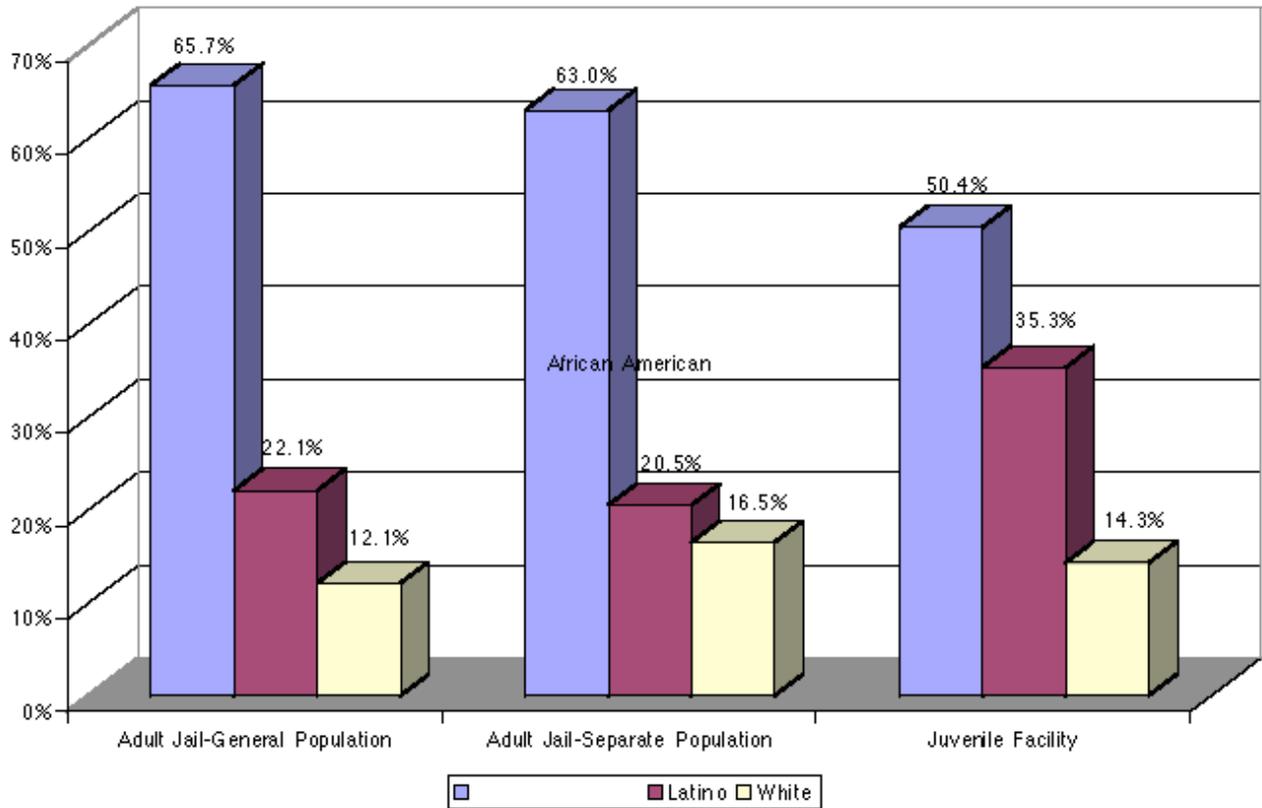
Examining each institutional setting specifically, African-American youth were over-represented in adult jails and under-represented in juvenile facilities. (Figure 22) Although African-Americans represented 58% of all cases, they accounted for 64% of those held in the general adult inmate population of a jail, 65% of those held in an adult jail separate from the general population, and only 48% of those held in a juvenile facility. White youth, who represented 19% of all the cases, constituted about 17% of those held in a juvenile facility and 18% of those held separately in an adult jail. They were under-represented (13%) in the category of youth held in the general population of an adult jail. Latino youth comprised 35% of all youth held in juvenile facilities although they only represented 23% of the total number of cases. They were underrepresented (17%), however, in the group held separately in adult jails.

**Figure 22: Percentage of Each Racial/Ethnic Group Detained Pretrial by Type of Detention Facility in 18 Jurisdictions, 1998**



The type of charges for which a juvenile is prosecuted may be a determining factor in where he or she is detained. There were only sufficient numbers in the violent charge category to allow comparisons across the three groups of youth. **(Figure 23)** African-American youth were over-represented in the group held in adult facilities (64%), while White and Latino youth were held there in numbers approximately proportionate to their share of all cases, 15% and 21%, respectively. Of those who were held in juvenile facilities pending adjudication for a violent offense, African-American and White youth were slightly underrepresented, 50% and 14%, respectively, while Latino youth, with 35% were over-represented.

**Figure 23: Percentage of Juveniles Detained Pretrial by Each Type of Detention Facility in 18 Jurisdictions, 19**



There were differences across the 18 jurisdictions. In four of the jurisdictions in the study virtually all of the juveniles awaiting trial in adult court were held in an adult jail (Pima, Marion, St. Louis, and Harris Counties). **(Figure 24)** In all four New York City counties, all the juveniles were held in a juvenile facility. In the remaining 10 jurisdictions, juveniles were held either in an adult jail or a juvenile facility.

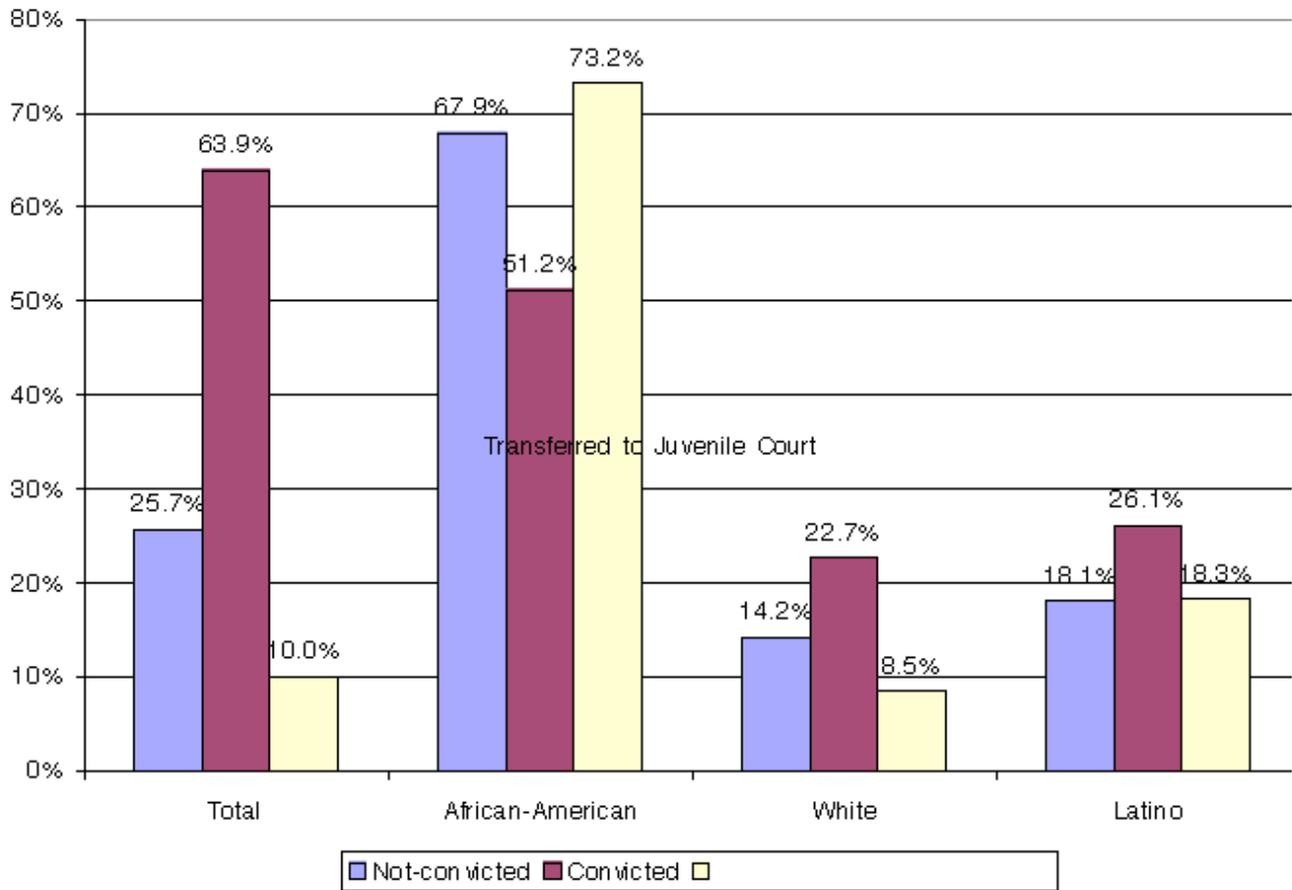
**Figure 24: Percentage of Juveniles Detained Pretrial by Type of Detention Facility and County in 18 Jurisdictions, 1998**

County	Adult Jail-General Population			Adult Jail-Separate Population		
	African-American %	White %	Latino %	African-American %	White %	Latino %
Jefferson, AL	78.9	21.1	0.0	0.0	0.0	0.0
Maricopa, AZ	10.0	30.0	60.0	0.0	66.7	33.3
Pima, AZ	0.0	0.0	0.0	10.3	41.0	48.7
Los Angeles, CA	15.0	0.0	85.0	42.9	0.0	57.1
Orange, CA	9.1	9.1	81.8	11.1	0.0	88.9
Dade, FL	0.0	0.0	0.0	60.5	18.5	21.0
Hillsborough, FL	75.0	25.0	0.0	64.6	24.6	10.8
Orange, FL	100.0	0.0	0.0	94.4	5.6	0.0
Marion, IN	100.0	0.0	0.0	53.8	46.2	0.0
Balt. City, MD	0.0	0.0	0.0	91.8	17.2	1.0
St. Louis, MO	66.7	33.3	0.0	0.0	0.0	0.0
Bronx, NY	0.0	0.0	0.0	0.0	0.0	0.0
Kings, NY	0.0	0.0	0.0	0.0	0.0	0.0
New York, NY	0.0	0.0	0.0	0.0	0.0	0.0
Queens, NY	0.0	0.0	0.0	0.0	0.0	0.0
Philadelphia, PA	88.8	10.0	1.2	0.0	0.0	0.0
Harris, TX	0.0	0.0	0.0	54.3	17.4	28.3
Milwaukee, WI	83.3	16.7	0.0	100.0	0.0	0.0

## G. Results of Prosecution

In one-fourth of the cases (26%), there was no conviction. These included cases where the defendant was acquitted or placed on diversion, where the prosecutor declined to prosecute the case, or the court dismissed the case or deferred judgment on the case. In another 10% of the cases, the adult court ordered the case transferred back to the juvenile court for final disposition. A conviction was the final disposition in 64% of the cases. (Figure 25)

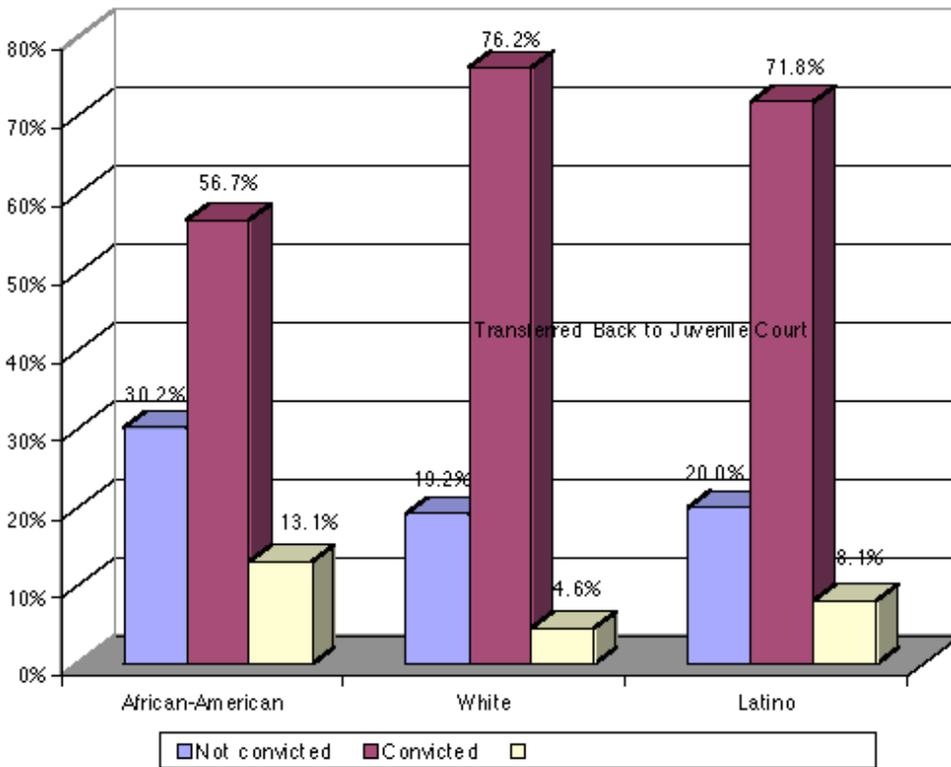
**Figure 25: Percentage of Juveniles Convicted, Not-Convicted, or Transferred Back to Juvenile Court in 18 Jurisdictions, 1998**



The differences by race were remarkable. Overall, African-American youth were much less likely to be convicted, and more likely to be transferred back to juvenile court, than White or Latino youth. Less than half of African-American youth charged with violent and public order offenses were convicted. Although African-American youth represented 58% of the sample, they constituted 68% of those not convicted, and 73% of those transferred back to juvenile court. On the other hand, White youth represented 19% of the sample, but 14% of those not convicted and around 9% of those transferred back to juvenile court. Latino youth represented 23% of the sample, but 18% of both those not convicted and transferred back to juvenile court.

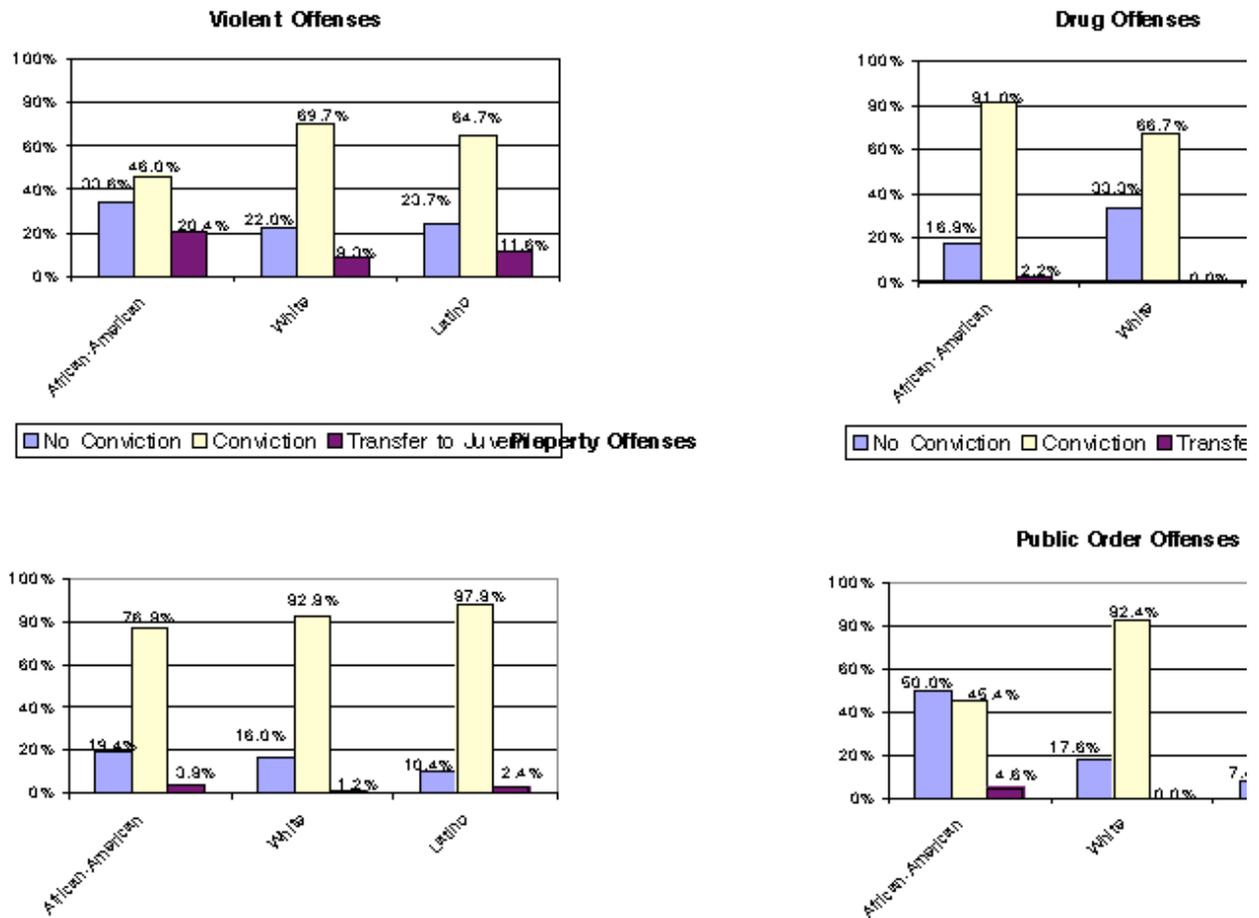
An examination of how the cases of each of the racial/ethnic groups were disposed depicts a similar picture. **(Figure 26)** Only 57% of African-American cases led to conviction - 43% were either not convicted or transferred back to juvenile court. Smaller percentages of Latino (28%) and White youth (24%) cases were not convicted or transferred back to juvenile court.

**Figure 26: For Each Group, Percentage of Juveniles Convicted, Not-Convicted, or Transferred Back to Juvenile Court in 18 Jurisdictions, 1998**



For all categories of offenses, except drug offenses, African-American youth had the lowest conviction rate and the highest rate of transfers back to juvenile court. In drug cases, however, a different trend was evident, whereby 81% of African-American were convicted, 17% not convicted, and only 2% transferred back to juvenile court. This compares to two-thirds of both White and Latino youth who were convicted of a drug offense. (Figure 27) It should be noted that there were very few youth other than African-Americans whose drug cases were filed in adult court.

**Figure 27: Percentage of Juveniles Convicted, Not-Convicted, or Transferred Back to Juvenile Court by Offense Type in 18 Jurisdictions, 1998**



For violent offenses White youth had the highest conviction rate (70%), followed closely by Latino youth with a conviction rate of 65%. Less than half (46%) of African-American youth were convicted of a violent offense. In fact, one out of five African-American youth whose cases were adjudicated as a violent offense had their cases transferred back to juvenile court. As noted above, statutory exclusion was the filing mechanism used in two-thirds of the violent cases filed against African-American youth compared to about one-third for the other two groups.

The percentage of juveniles who were convicted of property offenses was consistently high across the three groups; 77% of African-American, 83% of White, and 88% of Latino were convicted.

Latino youth had the highest conviction rate for public order offenses and the conviction rate for White youth was not far behind at 82%. There were very few Latino and White youth whose public order cases were filed in adult court. Three-fourths of all public order cases involved African-American youth. As with violent cases, less than half (45%) of the public order cases resulted in a conviction.

A county-by-county examination revealed that in 14 of the 18 jurisdictions, a higher percentage of African-American youth than White youth had their cases disposed by other than a conviction. (Figure 28) Out of the ten counties in which cases were transferred back to juvenile court, in six of the counties African-American youth were more likely than White youth and in two others as likely to have their

cases transferred.

**Figure 28: Percentage of Juveniles Convicted, Not-Convicted, or Transferred Back to Juvenile Court by County, 18 Jurisdictions, 1998**

County	Not-Convicted			Convicted		
	African-American %	White %	Latino %	African-American %	White %	Latino %
Jefferson, AL	85.7	14.3	0.0	72.4	27.6	0.0
Maricopa, AZ	22.7	40.9	36.4	12.8	41.1	46.1
Pima, AZ	11.7	38.3	50.0	7.0	32.4	60.6
Los Angeles, CA	34.6	0.0	65.4	36.2	10.8	53.0
Orange, CA	0.0	0.0	100.0	13.6	18.2	68.2
Dade, FL	65.6	20.3	14.1	62.9	13.5	23.6
Hillsborough, FL	35.0	55.0	10.0	57.8	36.4	5.8
Orange, FL	80.0	20.0	0.0	75.7	24.3	0.0
Marion, IN	77.8	22.2	New York, NY	59.4	40.6	0.0
Balt. City, MD	91.9	7.5	0.6	85.1	14.9	0.0
St. Louis, MO	100.0	0.0	0.0	50.0	50.0	0.0
Bronx, NY	66.7	0.0	33.3	58.3	0.0	41.7
Kings, NY	66.7	2.4	31.0	95.6	0.0	4.4
Queens, NY	61.3	8.1	30.6	65.9	2.4	31.7
Philadelphia, PA	90.9	0.0	9.1	53.1	9.4	37.5
Harris, TX	79.3	17.2	3.4	79.2	20.8	0.0
Milwaukee, WI	62.5	18.8	18.8	53.6	10.7	35.7
	100.0	0.0	0.0	73.9	21.7	4.3

### 1. Adjudicated Charge

Another way to examine whether cases involving juveniles were appropriately filed in adult court is to examine the extent to which youth who were convicted at all were convicted of the original charges. A comparison between originally filed charges and adjudicated charges found that an overwhelming majority of youth were indeed convicted of the original charges. A difference was found in the percentage of youth who were ultimately convicted of a misdemeanor. White juveniles were more likely to be adjudicated of a misdemeanor than the other two groups, 13% compared to 6% of both Latino youth and African-American youth. **(Figure 29)** It is noteworthy that almost 20% of White youth and more than 15% of African-American youth charged with felony property offense were ultimately adjudicated for a misdemeanor. **(Figure 30)**

Figure 29: Percentage of Juveniles Adjudicated of Original Charge in 18 Jurisdictions, 1998

African-American						White					
Adjudicated Charges	Charges Filed				Total	Adjudicated	Charges Filed				Total
	Violent	Drug	Property	Public Order			Violent	Drug	Property	Public Order	
Violent	96.8	0.0	0.5	1.0	6.4	90.5	0.0	1.3	0.0	6.0	
Drug	0.4	99.6	0.5	1.0		0.0	100.0	0.0	0.0		
Property	1.1	0.0	95.2	1.0		6.6	0.0	92.7	5.9		
Public Order	1.0	0.0	1.6	94.2		0.3	0.0	0.6	88.2		
Miscellaneous	1.0	0.4	2.1	2.9		2.1	0.0	4.3	5.9		
Total	100.0%	100.0%	99.9%	100.1%		100.0%	100.0%	99.9%	100.0%		

Latino					
Adjudicated Charges	Charges Filed				Total
	Violent	Drug	Property	Public Order	
Violent	92.7	0.0	2.6	9.5	6.0
Drug	0.3	96.0	0.0	4.3	
Property	4.9	0.0	94.0	0.0	
Public Order	1.9	4.0	1.7	81.0	
Miscellaneous	0.3	0.0	0.9	4.3	
Total	100.1%	100.0%	100.1%	100.0%	

Figure 30: Percentage of Juveniles Adjudicated of Original Property Offense in 18 Jurisdictions, 1998

African-American							White								
Adjudicated Charges	Charges Filed Property Offenses						Total	Adjudicated	Charges Filed Property Offenses						Total
	Burglary	Theft	Motor Theft	Forgery	Other Property	Miscellaneous			Burglary	Theft	Motor Theft	Forgery	Other Property	Miscellaneous	
Burglary	21.8	11.1	1.7	0.0	0.0	0.0	6.7	68.8	4.0	0.0	0.0	0.0	6.7		
Theft	1.1	88.8	8.5	25.0	7.1	0.0		16.7	76.0	20.0	0.0	20.0			
Motor Theft	1.1	0.0	86.4	0.0	0.0	0.0		0.0	4.0	80.0	0.0	0.0			
Forgery	0.0	0.0	0.0	75.0	0.0	0.0		1.0	4.0	0.0	75.0	0.0			
Other Property	1.1	0.0	0.0	0.0	85.7	0.0		4.2	4.0	0.0	0.0	66.7			
Other Felony	4.4	0.0	1.7	0.0	0.0	0.0		4.1	0.0	0.0	0.0	0.0			
Miscellaneous	1.1	5.6	1.7	0.0	7.1	0.0		5.2	8.0	0.0	0.0	6.7			
Total	100.1%	100.0%	100.0%	100.0%	99.9%			100.0%	100.0%	100.0%	100.0%	100.1%			

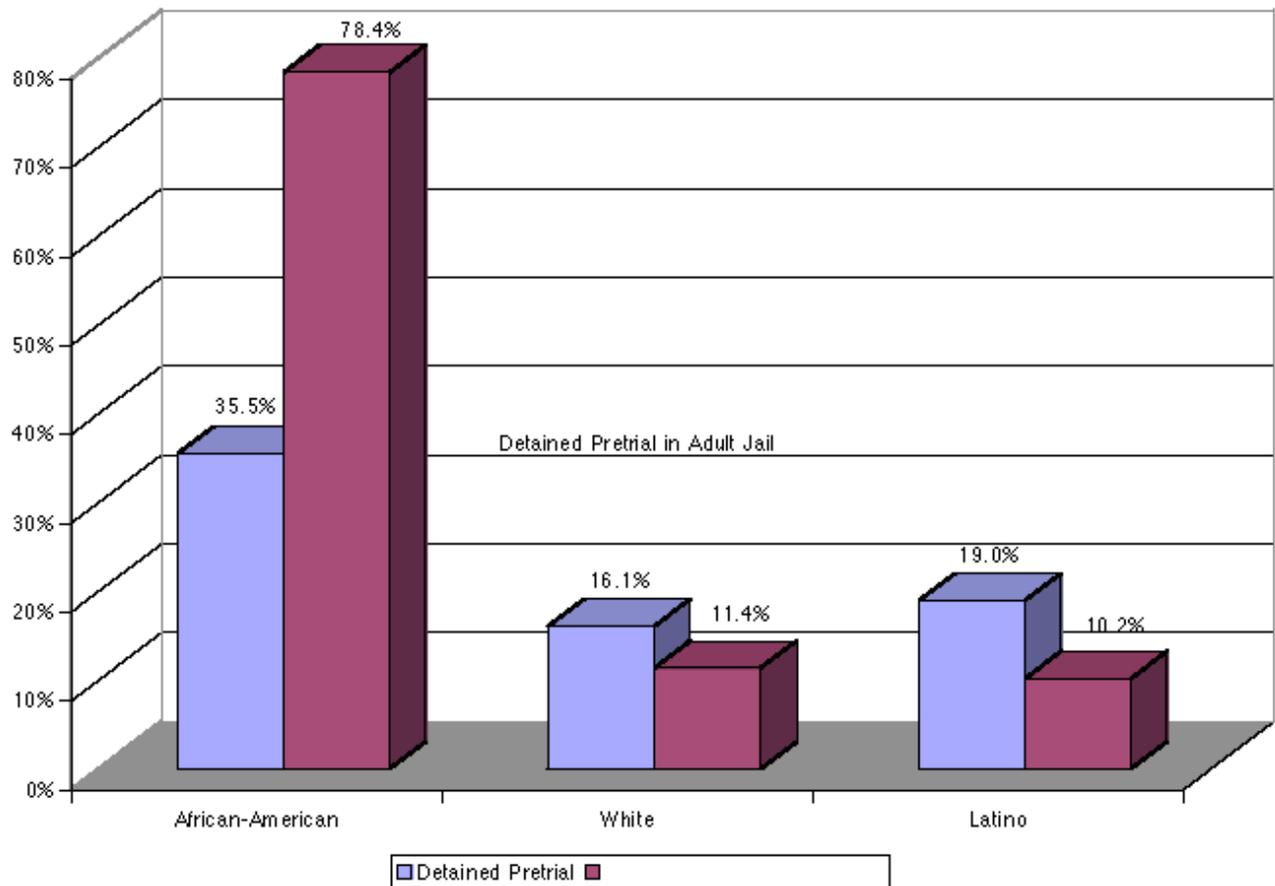
  

Latino						
Adjudicated Charges	Charges Filed Property Offenses					
	Burglary	Theft	Motor Theft	Forgery	Other Property	Miscellaneous
Burglary	75.4	13.3	6.7	0.0	0.0	0.0
Theft	13.0	62.5	20.0	0.0	35.7	0.0
Motor Theft	0.0	6.2	66.7	0.0	0.0	0.0
Forgery	0.0	0.0	0.0	100.0	0.0	0.0
Other Property	4.2	6.2	6.7	0.0	57.1	0.0
Other Felony	5.7	6.2	0.0	0.0	7.1	0.0
Miscellaneous	1.4	0.0	0.0	0.0	0.0	0.0
Total	99.8	99.9%	100.1%	100.0%	99.9%	

## 2. Pretrial Release/Detention Status

Over one-third (35%) of African-American youth who were ultimately not convicted were detained pretrial. This compares with 19% of Latino and 16% of White youth with the same outcome who were detained pending disposition of their cases. African-American youth comprised three-fourths of those detained in adult jails who were not convicted; Latino and White youth each accounted for another 10% and 11%, respectively. (Figure 31)

**Figure 31: Percentage of Juveniles Detained Pretrial and Detained Pretrial in Adult Jail Who Were Not-Convicted or Transferred Back to Juvenile Court in 18 Jurisdictions, 1998**

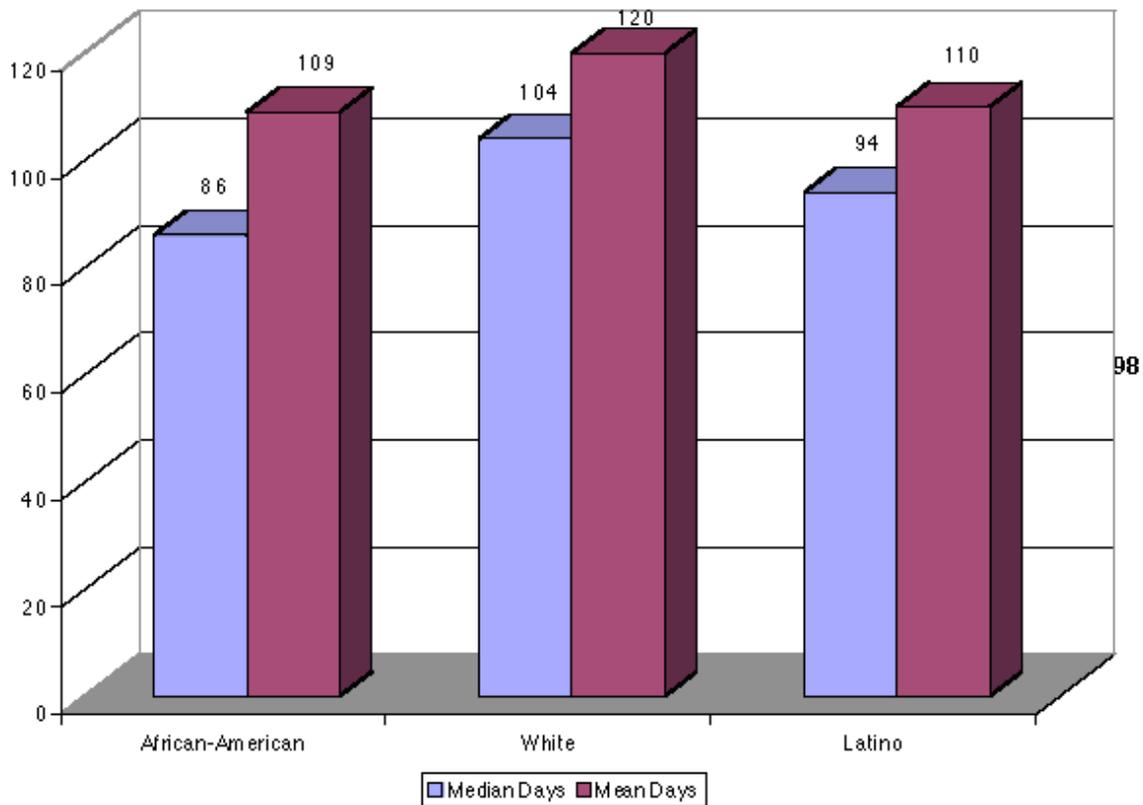


### 3. Time from Filing to Adjudication

There were no statistically significant differences among the three racial/ethnic groups as far as the time from filing to adjudication. A slightly higher percentage of American-African youth had their cases adjudicated within 30 days (24%) than White youth (13%) or Latino youth (18%). **(Figure 32)** The median time for all cases to be adjudicated was 91 days. For African-American youth the median time was 86 days, compared to 104 days for White youth and 94 days for Latino youth. **(Figure 33)**

**Figure 32: Number and Percentage of Juvenile Cases Adjudicated by Days From Filing to Adjudication in 18 Jurisdictions, 1998**

Time Interval	African-American		White		Latino	
	#	Cumulative Average %	#	Cumulative Average %	#	Cumulative Average %
Adjudicated same day	13	1.0	0	0.0	5	0.0
Adjudicated within 24 hours	7	1.5	1	0.2	2	1.0
Adjudicated between 2 to 10 days	100	9.2	17	4.2	35	7.0
Adjudicated between 11 to 30 days	188	23.6	37	12.8	53	18.0
Adjudicated between 31 to 60 days	212	39.8	63	27.4	77	32.0
Adjudicated between 61 to 90 days	165	52.4	72	44.1	86	48.0
Adjudicated between 91 to 180 days	340	78.4	142	77.0	179	82.0
Adjudicated between 181 to 270 days	176	91.9	75	94.4	60	94.0
Adjudicated between 271 to 365 days	97	181 to 270 days	22	99.5	29	99.0
Adjudicated over 366 days	9	100.0	2	100.0	3	100.0
<b>Total Number</b>	<b>1307</b>		<b>431</b>		<b>529</b>	

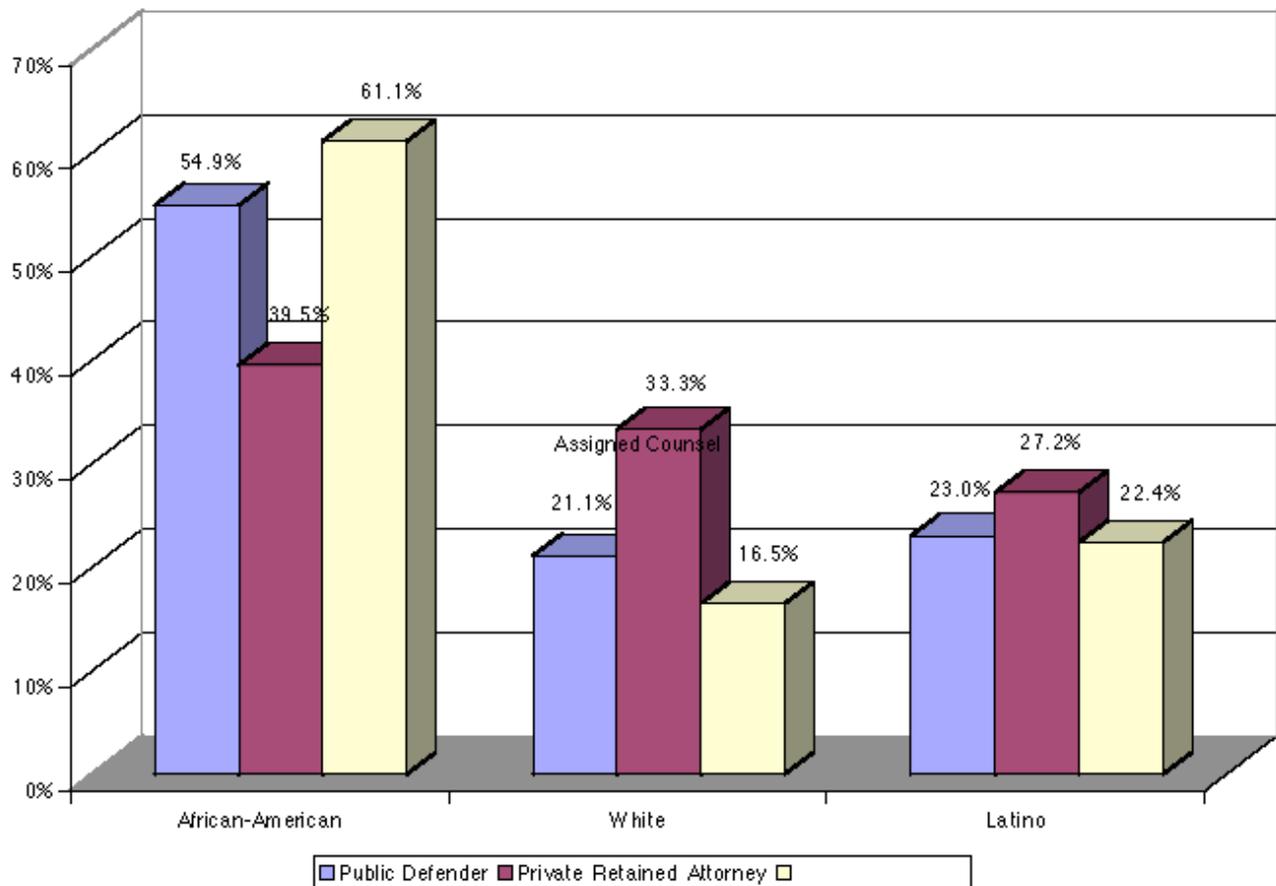


**H. Attorney**

Although African-American youth were 58% of the sample, only 40% had a retained private attorney. (Figure 34) Conversely, although White youth were 19% of the sample, 33% had a retained private

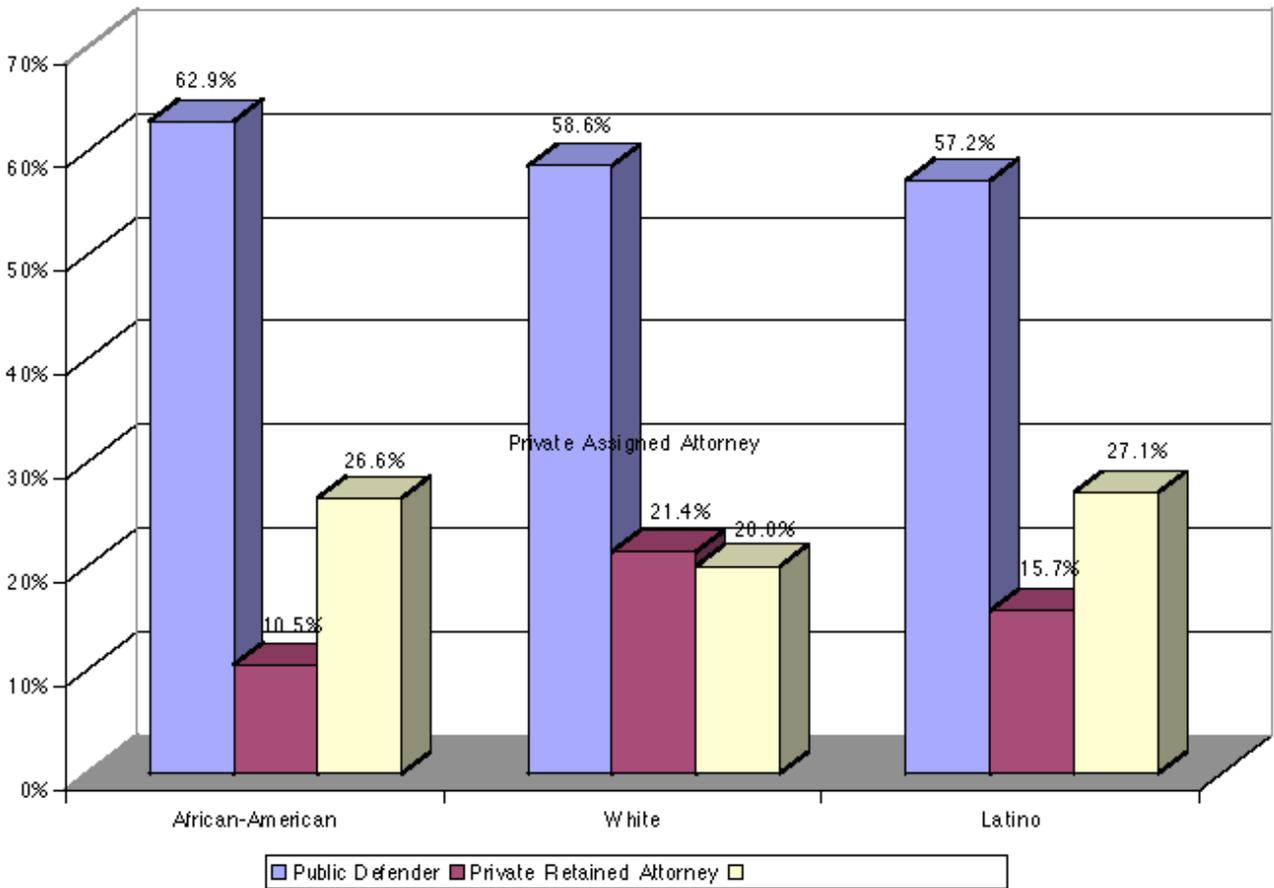
attorney. The implications for African-American youth were considerable. Public defenders often labor under enormous caseloads, and assigned counsel often have little training or experience in representing juveniles. Private retained counsel often have limited caseloads and more resources to devote to representation of each client. Thus, in this study youth who were represented by private retained counsel were less likely to be convicted of a felony and more likely to have their cases transferred to juvenile court.

**Figure 34: Percentage of Cases Represented by Different Types of Counsel in 18 Jurisdictions, 1998**



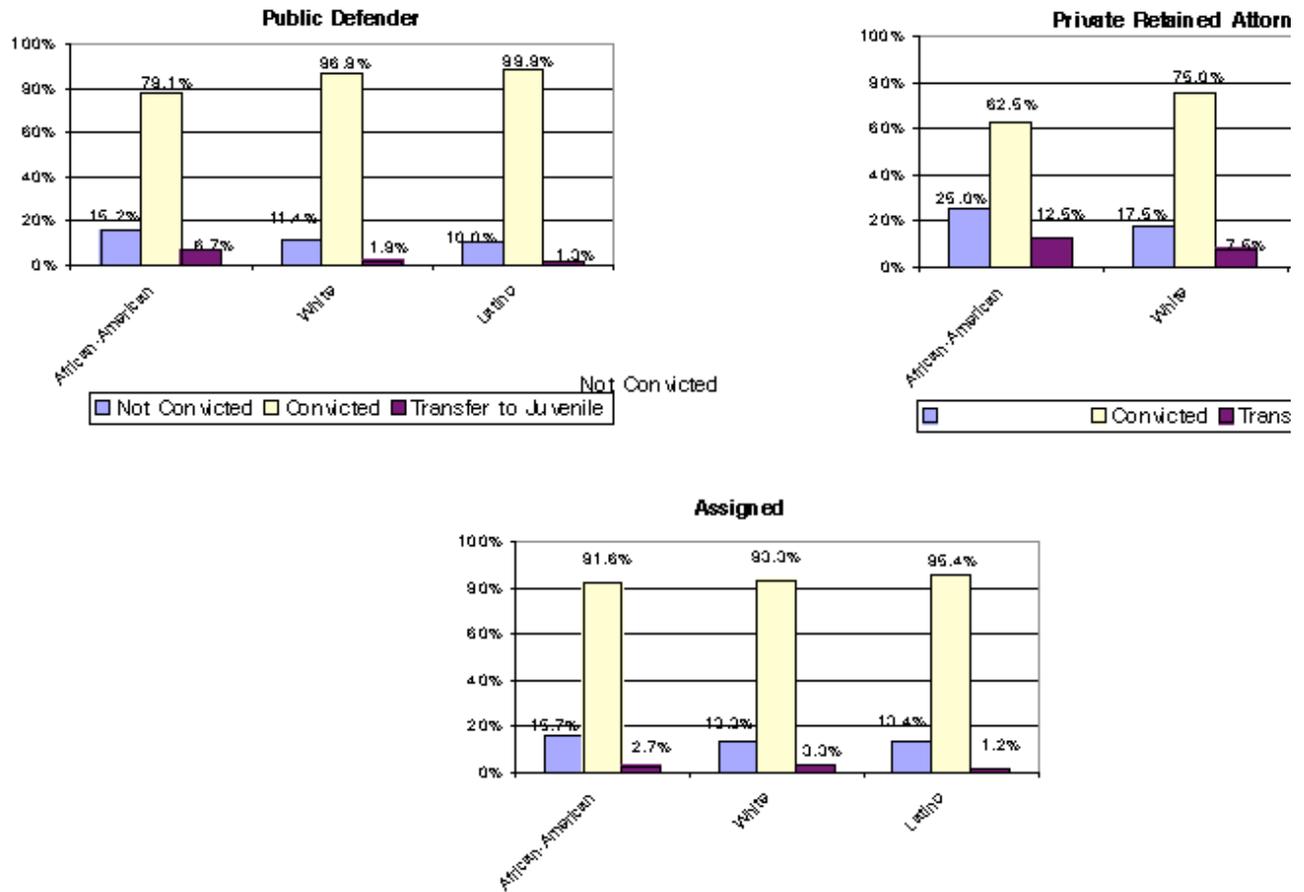
Examining each group individually shows that a majority of all juveniles were represented by a public defender, with 63% African-American, 59% White, and 57% Latino youth having had such representation. (Figure 35) The percentage of White juveniles who retained private counsel was nearly twice as high as African-American youth (21% compared to 11%); 16% of Latino juveniles had retained private representation.

**Figure 35: Percentage of Each Group Represented by Different Types of Counsel in 18 Jurisdictions, 1998**



For all three groups, the percentage of those convicted of a felony was lower for those with private retained counsel. Over three-fourths of African-American juveniles with a public defender were convicted versus 63% of those with a private retained attorney. **(Figure 36)** Most significant is the percentage of juveniles whose cases were transferred back to juvenile court. Four times the percentage of White juveniles with private retained counsel (8%) had their cases transferred back to juvenile court than those with a public defender (2%) and more than twice the percentage with assigned counsel (3%). Twice as many African-American youth with retained private counsel were transferred back to juvenile court as those represented by public defenders (13% versus 7%), and five times as many as those with assigned counsel (3%).

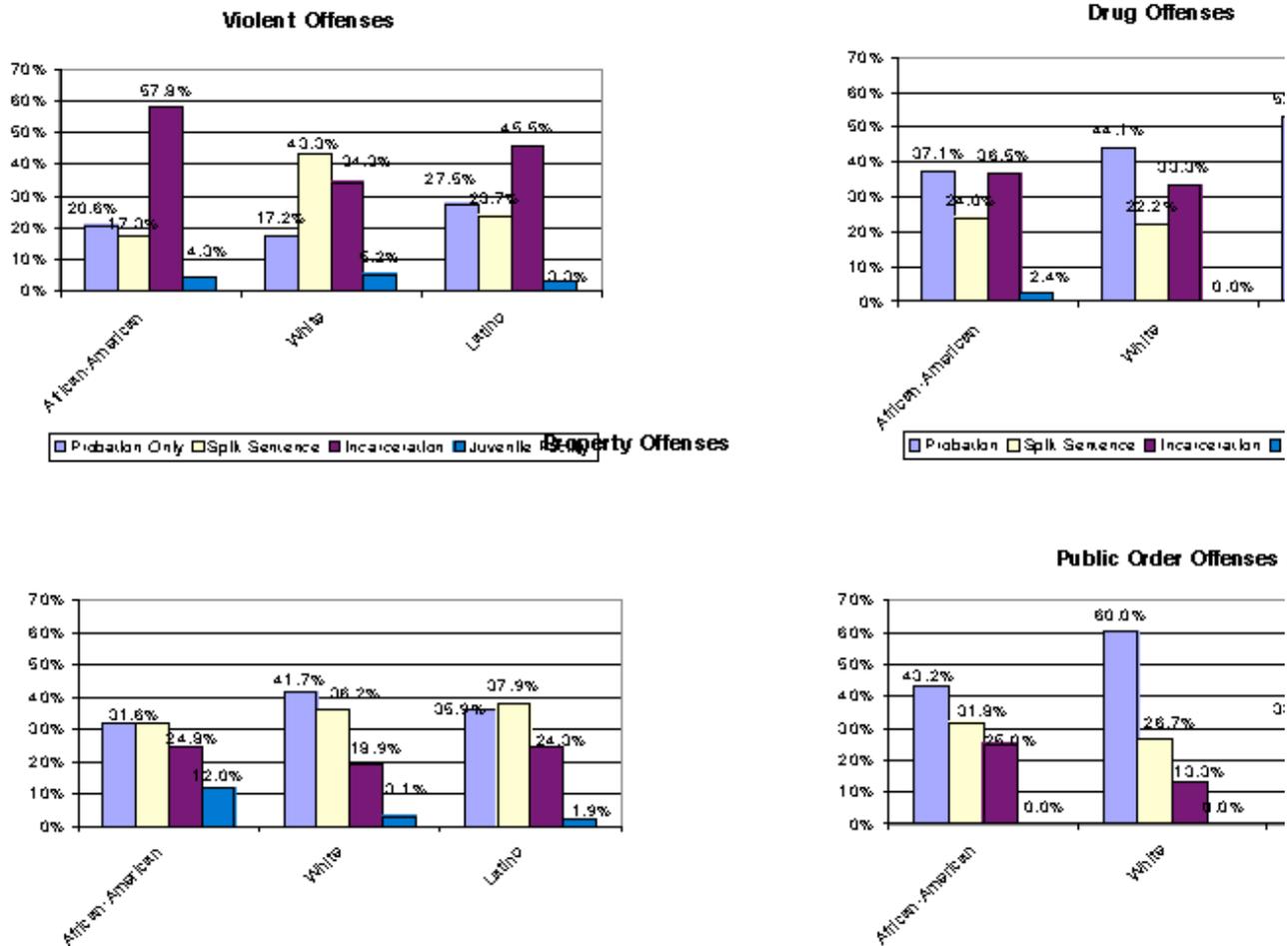
**Figure 36: Percentage of Juveniles Convicted, Not-Convicted, or Transferred Back to Juvenile Court by Type of Legal Representation in 18 Jurisdictions, 1998**



### I. Sentences

Across all crime categories, African-American youth had the highest percentage of those for whom a sentence of incarceration was imposed (versus probation, split sentence of incarceration and probation, or commitment to a juvenile facility). (Figure 37)

**Figure 37: Percentage of Juveniles Sentenced in Criminal Court by Type of Offense in 18 Jurisdictions, 1998**



- Of those convicted of a violent offense 58% of African-American youth received a sentence of straight incarceration, compared to 34% of White youth and 46% of Latino youth.
- When convicted of a drug offense African-American youth were slightly more likely than White youth to receive a sentence of straight incarceration, 37% versus 33%, with Latino youth at 24%.
- When convicted of a property offense African-American youth and Latino youth were more likely to receive an incarceration sentence than White youth (25% and 24%, respectively versus 19%).
- The same pattern existed for public order offenses, with African-American youth more likely to receive sentences of incarceration (25%), followed by Latino youth (21%), then White youth (13%).
- African-American youth also received more severe treatment when considering sentences that included some incarceration (i.e., straight incarceration or split sentences).
- For those convicted of a violent offense, African-American youth were twice as likely as White

youth to receive a sentence that included some incarceration, 48% compared to 22%. Latino youth fell in between with 31% receiving such a sentence.

- The differences among the three groups were most dramatic in the drug offense category. While only 4% of White youth and 7% of Latino youth, respectively, received any incarceration, 89% of African-American youth received such a sentence.
- African-American youth were over four times as likely as White youth to receive some term of incarceration for a conviction of a public order offense, 53% compared to 13%. About one-third of Latino youth (34%) received such a sentence

For the most part, African-American youth were less likely than either White or Latino youth to receive probation, although the differences were not as great as for sentences of incarceration. White youth were most likely to receive a probation sentence with the exception of drug offenses, for which Latino youth had the highest percentage receiving a probation sentence.

- Of those convicted of a violent offense, 17% of both African-American and White youth received a sentence of probation compared to 28% of Latino youth.
- For those convicted of a drug offense, 37% of African-American youth received probation, compared to 44% of White youth and over half (53)% of Latino youth.
- For those convicted of a property offense, 32% of African-American youth received probation, compared to 36% of Latino youth and 42% of White youth.
- Sixty percent of White youth convicted of a public order offense received probation, compared to 43% of African-American youth and 33% of Latino youth.

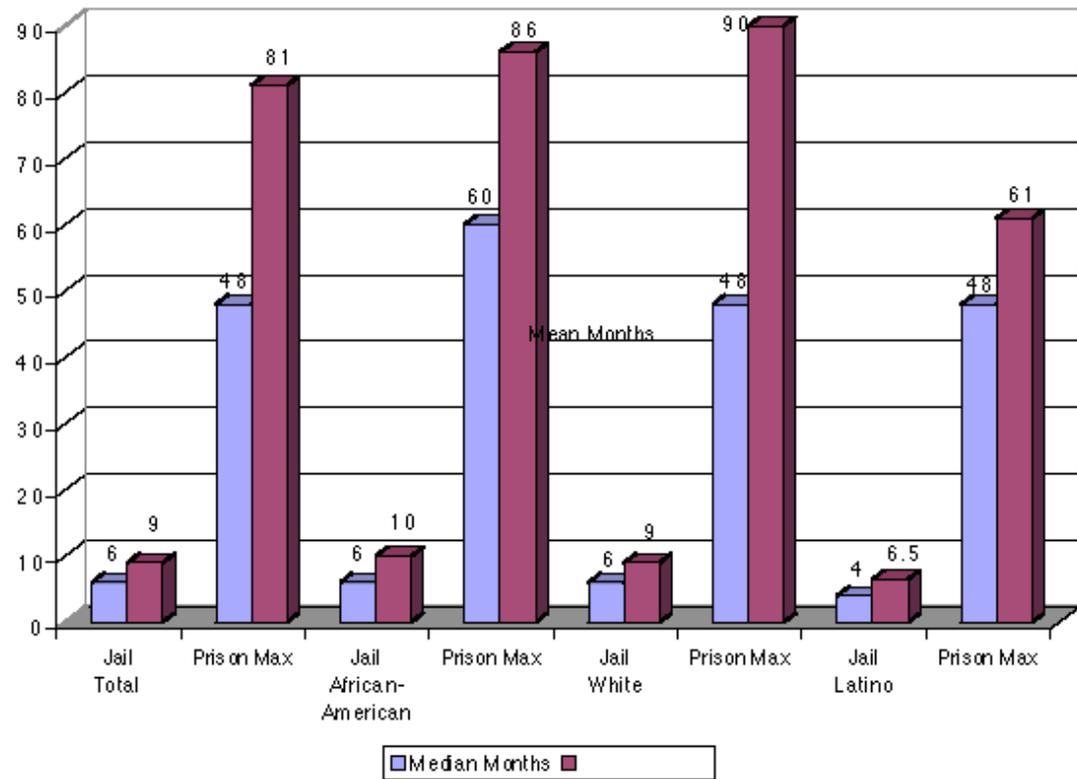
There were no consistent patterns in sentencing across the 18 jurisdictions in the study. **(Figure 38)** In six jurisdictions a higher percentage of African-American youth than White youth received a sentence of strictly probation. In seven jurisdictions, a higher percentage of Latino youth than White youth received such a sentence. On the other hand, only in two jurisdictions (Jefferson, Alabama and Marion, Indiana) did a higher percentage of White youth receive a sentence of incarceration.

**Figure 38: Percentage of Juveniles Imposed Different Types of Sentences in Criminal Court by County in 18 Jurisdictions, 1998**

County	African-American				White				Latino			
	Probation Only %	Split Sentence %	Incarceration %	Juvenile Facility %	Probation Only %	Split Sentence %	Incarceration %	Juvenile Facility %	Probation Only %	Split Sentence %	Incarceration %	Juvenile Facility %
Jefferson, AL	7.7	15.4	46.2	30.8	50.0	0.0	50.0	0.0	0.0	0.0	0.0	0.0
Maricopa, AZ	12.1	60.6	21.2	6.1	20.2	62.5	17.3	0.0	21.2	55.1	23.7	0.0
Pima, AZ	40.0	0.0	60.0	0.0	33.3	12.5	54.2	0.0	41.5	26.3	31.7	0.0
Los Angeles, CA	0.0	18.5	31.1	5.4	0.0	27.3	63.6	9.1	1.3	11.1	77.3	9.3
Orange, CA	0.0	0.0	50.0	50.0	0.0	33.3	0.0	66.7	0.0	16.7	58.3	25.0
Dade, FL	33.3	14.4	35.3	10.0	33.6	13.6	29.5	13.2	58.1	22.2	23.5	1.2
Hillsborough, FL	54.3	22.3	22.3	0.0	75.6	13.5	4.3	0.0	23.6	42.3	23.6	0.0
Orange, FL	26.3	25.0	47.4	1.3	34.6	33.5	26.3	0.0	0.0	0.0	0.0	0.0
Marion, IN	0.0	33.5	10.5	0.0	0.0	61.5	33.5	0.0	0.0	0.0	0.0	0.0
Baltimore City, MD	7.3	70.7	19.5	2.4	42.3	42.3	14.3	0.0	0.0	0.0	0.0	0.0
	50.0	0.0	50.0	0.0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Bronx, NY	50.0	0.0	50.0	0.0	0.0	0.0	0.0	0.0	70.6	0.0	29.4	0.0
Kings, NY	34.3	17.1	43.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0
New York, NY	50.0	0.0	50.0	0.0	0.0	0.0	0.0	0.0	66.7	0.0	33.3	0.0
Queens, NY	58.3	0.0	41.2	0.0	100.0	0.0	0.0	0.0	31.3	0.0	13.2	0.0
Philadelphia, PA	7.1	4.3	33.1	0.0	33.3	0.0	66.7	0.0	0.0	0.0	0.0	0.0
Harris, TX	0.0	0.0	100.0	0.0	0.0	0.0	100.0	0.0	10.0	0.0	90.0	0.0
Milwaukee, WI	11.3	41.2	47.1	0.0	0.0	30.0	20.0	0.0	0.0	0.0	100.0	0.0

An examination of the length of incarceration indicates similarly mixed findings. (Figure 39) African-American and White youth had the same median of a six-month jail term imposed, whereas the median jail term for Latino youth was four months. African-American youth had a higher median number of months of a prison term than either White or Latino youth, 60 months maximum compared to 48 months, respectively.

**Figure 39: Median and Mean Months Jail and Prison Maximum Sentences in 18 Jurisdictions, 1998**



There are no obvious patterns across crime categories with respect to the median length of incarceration imposed. **(Figure 40)**

**Figure 40: Median and Mean Months of Jail and Maximum Prison Sentence by Offense Type in 18 Jurisdictions, 1998**

<b>Violent</b>						
	African-American		White		Latino	
	Jail	Prison Max	Jail	Prison Max	Jail	Prison Max
Median Months	12	60	12	48	6	54.5
Mean Months	19	96	14	114.5	8	67

<b>Drug</b>						
	African-American		White		Latino	
	Jail	Prison Max	Jail	Prison Max	Jail	Prison Max
Median Months	6	24	98	240	2	n/a
Mean Months	6	31	7	240	3.5	n/a

<b>Property</b>						
	African-American		White		Latino	
	Jail	Prison Max	Jail	Prison Max	Jail	Prison Max
Median Months	6	54	3	48	7	42
Mean Months		60.5	4.5	46	11	58

<b>Public Order</b>						
	African-American		White		Latino	
	Jail	Prison Max	Jail	Prison Max	Jail	Prison Max
Median Months						
Mean Months						

- For those convicted of a violent offense, the median length of a jail term was identical for African-American and White youth, which was twice that for Latino youth, 12 months as opposed to 6 months.
- There was only one White youth who received a prison term for a drug offense conviction. There were 17 African-American youth who were sentenced to prison for a drug offense conviction. No Latino youth was sentenced to prison.
- For those convicted of a property crime, the median jail term was twice as high for African-American youth (six months) as White youth (three months) and even higher for Latino youth (seven months). The median prison term was highest for African-American youth (54 months), followed by White youth (48 months), and then Latino youth (42 months).
- African-American youth had a six times higher median jail term than White youth and four times as high as Latino youth, 12 months compared to two and three months, respectively. The differences between African-American and White youth are even more dramatic in the median length of maximum prison sentences, with the former receiving 36 months compared to one month for the latter. The median maximum prison term was 24 months for Latino youth.

## VI. SUMMARY AND CONCLUSIONS

Many findings, including overall high release rates, high non-conviction rates, and high probation rates, suggest that the cases filed in adult court were not very serious or not very strong. Without the benefit of information specifically intended to measure the seriousness of the offenses or the strength of the cases in this study, conclusions cannot be drawn to implicate the manner in which filing decisions were made. The findings in this study can bring to light the complexity of case processing and point to the need for further research specifically focused on screening criteria and procedures. Without complete arrest figures or general population figures, the issue of overrepresentation was examined in a limited way. Effort should be made to fill this gap of information.

The patterns of disparity were mixed. For certain offenses and for certain decisions in some jurisdictions, minority youth, especially African-American youth, were treated more severely than White youth charged with similar offenses. These disparities, however, were not manifested consistently in one direction. African-American youth were released in higher numbers and transferred back to juvenile court in higher numbers than White youth, yet, upon conviction, they were sentenced to incarceration in higher numbers than White youth. The disparate findings provide impetus for further studies of the treatment of similarly situated minority and White youth in the justice system.

Most importantly perhaps, the findings should prompt further thought about and research on the wisdom and cost-effectiveness of the increased use of adult courts to prosecute juveniles. There were several findings that should give us the proverbial food for thought regarding the appropriateness of prosecuting children, particularly African-American children, in adult courts. Most decisions to prosecute were not made by judges. Nearly two-thirds of the juveniles were held in adult facilities pending disposition of their cases. In a quarter of the cases, youth were not convicted. An additional 10% the cases were transferred back to juvenile court. Less than half of African-American juveniles charged with violent offenses were convicted, with one out of five transferred to juvenile court for disposition.

Perhaps the most significant contribution of this research is the spotlight it throws on those aspects of the system that appear to work contrary to traditional reasons for prosecution of youth in adult court. The decision to prosecute a juvenile as an adult has momentous consequences for the individual involved. This study found that nearly two-thirds of the juveniles detained pretrial were held in adult jails pending disposition of their cases. Of those, one-third were confined with the general adult inmate population. Yet, the overall high pretrial release rates (often with no bail required), high non-conviction rates, and high probation rates suggest that the cases filed in adult court in many instances may not be sufficiently serious or strong. Since most states have committed themselves to increased prosecution of juveniles in adult court, this is clearly an area that requires additional research, policy review, and new legislation to ensure that young people are not unnecessarily and inappropriately swept up into the adult criminal justice system.

### **ENDNOTES**

1. Eileen Poe-Yamagata and Michael A. Jones (2000) *And Justice for Some: Differential Treatment of Minority Youth in the Justice System*, Washington, D.C.: *Building Blocks for Youth*.
2. "Juvenile Transfers to Criminal Court in the 1990's: Lessons Learned from Four Jurisdictions" (2000), Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention.

3. Howard N. Snyder and Melissa Sickmund (1999) *Juvenile Offenders and Victims: 1999 National Report*, Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention.
4. The information was gathered from more than 1,900 jurisdictions representing nearly 70 percent of the U.S. juvenile population.
5. Charles M. Puzzanchera (2000) *Delinquency Cases Waived to Criminal Court, 1988-1997*, Washington, D.C.; Office of Juvenile Justice and Delinquency Prevention.
6. Mike Males and Dan Macallair (2000) *The Color of Justice: An Analysis of Juvenile Adult Court Transfers in California*, Washington, D.C.: *Building Blocks for Youth*.
7. Bureau of Data and Research: *Research Digest (1998) "Minority Representation at Various Stages of the Juvenile Justice System 1996-97"*, Florida Department of Juvenile Justice, Executive Services.
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9. Ohio Department of Youth Services (1994) *Juveniles Transferred to Adult Court in Ohio: Calendar Year 1994*, Columbus, Ohio.
10. Marcy Rasmussen Podkoppacz and Barry C. Feld (1996) "The End of the Line: An Empirical Study of Judicial Waiver," *Journal of Criminal Law and Criminology*, vol. 86.
11. General Accounting Office (1995) *Juvenile Justice: Juveniles Processed in Criminal Court and Case Dispositions*, Washington, D.C.
12. *Supra*, note 1.
13. Timothy C. Hart and Brian A. Reaves (1999) *Felony Defendants in Large Urban Counties, 1996* Washington, D.C.: Bureau of Justice Statistics.
14. The overrepresentation of minority youth in the ranks of those who are arrested in the United States has been well documented. *Supra* note 1.
15. Information was either not available, as in the case of all Florida counties (Dade, Hillsborough, and Orange) and Milwaukee County or not available in the necessary categories, as was the case for all New York Counties (Bronx, Kings, New York, and Queens).
16. In some jurisdictions in this study the number of cases of juveniles filed in adult court exceeded the number of arrests of juveniles. E.g., Jefferson County had 65 felony cases filed in the first half year of 1998, yet according to the FBI numbers there were only 63 arrests for a felony during calendar year 1998.
17. There was one 9 year-old African-American male in the sample. Another 2% (53) were 18 years of age at the time the case was filed in the adult court. Several states define juveniles as those youth who had turned 18 at the time their cases are filed, or at the time of arrest, as long as the alleged offense was committed prior to the 18th birthday.
18. There were too few White youth in all the New York counties to allow for meaningful comparisons; similarly, there were too few in the samples of the Missouri and Wisconsin samples.
19. Only arrests for juveniles using each state's definition of the term were included. Therefore, Florida counties and Milwaukee County, for which arrest information was only available for 18 year-olds or younger were eliminated from the calculations. New York counties were not included because only aggregate arrest numbers, and not for certain racial/ethnic groups, were available.
20. Gender based analyzes were not performed because female youth represent less than 10% of the cases.

21. Judicial waiver also includes judicial remand and certification.
22. Anne Rankin (1964) "The Effect of Pretrial Detention," New York University Law Review, volume 39.
23. Of those released, 59% were African-American youth compared to the 58% of the sample they represented; 20% of White youth and 21% of Latino youth.
24. Criminal defendants are guaranteed the right to bail that is not excessive by the Eighth Amendment of the United States Constitution. Capital offenses and those punishable by life in prison are exceptions to this right in most jurisdictions.
25. State law and local rules dictate the manner in which bail may be posted.
26. The defendant secures release by means of a "cash bond" by posting the entire amount of the bond. "Deposit bond" release refers to posting a deposit directly with the court but remaining liable for the entire amount. The terms of a "property bond" are usually that a defendant puts up the property, which typically is worth the entire value of the bond, as collateral for the bond.

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***Building Blocks for Youth***

***For a fair and effective youth justice system***

*...a comprehensive effort to protect minority youth in the justice system  
and to promote rational and effective juvenile justice policies...*