

# PUBLIC SAFETY ADVISORY BOARD

## Juvenile Waivers to Adult Court: A Review of Outcomes for Youth

Staff Support Provided by the  
Iowa Department of Human Rights,  
Division of Criminal and Juvenile Justice Planning



MARCH 2011

## Table of Contents

	Page
Executive Summary	iii
Background	1
Literature Review	1
Juvenile Transfer Laws	2
Issue	3
Methodology	3
History of the Youthful Offender Program in Iowa	5
Results	6
Discussion	16
Summation	18
References	19
Appendix A – Forcible Felonies	20
Appendix B – System Flowchart	21

## Executive Summary

This study followed four cohorts of youth in an effort to determine the impact of waiving youth from the juvenile courts to the adult justice system. The four cohorts included a group of youth who were automatically processed in the adult system due to the severity of the charges against them, a group waived to the adult system after starting in the juvenile court, a group returned to the juvenile court after having initially been waived to the adult system, and a group of “youthful offenders” who started supervision in the juvenile court with the option of moving into the adult system upon reaching age 18.

Recent research indicates that waiving juvenile cases to adult court can be harmful and lead to greater recidivism; the results from this study support the research. This study supports the premise that youth maintained by the adult court, whether on mandatory exclusions or adult court waiver, have fairly high rates of reconviction. While youth on reverse waivers had a very low rate of recidivism while under juvenile court supervision, they had a nearly 46% conviction rate on the adult side once they aged out. This suggests that either these youth were not truly rehabilitated or possibly had already been through adult court and were consequently not deterred by it. The final group, youthful offenders, also had a low incidence of recidivism which seems to open the door to further exploration for use of this infrequently used sentencing option.

### Recidivism in this Study

For purposes of this study, recidivism was defined as a new conviction/adjudication for any criminal offense.

<b><u>Cohort</u></b>	<b><u>Juvenile</u></b>	<b><u>Adult</u></b>	
Mandatory Exclusions	NA	56.0%	(42.9% Prison / 80.0% Probation)
Waivers to Adult Court	NA	66.7%	(25.0% Age 15 / 67.0% Age 16+)
Reverse Waivers	12.5%	45.8%	
Youthful Offenders	28.6%	NA	

### Points for Discussion

1. Recidivism rates for youth supervised by the juvenile courts were lower than rates for youth supervised by the adult courts. Youth placed on probation by the adult court had the highest

rate of recidivism (80%) of any group in this study, while youth age 16 or older waived to adult court also had a very high rate of reconviction at 67%.

2. While very few youth are placed on youthful offender status, these youth tend to have fairly low rates of recidivism. Five youth of the six reviewed had no new offenses while under juvenile court supervision, while one youth was subsequently convicted in adult court nearly four years later. In a comparison group of youth ages 14 and 15 who were adjudicated on forcible felony charges but not waived to adult court, the recidivism rate within the juvenile system was 71%.
3. As for youth on reverse waivers, recidivism within the juvenile system was much lower than recidivism within the adult system. What then might this be attributed to? Of the 24 youth on reverse waivers, 16 of them were placed for prolonged periods of time in restrictive placements (state training school, detention or treatment program). Of these 16, ten youth subsequently received convictions in adult court; seven of these were placed on probation and three were sentenced to prison. Of the eight youth where no restrictive placements were found, one youth was placed on probation and successfully discharged. This tends to suggest that youth placed in restrictive settings have an increased tendency for recidivism (although being identified as high risk may also have contributed to restrictive placement).
4. Research suggests that youth waived to adult court have longer case processing times and ultimately receive less severe sentencing as compared to youth in juvenile court. The average time for case processing for youth direct filed in this study was 179 days; for youth age 15 waived to adult court processing time was 118 days. Youth on reverse waivers were adjudicated within an average of 71 days and youth placed on youthful offender status were processed within an average of 118 days. As for severity of sentencing, of the 29 youth processed in adult court, 15 were incarcerated and 14 were either placed on probation or the case was dismissed. Of the 31 youth who remained under supervision of the juvenile court, 23 were sent to restrictive placements such as group care, detention or state training school, most of which occurred within days of waiver or adjudication. This suggests that a higher percentage of youth under the purview of juvenile court receive more prompt “sentencing” and more restrictive placements.

5. From a perspective of race, minority overrepresentation was identified in each cohort. The percentage of African-American youth at complaint was 13.5%, while Hispanics comprised 5.4% of youth at complaint. Representation of these two groups in each of the cohorts is as follows:

	<u>African-American</u>	<u>Hispanic</u>
Mandatory Exclusion	24.0%	16.0%
Adult Court Waiver	40.0%	20.0%
Reverse Waiver	25.0%	8.3%
Youthful Offender	83.3%	0.0%

Most notably, during SFY05, the largest percentage of youth placed on youthful offender status was African-American. A review of youthful offenders between SFY05 and SFY10 indicates the same pattern, as all youthful offenders during this timeframe were minorities.

6. There is a need to ensure that Iowa remains in compliance with both the Federal Juvenile Justice and Delinquency Prevention Act (JJDPA) and State of Iowa Code §356.3 regarding housing youth in adult facilities. Youth under the age of 18 placed on youthful offender status for a misdemeanor offense cannot be held in adult facilities; however, youth under the age of 18 placed on youthful offender status for a felony offense can be held in adult facilities *if* they are sight and sound separated.

## **Background**

Between 1992 and 1995, 40 states passed laws enabling youth to be tried as adults (Griffin, Torbet, and Szymanski, 1998). By 2003, 60% of all states had adopted laws *requiring* certain juvenile offenders be waived to adult court (Redding, 2010). Most commonly referred to as “transfer laws,” the adoption of what was perceived to be harsher criminal treatment for juvenile offenders was in response to an increase in violent crime committed by juveniles during the late 1980’s and early 1990’s. After nearly a decade of increased juvenile violence, the term “superpredator” was coined to describe highly violent, brutal, and impulsive youth who denigrated public safety and contributed to an increase in drug activity and gang violence (Gilliam and Iyengar, 2005).

The intent of transfer laws was to deter juveniles from further offending through the imposition of increased punitive measures and the threat of adult sanctions. In essence, there was an attempt to invoke a “scared straight” mentality that would reduce juvenile offending and reoffending. Unfortunately, the majority of empirical evidence suggests that transfer laws have little or no effect on recidivism. Furthermore, research suggests that the juvenile system may actually be harsher in regards to providing immediate interventions while the adult system more often releases young offenders with little supervision (Myers and Kiehl, 2001). This paper will review outcomes for juvenile offenders in Iowa who were statutorily waived, judicially waived, placed on reverse waiver to the juvenile court, or designated as “youthful offenders.”

## **Literature Review**

A wide variety of research has been conducted to determine whether prosecuting a youth as an adult does in fact deter future criminal activity or whether it is more harmful. Most empirical evidence suggests that transfer laws do not have a deterrent effect and may actually increase the likelihood of future violent crime. According to a bulletin entitled “*Juvenile Transfer Laws: An Effective Deterrent to Delinquency*” published by the Office of Juvenile Justice and Delinquency Prevention in 2010, six large-scale studies have been conducted on the effects of juvenile transfer laws. “All of the studies found higher recidivism rates among offenders who had been transferred to criminal court, compared with those who were retained in the juvenile system.” This was true even for those offenders placed on probationary status.

A separate study conducted at the Indiana University of Pennsylvania suggests that the adoption of transfer laws was not initially guided by scientific research; rather it was a rapid response to the increase in juvenile violence at the time. The study concluded that these laws have not had the impact on juvenile crime that was intended. Findings from this study indicated that youth waived to the adult court system not only had higher rates of recidivism, but also committed more serious offenses pre-disposition compared to offenders retained in the juvenile system. The study also noted that waived youth were more likely to be released from secure custody prior to disposition, suggesting that these youth receive less supervision and potentially fewer services than youth supervised by the juvenile court (Myers and Kiehl, 2001). Literature suggests that trying youth as adults often results in unintended consequences:

- Negative effects of labeling youth as “criminals” and “convicted felons”
- Resentment and injustice felt by juveniles regarding being handled as an adult
- Learning advanced criminal activity while incarcerated with adult offenders
- Decreased focus on rehabilitation and support in the adult system
- Felony convictions resulting in a loss of a number of rights and privileges, including employment and higher education

In addition, juveniles in adult prison are eight times more likely to commit suicide and five times more likely to be sexually assaulted (Redding, 2010). These negative effects are presumed to have a direct influence on the higher recidivism rates on the part of juveniles waived to adult court.

### **Juvenile Transfer Laws**

While labeled differently depending upon author and/or jurisdiction, there are three basic types of juvenile transfer laws in effect today: judicial waiver; statutory exclusion; and prosecutorial-discretionary (Griffin, 2008). Most states have adopted at least one of these methods or have established blended sentencing laws.

- **Judicial Waiver** - This allows juvenile court judges to determine whether prosecution in the adult system is appropriate for a juvenile case. The case originates in juvenile court and may be transferred to adult court only on authority of a judge after a formal hearing.

- **Statutory Exclusion** – Exclusion laws give adult criminal courts jurisdiction in cases involving certain offense classes. These cases originate in adult court, but may be waived back to the jurisdiction of the juvenile court depending upon circumstances of the crime and the age of the offender.
- **Prosecutorial Discretion** – This leaves the decision to try a youth as an adult up to the prosecution. Generally, no hearing takes place to determine jurisdiction and, therefore, jurisdiction is held by both the adult and juvenile court systems. In some states a certain category of offenses determines appropriateness of waiver, but the waiver is not mandatory.

### **Issue**

Iowa currently has blended sentencing laws for juveniles allowing for both mandatory exclusions and judicial discretion depending upon offense and the age of offender. As far as prosecutorial discretion, prosecutors may request a waiver to adult court or, in the cases of youth who are statutorily excluded, they may request a reverse waiver to juvenile court, but the decision lies with the courts. (For a diagram of the waiver process by age, please see Appendix B).

Currently, State of Iowa Code §907.3A allows for any youth aged 15 or younger who has been waived to adult court on a statutory exclusion to be placed on youthful offender status. Youthful offenders are tried in adult court and are subsequently waived to juvenile court for disposition and supervision. Youthful offenders then have a hearing prior to the age of 18 to determine whether or not rehabilitation has occurred and at that time the youth is either transferred to the supervision of adult court or is discharged. While youthful offender status can be granted for youth under the age of 16, youth ages 16 and 17 similarly situated who are statutorily waived on forcible felonies *must* be tried in adult court. There are currently two bills before the Iowa legislature to amend the code regarding youthful offenders; one limits the age of the offender to ages 13 through 15, and the other expands jurisdiction to youth up to age 17.

### **Methodology**

Four cohorts were reviewed for the purpose of determining outcomes for youth in Iowa waived to the adult court system as compared to youth maintained in the juvenile system:

- mandatory exclusions (forcible felons);
- waivers to adult court;
- reverse waivers; and
- youthful offenders.

Data were obtained from the Iowa Justice Data Warehouse, Iowa Corrections Offender Network, and from Iowa Courts Online. The Iowa Justice Data Warehouse contains uploaded information from the Iowa Courts Information System (ICIS), which houses state juvenile justice data for the judiciary. With the exception of youthful offenders, initial cohorts were obtained utilizing a timeframe of July 1, 2004 through June 30, 2005 (state fiscal year 2005). A two-year period was reviewed for youthful offenders due to low numbers. Some limitations regarding placement and service information existed during the timeframe reviewed, as judicial districts were not entering complete service data until 2007. When possible, individual cases were reviewed within ICIS to determine placements. Recidivism was defined as a new conviction for any criminal offense. Due to time constraints, the ability to report on similarly situated youth for each cohort who were not waived to adult court was diminished. A description of the four cohorts follows.

- **Mandatory Exclusions** – Included were offenders age 16 or older charged with a forcible felony (see Appendix A), direct filed under §232.8 (1)(c) of the Iowa Code, and convicted. Only the forcible felony charges (no prior offense history) were reviewed and outcomes were determined by reviewing recidivism, defined as new convictions either post-release or post-probation.
- **Adult Court Waivers** – Per Iowa Code §232.45, subsection 6, youth at least 14 years of age under the jurisdiction of the juvenile court may be waived to the adult system via a transfer hearing. Waivers may be requested when there are not “reasonable prospects” for rehabilitating the youth prior to the age of 18. This report divides youth age 15 or younger who were waived to adult court from those youth 16 and older who were waived as these youth would not fall under the mandatory exclusion statute. Outcomes were determined by reviewing convictions within the adult system post waiver. In Iowa, youth waived to adult court and convicted on a felony or aggravated misdemeanor

charge (who are not sentenced as a youthful offender) must be tried in adult court on any future aggravated misdemeanor or felony offenses.

- **Reverse Waivers** – The adult court, upon hearing a mandatory exclusion case for youth under the age of 19, may find that waiver to the adult system would be inappropriate under criteria established per Iowa Code §232.45 and waive jurisdiction back to juvenile court “upon motion and for good cause.” Youth included in this cohort are those youth between the ages of 16 and 18 placed back under the jurisdiction of the juvenile court. Outcomes reported will include services received under the purview of juvenile court, as well as rates of recidivism in both juvenile and adult court. Recidivism was determined by a review of subsequent adjudications within the juvenile system and new offense convictions in adult court.
- **Youthful Offenders** - These are youth under the age of 16 who were tried and convicted in adult court during SFY05, received a deferred sentence, and were placed on “youthful offender” status. These offenders remain under the jurisdiction of the juvenile court until the age of 18, at which time a hearing takes place to determine whether the youth has been sufficiently rehabilitated. The court then either extends supervision by transferring jurisdiction to adult court or the offender is discharged. Recidivism for this group was determined by a review of offenses while being supervised by juvenile court, as well as convictions obtained in the adult system after the review hearing took place. Placements and services received up to the age of 18 were also reviewed. A comparison cohort was also reviewed controlling for age, gender, race, and offense class for youth not waived to adult court on a forcible felony charge.

### **History of the Youthful Offender Program in Iowa**

The Youthful Offender Program (YOP), first developed in 1992 in Iowa’s fifth judicial district, was designed as an alternative to incarceration for first time offenders between the ages of 16 and 21 who had committed felony or aggravated misdemeanor offenses. The program expanded into four other judicial districts between 1994 and 1996. YOP’s were staffed by Community Based Corrections through funding supplied by the Governor’s Alliance on Substance Abuse (now the Office of Drug Control Policy). The program was highly structured

and was meant to provide a more intensive level of supervision and case management than regular probation. Offenders were often placed on curfew and completion of community service was mandatory.

An evaluation of the YOP was conducted during 1997 by the Iowa Department of Human Rights, Division of Criminal and Juvenile Justice Planning (CJJP). One of the main components of this evaluation was to review program completion rates and recidivism (defined as any new conviction or pending conviction). Findings from the study reflect that out of 210 offenders, 35% of YOP participants successfully completed the program and did not recidivate. Overall, 44.8% of participants, regardless of program completion, did not recidivate (Huff and Hudik, 1997). Since the initial study only allowed for a six-month follow-up period, an additional study was conducted by CJJP in 2000 reviewing the same 210 participants to allow for a 24-month recidivism period. Not surprisingly, results from this study indicated higher rates of recidivism for YOP participants. Youth successfully completing the program had a recidivism rate of 52.6% and youth who did not complete the program had a recidivism rate of 84.4% (Huff and Wilson, 2000). While YOP seemed to be a promising approach for certain offender groups, funding for the program was eliminated; therefore, a structured YOP program no longer exists.

## **Results**

Unless otherwise noted, data provided below were reviewed for state fiscal year 2005 (SFY05) in an effort to provide ample time for a prolonged review of outcomes for all four groups. Data outcomes for youth in the juvenile system were obtained from the Iowa Justice Data Warehouse; data presented on youth processed by the adult courts were obtained from the Iowa Corrections Offender Network (ICON) and Iowa Courts Online systems.

### **Juvenile Delinquency**

To provide some perspective as to the total number of youth processed through the juvenile court system in Iowa, during state fiscal year 2005 there were 27,678 complaints filed as a result of 34,971 charges. The following provides a breakdown by gender, race, age, and charge class:

<b>Gender</b>	<u>N</u>	<u>%</u>	<b>Age</b>	<u>N</u>	<u>%</u>
Male	18,949	68.5%	11 & Under	1,207	4.4%
Female	8,678	31.4%	12-13	3,740	13.5%
Unknown	51	0.2%	14-15	8,738	31.6%
<b>Race</b>			16-17	13,555	49.0%
Caucasian	21,620	78.1%	18+	276	1.0%
African-American	3,740	13.5%	Unknown	162	0.6%
Hispanic	1,493	5.4%	<b>Charge Class</b>		
Native American	282	1.0%	Felony	3,798	10.9%
Asian	226	0.8%	Misdemeanor	30,463	87.1%
Other/Unknown	317	1.1%	Other	710	2.0%

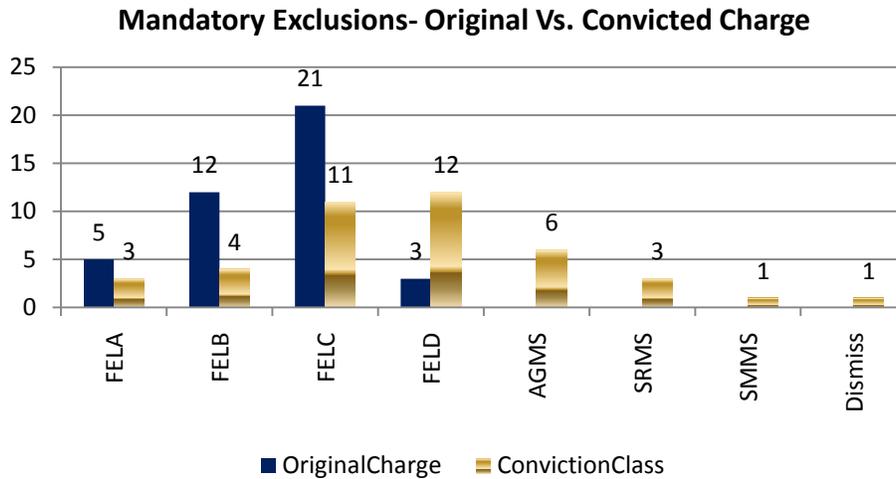
The following provides data and outcomes for the four cohorts.

### 1. Mandatory Exclusions

Data below include youth ages 16 to 17 statutorily waived to adult court and convicted of a forcible felony (youth not convicted are not included).

#### *Data – SFY05*

<b>Gender</b>	<u>N</u>	<u>%</u>	<b>Age at Offense</b>	<u>N</u>	<u>%</u>
Male	23	92.0%	16	13	52.0%
Female	2	8.0%	17	12	48.0%
<b>Race</b>			<b>Class (All Original Charges)</b>		
Caucasian	15	60.0%	FELA	5	12.2%
African-American	6	24.0%	FELB	12	29.3%
Hispanic	4	16.0%	FELC	21	51.2%
<b>TOTAL</b>	<b>25</b>		FELD	3	7.3%



The above reflects the original forcible felony charges ( $N=41$ ) for the 25 youth statutorily waived during SFY05 along with the charges that each youth was eventually convicted on. Of the 41 original forcible felony charges against these youth, 16 were convicted on the original charge, 24 charges were reduced, and 1 charge was dismissed. The average time between offense and sentencing was 178.6 days.

**Outcomes**

Sentencing for the 25 youth statutorily waived and subsequently convicted was as follows:

	<u>N</u>	<u>%</u>		<u>Prison</u>	<u>Probation</u>	<u>Jail</u>
Prison	14	56.0%	Caucasian	9	5	1
Jail	1	4.0%	African-American	3	3	
Probation	10	40.0%	Hispanic	2	2	

**Outcomes – Prison**

The following provides an average of time served for youth sentenced to prison:

<u>Time Imposed</u>	<u># Offenders</u>	<u>Average Time Served*</u>
5 Years	3	2.4 Years
10 Years	7	2.7 Years
25 Years	2	5.1 Years
Life	2	NA

\*Anyone still in prison was not factored into the averages

Of the 14 youth sentenced to prison; four returned to prison a second time, two are currently on probation/parole, four discharged, and four are still in prison. The youth placed in jail was placed on probation and successfully completed. Of the four youth discharged from prison, two offenders had new charges. Six youth of the 14 sentenced either obtained new charges and/or returned to prison, resulting in a recidivism rate of 42.9%.

*Outcomes - Probation*

Of the ten youth placed on probation, three youth successfully completed probation and were discharged, and seven youth were revoked and sentenced to prison, a recidivism rate of 70%. Those youth sent to prison who completed their sentence served an average of 3.1 years. There are two youth still serving sentences and one youth who served a prison term, was placed on probation, was later sentenced a second time to prison, and is still incarcerated. Of the three youth who successfully completed their initial term of probation; two offenders have had no new charges and one offender was convicted, placed on probation, subsequently revoked and was sent to prison. Only two youth out of the initial ten sentenced to probation have had no new contact with the adult system, resulting in a rate of recidivism of 80%. *Overall, the recidivism rate for youth statutorily excluded and convicted in adult court was 56%.*

**2. Adult Waivers**

Below are youth who were waived to adult court along with the offense that likely led to the request for waiver. Youth may or may not have been convicted of these charges in adult court. Data and outcomes are provided for youth age 15 at time of waiver and youth above the age of 15. There were no youth below the age of 15 waived to adult court during SFY05.

*Data – Age 15*

<b>Gender</b>	<u>N</u>	<u>%</u>	<b>Most Serious Offense</b>	<u>N</u>	<u>%</u>
Male	3	75.0%	FELC	3	75.0%
Female	1	25.0%	AGMS	1	25.0%
<b>Race</b>			<b>Conviction</b>		
Caucasian	2	50.0%	Acquitted/Dismissed	2	50.0%
African-American	2	50.0%	Probation	2	50.0%

Of the three youth with felony charges, all of them were forcible felonies and would have resulted in mandatory exclusion had they been above the age of 15. The average time between offense date and sentencing was 118 days.

*Data – Age 16+*

Counts below include only youth who were waived to adult court at the discretion of the juvenile court, not those statutorily waived and convicted during SFY05. While youth may have had more than one request for waiver during SFY05 the counts below provide a unique count of youth waived.

<b>Gender</b>	<b>N</b>	<b>%</b>	<b>Age at Waiver</b>	<b>N</b>	<b>%</b>
Male	550	83.3%	16	23	3.5%
Female	110	16.7%	17	459	69.5%
			18+	178	27.0%

<b>Race</b>	<b>N</b>	<b>%</b>	<b>Most Serious Adjudicated Offense</b>	<b>N</b>	<b>%</b>
Caucasian	530	80.3%	FELB	13	2.0%
African-American	71	10.8%	FELC	47	7.1%
Hispanic	46	7.0%	FELD	156	23.6%
Native American	7	1.1%	OTHER FEL	1	0.2%
Asian	3	0.5%	AGMS	87	13.2%
Other	3	0.5%	SRMS	206	31.2%
			SMMS	150	22.7%

*Outcomes- Age 15*

Of the four youth waived, two youth were subsequently placed on youthful offender status, one youth was later convicted of a felony assault charge and sentenced to prison and one youth had no new charges. This results in a rate of recidivism of 25%.

*Outcomes – Age 16+*

Of the 660 youth waived to adult court during SFY05, there were 520 matched youth with 887 disposed convictions in adult court between SFY05 and SFY06 (it was assumed that any convictions after SFY06 would not have been tied to the waiver in SFY05). Cases were matched by name and date of birth and only criminal charges were included; violations of probation were excluded. Some matches may not have been made due to data entry errors, low level offenses, or records may have existed outside of the date parameters reviewed. While there may have been more than one waiver and more than one disposition for any given

youth, the data reported here include only the first waiver requested during SFY05 and the charge disposition(s) linked to the waiver.

<b>Disposition</b>	<b><u>N</u></b>	<b><u>%</u></b>	<b>Convicted Charge Class*</b>	<b><u>N</u></b>	<b><u>%</u></b>
Guilty	541	61.0%	FELB	1	0.2%
Dismissed/Deferred	301	33.9%	FELC	11	2.0%
Not Filed	39	4.4%	FELD	39	7.2%
Withdrawn	4	0.5%	AGMS	88	16.3%
			SRMS	136	25.1%
			SMMS	266**	49.2%

\*For the 541 guilty convictions

\*\* 68 of these were for possession of alcohol, a simple misdemeanor offense in 2004 but now a scheduled violation.

As it is difficult to determine the specific charge that led to a request for waiver without individually reviewing cases, recidivism for youth ages 16 and older was determined by new convictions in adult court between six months post-waiver and SFY10. For purposes of determining recidivism, no consumption/possession of alcohol charges were included. Of the original 660 youth waived during SFY05, 442 youth were subsequently convicted of new offenses, a recidivism rate of 67.0%. Average time between waiver and subsequent disposition was 2.5 years. *The overall recidivism rate for youth, regardless of age, waived to adult court during SFY05 was 66.7%.*

### 3. Reverse Waivers

During SFY05, there were 24 youth waived to adult court on forcible felonies who were subsequently waived back to the jurisdiction of the juvenile court. While youth were waived on forcible felony charges, the court may have initiated a reverse waiver on a lesser charge.

#### *Data*

<b>Gender</b>	<b><u>N</u></b>	<b><u>%</u></b>	<b>Age At Waiver</b>	<b><u>N</u></b>	<b><u>%</u></b>
Male	23	95.8%	16	14	58.3%
Female	1	4.2%	17	7	29.2%
			18	3	12.5%

Race			Most Serious Adjudicated Charge		
Caucasian	15	62.5%	FELB	9	37.5%
African-American	6	25.0%	FELC	10	41.7%
Hispanic	2	8.3%	FELD	2	8.3%
Native American	1	4.2%	AGMS	1	4.2%
			SRMS	2	8.3%

Placements – The following includes *initial* placement in the juvenile system post waiver. One youth was placed on an interstate compact and is not included.

Placement	<u>N</u>	<u>%</u>	Average Stay	<u>Days</u>
Detention	7	29.2%	Detention	35.4
State Training School	8	33.3%	State Training School	279.8
Four Oaks-STOP	2	8.3%	Four Oaks-STOP	454.5
Probation/Cons Decree	4	16.7%		
Return to Adult Court	2	8.3%		

The Four Oaks STOP program is a residential treatment program for males with sexual behavior problems. While the average number of days placed in detention was 35, four of the seven youth were detained less than four days. Average time between waiver to juvenile court and adjudication was 70.5 days. In most cases, youth were placed in the facilities mentioned above almost immediately upon adjudication.

### Outcomes

Of the 24 youth waived to the jurisdiction of the juvenile court, three youth were adjudicated on new offenses post waiver, *a recidivism rate of 12.5%*. All three were male, two were Caucasian and one was Native American. There were eight new offenses with offense level as follows:

	<u>N</u>	<u>%</u>
FELD	1	12.5%
AGMS	2	25.0%
SRMS	3	37.5%
SMMS	2	25.0%

Since it was determined that these 24 youth would be better served by the juvenile court, the following includes the number of youth who were subsequently convicted in adult court, rate of recidivism, and the average time between waiver and adult conviction. As noted in the table below, nearly 46% of youth on reverse waivers were later convicted in adult court.

<b>Adult Convictions</b>	<b><u>N</u></b>	<b><u>%</u></b>	<b><u>Average Time Until Conviction(in years)</u></b>
Male	10	43.5%	2.9
Female	1	100%	3.2
Caucasian	7	46.7%	2.5
African-American	4	66.7%	3.6
<b>Total</b>	<b>11</b>	<b>45.8%</b>	<b>2.9</b>

Of the 11 youth convicted in adult court, eight were placed on probation and three were sentenced to prison.

#### 4. Youthful Offenders

Since there are few youth placed on youthful offender status, the cohort below included a time period of July 1, 2004 through June 30, 2006. During this two-year span, there were a total of seven youth placed under youthful offender supervision. The most serious charge is the adjudicated offense that led to the waiver request.

##### Data

<b>Gender</b>	<b><u>N</u></b>	<b><u>%</u></b>	<b>Age At Offense</b>	<b><u>N</u></b>	<b><u>%</u></b>
Male	4	57.1%	14	2	28.6%
Female	3	42.9%	15	5	71.4%

<b>Race</b>	<b><u>N</u></b>	<b><u>%</u></b>	<b>Most Serious Adjudicated Charge</b>	<b><u>N</u></b>	<b><u>%</u></b>
Caucasian	1	14.3%	FELB	2	28.6%
African-American	5	71.4%	FELC	3	42.9%
Hispanic*	1	14.3%	FELD	2	28.6%

\*Note – This youth was not entered into the ICIS system as a youthful offender. Upon further research it was discovered that he was placed on youthful offender status and sent to the state training school and is, therefore, being counted in this cohort.

The following are placements for youth after being placed on youthful offender status. There were multiple placements for the seven youth and average length of stay was reported in days.

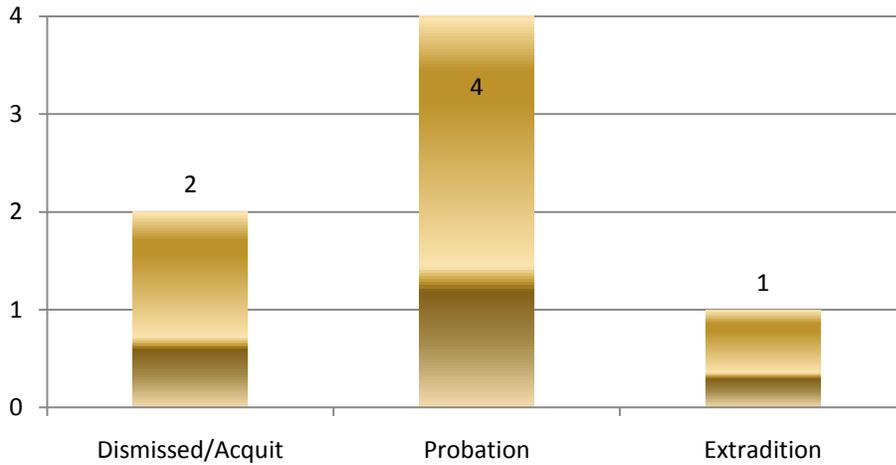
<b>Placements</b>	<b><u>N</u></b>	<b><u>Average Stay (In Days)</u></b>
Group Home	3	130.7
Residential	2	739.5
Independent Living	1	361.0
Shelter	1	2.0
Detention	5	14.4
State Training School	2	451.0

The average time between offense date and being placed on youthful offender status was 118 days. In most cases, youth were placed in the above facilities within 10 days of disposition.

### *Outcomes*

Of the seven youth placed on youthful offender status between SFY05 and SFY06, five youth had no new charges while placed under the jurisdiction of the juvenile court and two youth committed subsequent offenses and were waived to adult court during 2007, *a recidivism rate of 28.6%*. Youthful offenders remain under the purview of the juvenile court until the age of 18, at which time a hearing takes place to determine whether the offender may be released or further supervision by the adult system is necessary. Upon reaching the age of 18, the following was decided by the courts regarding the seven youthful offenders.

### Youthful Offender - Hearing Outcomes (At Age 18)



Of the youthful offenders, two offenders had their cases dismissed, one was extradited, three completed probation, and one offender remains on probation.

#### 4A. Youthful Offender Comparison Cohort

An additional cohort was reviewed for youth similarly situated to the group of youthful offenders, however, the following youth were *not* initially waived to adult court after committing a forcible felony. Where possible, this cohort was controlled for gender, race, age, and offense class.

##### Data

<b>Gender</b>	<u>N</u>	<u>%</u>	<b>Age</b>	<u>N</u>	<u>%</u>
Male	4	57.1%	14	4	57.1%
Female	3	42.9%	15	3	42.9%

<b>Race</b>	<u>N</u>	<u>%</u>	<b>Adjudicated Offense Class</b>	<u>N</u>	<u>%</u>
Caucasian	2	28.6%	FELB	2	28.6%
African-American	4	57.1%	FELC	3	42.9%
Hispanic	1	14.3%	FELD	2	28.6%

The following are placements for youth post-adjudication. There were multiple placements for the seven youth and average length of stay was reported in days.

<b>Placements</b>	<b>N</b>	<b>Average Stay(In Days)</b>
Boot Camp	1	91.0
Detention	11	11.7
Group Home	3	141.3
Residential	3	334.0
Shelter	1	85.0
Training School	4	302.3

### Outcomes

Of the seven youth in the comparison cohort, five of the youth had new adjudicated charges resulting in a recidivism rate of 71.4%. Four of these youth were subsequently waived to adult court. Youth who are waived to adult court and placed on youthful offender status appear to have a much lower rate of recidivism when compared to similarly situated youth not waived to adult court. Both groups were placed in restrictive placements post adjudication and more than half of the cohort not *initially* waived to adult court ending up being waived at a later date. Of the four youth waived to adult court on later charges, two were placed on probation and two were sentenced to prison.

### Discussion

Research suggests that higher recidivism rates are found with offenders handled in the adult system compared to youth supervised within the juvenile system. Outcomes for youth in Iowa during the given timeframe appear to support the research, but it must be noted that one short-coming of this study was sample size for both the cohort waived to adult court (n=4) and the cohort of youthful offenders (n=7). While counts were quite low, this is consistent with the historical pattern, as few youth under the age of 16 come into contact with adult court and this pattern has not changed substantially since 2005. Recidivism rates for each of the four cohorts were:

<b>Cohort</b>	<b>Recidivism</b>		
	<b>Juvenile</b>	<b>Adult</b>	
Mandatory Exclusions	NA	56.0%	(42.9% Prison / 80.0% Probation)
Waivers to Adult Court	NA	66.7%	(25.0% Age 15 / 67.0% Age 16+)
Reverse Waivers	12.5%	45.8%	
Youthful Offenders	28.6%	NA	

## Points for Discussion

1. Recidivism rates for youth supervised by the juvenile courts were lower than rates for youth supervised by the adult courts. Youth placed on probation by the adult court had the highest rate of recidivism (80%) of any group in this study, while youth age 16 or older waived to adult court also had a very high rate of reconviction at 67%.
2. While very few youth are placed on youthful offender status, these youth tend to have fairly low rates of recidivism. Five of the six youth reviewed had no new offenses while under juvenile court supervision, while one youth was subsequently convicted in adult court nearly four years later. In a comparison group of youth ages 14 and 15 who were adjudicated on forcible felony charges but not waived to adult court, the recidivism rate within the juvenile system was 71%.
3. As for youth on reverse waivers, recidivism within the juvenile system was much lower than recidivism within the adult system. What then might this be attributed to? Of the 24 youth on reverse waivers, 16 of them were placed for prolonged periods of time in restrictive placements (state training school, detention or treatment program). Of these 16, ten youth subsequently received convictions in adult court; seven of these were placed on probation and three were sentenced to prison. Of the eight youth where no restrictive placements were found, one youth was placed on probation and successfully discharged. This tends to suggest that youth placed in restrictive settings have an increased tendency for recidivism (although being identified as high risk may also have contributed to restrictive placement).
4. Research suggests that youth waived to adult court have longer case processing times and ultimately receive less severe sentencing as compared to youth in juvenile court. The average time for case processing for youth direct filed in this study was 179 days; for youth age 15 waived to adult court processing time was 118 days. Youth on reverse waivers were adjudicated within an average of 71 days and youth placed on youthful offender status were processed within an average of 118 days. As for severity of sentencing, of the 29 youth processed in adult court, 15 were incarcerated and 14 were either placed on probation or the case was dismissed. Of the 31 youth who remained under supervision of the juvenile court, 23 were sent to restrictive placements such as group care, detention or state training school, most of which occurred within days of waiver or adjudication. This suggests that a higher percentage of youth under the purview of juvenile court receive more prompt “sentencing” and more restrictive placements.

5. From a perspective of race, minority overrepresentation was identified in each cohort. The percentage of African-American youth at complaint was 13.5%, while Hispanics comprised 5.4% of youth at complaint. Representation of these two groups in each of the cohorts is as follows:

	<u>African-American</u>	<u>Hispanic</u>
Mandatory Exclusion	24.0%	16.0%
Adult Court Waiver	40.0%	20.0%
Reverse Waiver	25.0%	8.3%
Youthful Offender	83.3%	0.0%

Most notably, during SFY05, the largest percentage of youth placed on youthful offender status was African-American. A review of youthful offenders between SFY05 and SFY10 indicates the same pattern, as all youthful offenders during this timeframe were minorities.

6. There is a need to ensure that Iowa remains in compliance with both the Federal Juvenile Justice and Delinquency Prevention Act (JJDPA) and State of Iowa Code §356.3 regarding housing youth in adult facilities. Youth under the age of 18 placed on youthful offender status for a misdemeanor offense cannot be held in adult facilities; however, youth under the age of 18 placed on youthful offender status for a felony offense can be held in adult facilities *if* they are sight and sound separated.

### **Summation**

Recent research indicates that waiving juvenile cases to adult court can be harmful and lead to greater recidivism; the results from this study support the research. This study supports the premise that youth maintained by the adult court, whether on mandatory exclusions or adult court waiver, have fairly high rates of reconviction. While youth on reverse waivers had a very low rate of recidivism while under juvenile court supervision, they had a nearly 46% conviction rate on the adult side once they aged out. This suggests that either these youth were not truly rehabilitated or possibly they had already been through adult court and were not deterred by it. The final group, youthful offenders, also had a low incidence of recidivism which seems to open the door to further exploration of this infrequently used sentencing option.

## References

Adams, Benjamin, and Addie, Sean, *Delinquency Cases Waived to Criminal Court 2007*, OJJDP Fact Sheet, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, June 2010.

Gilliam, Franklin D., Jr. and Iyengar, Shanto, *Super-Predators or Victims of Societal Neglect? Framing Effects in Juvenile Crime Coverage*, pgs. 148-166 in *Framing of American Politics*, Karen Callaghan and Frauke Schnell (eds.) Pittsburgh: University of Pittsburgh Press, 2005.

Griffin, Patrick, *Different From Adults: An Updated Analysis of Juvenile Transfer and Blended Sentencing Laws, With Recommendations For Reform*, Models for Change Systems Reform in Juvenile Justice, National Center for Juvenile Justice, November 2008.

Griffin, P., Torbet, P., and Szymanski, L., *Trying Juveniles as Adults in Criminal Court: An Analysis of State Transfer Provisions*, Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, 1998.

Huff, David, and Hudik, Terry, *An Evaluation of Iowa's Youthful Offender Programs*, Iowa Department of Human Rights, Division of Criminal and Juvenile Justice Planning, <http://www.humanrights.iowa.gov/cjip/>, December 1997.

Huff, David, and Wilson, Bonnie, *Youthful Offender Program Evaluation Follow-Up Report*, Iowa Department of Human Rights, Division of Criminal and Juvenile Justice Planning, <http://www.humanrights.iowa.gov/cjip/>, 2000.

Kurlychek, Megan C., *Pathways to Adult Court: Does the Road Traveled Impact the Final Destination?*, Justice Research and Policy, Justice Research and Statistics Organization, Vol. 12, No. 2, 2010.

Muschert, Glenn W., *The Columbine Victims and the Myth of the Juvenile Superpredator*, Youth Violence and Juvenile Justice, Vol. 5, No. 4, October 2007.

Myers, David, and Kiehl, Kraig, *The Predispositional Status of Violent Youthful Offenders: Is There a Custody Gap In Adult Criminal Court?*, pgs. 115-143 Justice Research and Policy, Vol. 3, No. 1, Spring 2001.

Redding, Richard E., *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?*, Juvenile Justice Bulletin, Office of Juvenile Justice and Delinquency Prevention, June 2010.

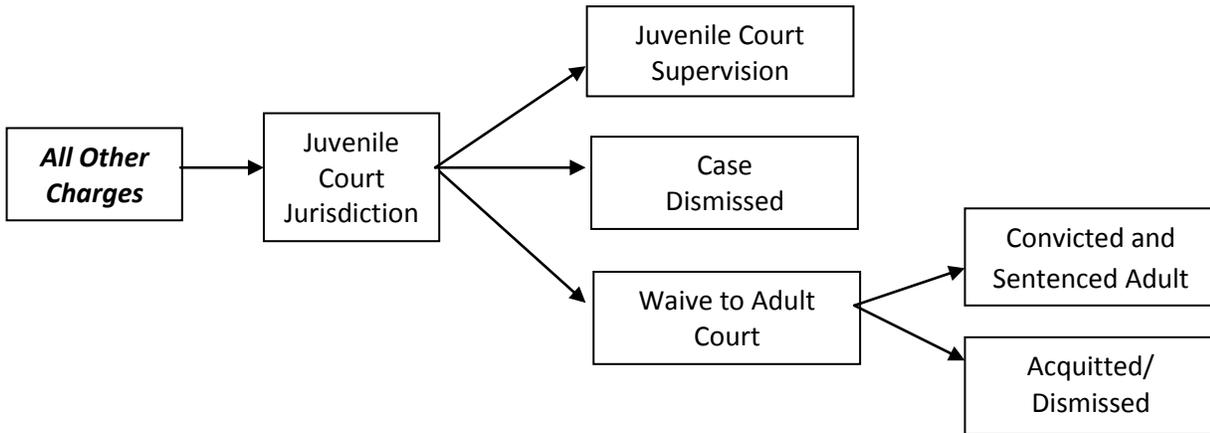
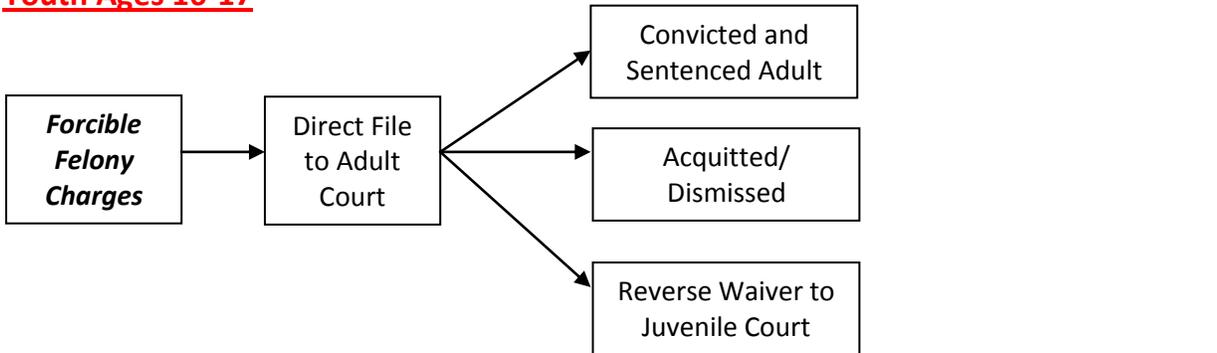
## Appendix A – Forcible Felonies

Code	Offense Description	Crime Code Class	Offense Type	Offense Subtype
707.11	ATTEMPTED MURDER	B Felony	Violent	Murder/Manslaughter
707.2	MURDER 1ST DEGREE	A Felony	Violent	Murder/Manslaughter
707.3	MURDER - 2ND DEGREE	B Felony	Violent	Murder/Manslaughter
707.4	VOLUNTARY MANSLAUGHTER	C Felony	Violent	Murder/Manslaughter
708.2(4)-A	ASSAULT CAUSING SERIOUS INJURY	D Felony	Violent	Assault
708.2(5)	ASSAULT	C Felony	Violent	Assault
708.2A(4)	DOMESTIC ABUSE ASSLT - 3RD OR SUBSEQ OFFENSE	D Felony	Violent	Assault
708.2C(2)	ASSAULT INTENT OF INJURY, VIOL OF INDIV RIGHTS	D Felony	Violent	Assault
708.2C(4)	ASSAULT WITH A WEAPON, VIOL OF INDIV RIGHTS	D Felony	Violent	Assault
708.3(A)	ASSLT WHILE PARTIC. IN FELONY	C Felony	Violent	Assault
708.3(B)	ASSLT WHILE PARTIC. IN FELONY	D Felony	Violent	Assault
708.3A(1)	ASSAULT INTENT OF INJURY PEACE OFFICER/OTHERS	D Felony	Violent	Assault
708.3A(2)	ASSAULT WITH WEAPON--PEACE OFFICERS/OTHERS	D Felony	Violent	Assault
708.3B(1)	INMATE ASSAULT ON EMP OF CORRECTION FACILITY	D Felony	Violent	Assault
708.4(1)	WILLFUL INJURY - CAUSING SERIOUS INJURY	C Felony	Violent	Assault
708.5	ADMINISTER HARMFUL SUBSTANCE	D Felony	Violent	Assault
708.6-1	INTIMIDATION WITH A DANGEROUS WEAPON	C Felony	Violent	Assault
708.6-2	INTIMIDATION WITH A DANGEROUS WEAPON	D Felony	Violent	Assault
708A.2	TERRORISM	B Felony	Violent	Assault
709.11(A)	ASSAULT TO COMMIT SEX ABUSE/SERIOUS INJURY	C Felony	Violent	Sex
709.11(B)	ASSAULT TO COMMIT SEX ABUSE/INJURY	D Felony	Violent	Sex
709.2-2	SEXUAL ABUSE 1ST DEGREE	A Felony	Violent	Sex
709.3	SEXUAL ABUSE 2ND DEGREE	B Felony	Violent	Sex
709.4	SEXUAL ABUSE 3RD DEGREE	C Felony	Violent	Sex
710.2	KIDNAPPING 1ST DEGREE	A Felony	Violent	Kidnap
710.3	KIDNAPPING 2ND DEGREE	B Felony	Violent	Kidnap
710.4	KIDNAPPING 3RD DEGREE	C Felony	Violent	Kidnap
711.2-2	ROBBERY 1ST DEGREE	B Felony	Violent	Robbery
711.3-2	ROBBERY 2ND DEGREE	C Felony	Violent	Robbery
712.2-A	ARSON 1ST DEGREE	B Felony	Property	Arson
713.3-3	BURGLARY 1ST DEGREE	B Felony	Violent	Other Violent
719.1(1)C	INTERFERENCE W/OFFICIAL ACTS, SERIOUS INJURY	D Felony	Violent	Assault
719.1(1)D	INTERFERE W/OFFICIAL ACTS, DANGEROUS WEAPON	D Felony	Violent	Assault
719.1(2)C	INTERFERENCE W/CORR. WORKER, BODILY INJURY	D Felony	Violent	Assault
719.1(2)D	INTERFERENCE W/CORR. WORKER, FIREARM	C Felony	Violent	Assault
726.6(4)	CHILD ENDANGERMENT RESULTING IN DEATH	B Felony	Violent	Assault
726.6(5)	CHILD ENDANGERMENT SERIOUS INJURY	C Felony	Violent	Assault
726.(6)-A	CHILD ENDANGERMENT BODILY INJURY	B Felony	Violent	Assault

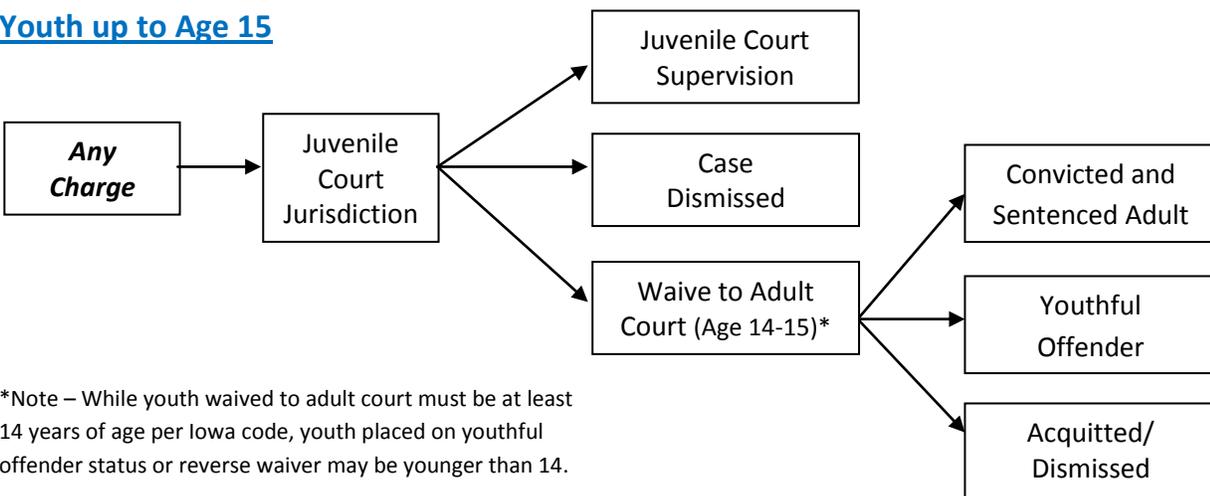
## Appendix B – System Flowchart – Waiver Process By Age

Note – The diagram includes *initial* decision point options only

### Youth Ages 16-17



### Youth up to Age 15



\*Note – While youth waived to adult court must be at least 14 years of age per Iowa code, youth placed on youthful offender status or reverse waiver may be younger than 14.