

JUVENILES UNDER ADULT COURT JURISDICTION

2021 ANNUAL REPORT



This report details the number of juveniles under the jurisdiction of an adult court in State Fiscal Year 2021, as per legislation enacted by the Indiana General Assembly in 2018.

Devon McDonald
Executive Director, ICJI

Christine Reynolds
Research & Planning Division Director, ICJI

Indiana Criminal Justice Institute
402 W. Washington Street, Room W469
Indianapolis, Indiana 46204

www.cji.in.gov

PREPARED BY

Christine Reynolds
ICJI Research & Planning Division Director

ABOUT US

Guided by a Board of Trustees representing all components of Indiana's criminal and juvenile justice systems, the Indiana Criminal Justice Institute (ICJI) serves as the state's planning agency for criminal justice, juvenile justice, traffic safety, and victim services. The Institute develops long-range strategies for the effective administration of Indiana's criminal and juvenile justice systems and administers federal and state funds to carry out these strategies.

The Indiana Criminal Justice Institute serves as Indiana's Statistical Analysis Center (SAC). The SAC's primary mission is compiling, analyzing, and disseminating data on a variety of criminal justice and public safety-related topics. The information produced by the SAC serves a vital role in effectively managing, planning, and creating policy for Indiana's many public service endeavors.

CONTACT US

Indiana Criminal Justice Institute
402 W. Washington Street, Room W469
Indianapolis, IN 46204
317-232-1233
www.cji.in.gov

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INTRODUCTION

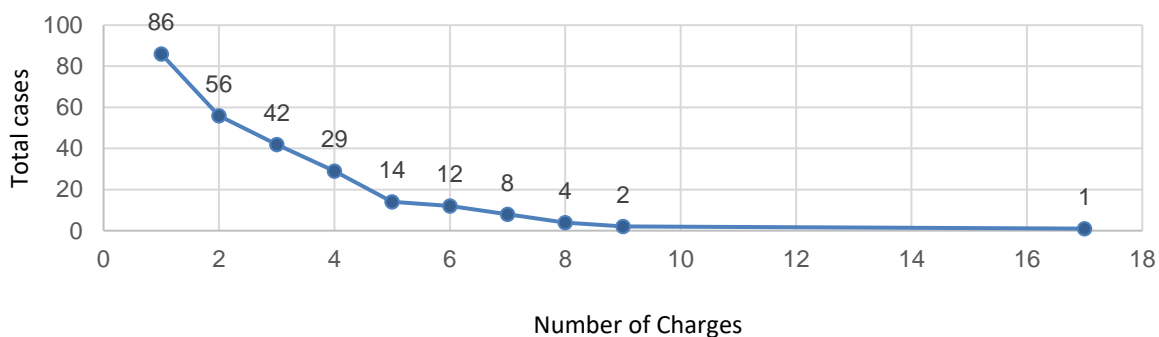
In 2018, the Indiana General Assembly enacted legislation, codified at IC 5-2-6-24(e), requiring the Indiana Criminal Justice Institute to complete an annual report detailing the number of juveniles under the jurisdiction of an adult court (see Appendix A for full text). There are two possible channels for a juvenile to be under the jurisdiction of an adult court: lack of jurisdiction and waiver of jurisdiction. Juvenile courts lack jurisdiction over individuals at least 16 years old who have committed certain felonies as listed in IC 31-30-1-4. Those incidences will be referred to as direct file in this report. For acts committed under IC 31-30-3-2 through IC 31-30-3-6, juvenile courts may waive or transfer jurisdiction to a court that would have jurisdiction if the act had been committed by an adult. Those incidences will be referred to as waiver of jurisdiction in this report.

The timeframe examined is State Fiscal Year 2021 (July 1, 2020 - June 30, 2021). All juveniles under adult court jurisdiction with charges filed during this timeframe were included in the data analysis. This report includes the offenses charged, disposition, sentences received, age, race, gender, and county of prosecution of juveniles under adult court jurisdiction. Data on juveniles in adult court was provided by the Indiana Prosecuting Attorneys Council for all counties using the Indiana Prosecutor Case Management System (“INPCMS”)¹. The ICJI houses a database of the Log of Juveniles Held, a Quest case management system that documents youth placed in secure facilities. This database was used to supplement data from INPCMS.

TOTAL JUVENILE CASES UNDER ADULT JURISDICTION

In State Fiscal Year 2021, a total of 86 juvenile cases² were under adult court jurisdiction. Those cases represent 261 offenses or charges. The number of offenses per case ranged from 1 to 17. In over two-thirds of the cases, the individual was charged with two or more offenses and one individual was charged with 17 offenses. Figure 1 below details the number of offenses charged per juvenile case in adult court.

Figure 1: Number of Offenses Charged per Case.

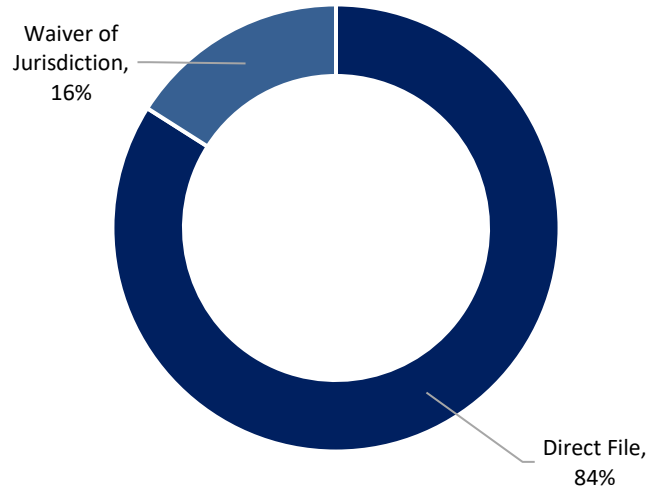


¹ As of this publication, Allen County is the only county not utilizing INPCMS.

² Based on cause number assigned by court and not individual. Some individuals had more than one case.

The majority of juvenile cases in adult court are due to direct file or lack of jurisdiction of the juvenile courts. A total of 72 cases were direct filed to adult court, while only 14 juvenile cases were waived to adult court.

Figure 2: Juvenile Cases in Adult Court.



OFFENSES CHARGED AND DISPOSITION

The most common charge resulting in a direct file to adult court was armed robbery, encompassing 35% of all offenses based on the most serious offense or the offense listed as the first count. The second most common offense was murder at 21%, followed by robbery, making up 14% of direct file cases.

The majority (69%) of direct file cases are still pending disposition as of October 1, 2021, while 8 cases resulted in a guilty conviction, 12 were dismissed and 2 cases were dismissed from adult court and transferred to juvenile court. Table 1 shows the list of all the charges by most serious offense and disposition.

Table 1: Most Serious Offense for Direct File to Adult Court by Disposition.

Offense Type	Dismissed	Transferred to Juvenile Court	Guilty	Pending	Total
Aggravated battery	1			1	2
Armed robbery			2	23	25
Attempted murder	1				1
Battery by bodily waste			2		2
Battery Resulting in bodily injury				1	1
Burglary with deadly weapon				1	1
Carrying a Handgun without a License		1		2	3
Child molesting				1	1
Dangerous possession of a firearm	5	1			6
Escape	1			2	3
Murder	3		1	11	15
Pharmacy robbery				2	2
Rape	1			1	2
Robbery resulting in bodily injury			3	5	8
Total	12	2	8	50	72

The 14 juvenile cases waived to adult court encompassed 13 different offenses. Robbery related offenses with 4 cases was the most waived offense, based on the most serious offense charged. The remaining offenses were each associated with only one case. Just over 40% of the waiver cases have resulted in a guilty conviction, as of October 1, 2020. Six cases are still pending and 2 have been dismissed from adult court and transferred to juvenile court. Table 2 shows the list of all the charges by most serious offense and disposition. A full list of all offenses charged can be found in Appendix B.

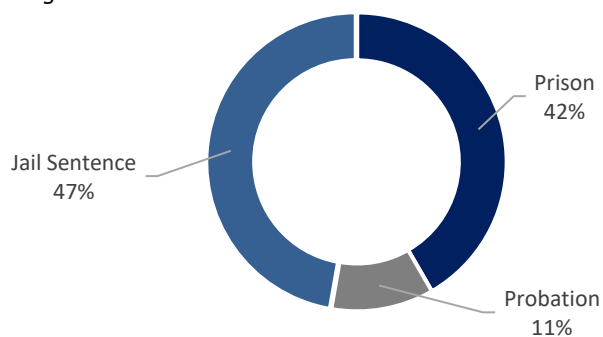
Table 2: Most Serious Offense for Waiver to Adult Court by Disposition.

Offense Type	Transferred to Juvenile Court	Guilty	Pending	Total
Aggravated Battery			1	1
Armed Robbery			1	1
Attempted Murder	1			1
Battery		1		1
Burglary		1		1
Dealing in Cocaine		1		1
Escape - violate home detention		1		1
Intimidation		1		1
Murder			1	1
Pharmacy Robbery - with deadly weapon			1	1
Resisting Law Enforcement			1	1
Robbery		1	1	2
Robbery Resulting in Serious Bodily Injury	1			1
Total	2	6	6	14

SENTENCES RECEIVED

A guilty conviction can result in a variety of sentences. For each offense, an individual may be sentenced to jail, prison, community corrections, or probation. In many cases, the individual received a combination of sentence placements. The data displays each type of sentence received separately and does not reflect combinations of sentences. For instance, if an individual received a sentence involving jail and probation, that individual will be counted for both types of sentences. During State Fiscal Year 2021, 25 charges resulted in a guilty disposition. The most common sentence received was jail. Prison sentences ranged from 1 to 9 years. Several individuals also received probation, ranging in length from 6 months to 3 years. Approximately 40% of guilty cases had a portion of their sentence suspended. Figure 3 to the right shows a breakdown of sentences received.

Figure 3: Sentences received.



DEMOGRAPHICS

A juvenile may have multiple cases in adult court. The demographics were analyzed by individual rather than by case to avoid duplication of demographics. There was a total of 76 juveniles under adult court jurisdiction representing the 86 cases filed. The demographic information is categorized by juveniles that were direct file to adult court and juveniles that were waived to adult court. There were 65 individuals directly filed to adult court and 11 waived. Nearly 85% of the juveniles directly filed to adult court were Black, while 11% were White. For waivers to adult court, 55% were Black, 36% were White and 9% were unknown race. Juveniles in adult court were mostly male, making up 88% of the total direct file with females making up 12% of directly filed to adult court jurisdiction. For waivers to adult court, males consisted of 73% of the total, while females consisted of 27%.

Per IC 31-30-1-4, direct file applies to individuals who are at least 16 years old but less than 18 years old at the time of the alleged offense. Therefore, most individuals with a direct file to adult court are either 16 or 17 years old. However, if a youth has previously been waived to a court having felony jurisdiction, then the juvenile court no longer has jurisdiction; therefore, it is possible for juveniles younger than 16 years old to be direct filed to court. Approximately 57% of direct file juveniles were 16 years old, 42% were 17 years old and 2% were 15 years old. The youngest individuals waived to adult court were 14 years old, which accounted for 18% of the total. Fifteen, 16- and 17-year-olds each made up 27% of individuals waived. See Table 3 below for more details regarding race, gender, and age.

Table 3. Demographics Juveniles in Adult Court Direct File vs. Transfer

Demographics	Direct File		Waiver	
Race/Ethnicity	Number	Percent	Number	Percent
Black	55	84.6	6	54.5
White	7	10.7	4	36.4
Hispanic	2	3	0	0
Indian	1	1.5	0	0
Unknown	0	0	1	9
Total	65	100	11	100
Gender	Number	Percent	Number	Percent
Male	57	87.7	8	72.7
Female	8	12.3	3	27.3
Total	65	100	11	100
Age	Number	Percent	Number	Percent
14	0	0	2	18.2
15	1	1.5	3	27.3
16	37	56.9	3	27.3
17	27	41.5	3	27.3
Total	65	100	11	100

STATISTICS BY COUNTY

A total of 19 counties³ had juveniles under adult court jurisdiction. The highest number of direct files came from Lake County with a total of 11 cases. Marion had the second highest at 9, followed by Delaware and St. Joseph counties with 8 cases each. Nine counties had juveniles waived from juvenile court. Vanderburgh County had 5 juvenile cases waived to adult court. St. Joseph County had 2 cases waived to adult court and the remaining counties had 1 each. See Table 4 below for more information.

Table 4: County of Juveniles in Adult Court, Direct File vs. Transfer.

County	Direct File	County	Waiver
Lake	11	Vanderburgh	5
Marion	9	St. Joseph	2
Delaware	8	Delaware	1
St. Joseph	8	Hamilton	1
LaPorte	7	Howard	1
Hendricks	5	Marion	1
Madison	5	Monroe	1
Monroe	3	Noble	1
Decatur	2	Wayne	1
Elkhart	2	Total	14
Hamilton	2		
Jackson	2		
Johnson	2		
Vanderburgh	2		
Howard	1		
Montgomery	1		
Tippecanoe	1		
Wayne	1		
Total	72		

CONCLUSION

During State Fiscal Year 2021, a total of 76 juveniles were under the jurisdiction of adult court, consisting of 261 charges. Most cases (84%) were direct file to adult court. Males make up 84% of all juveniles in adult court and Black juveniles disproportionately comprise the majority of juveniles in adult court at 79%. Armed robbery is the most common offense committed by juveniles that is filed in adult court. For cases that have been decided, jail was the most common sentence received. Many cases have not yet been disposed.

³ County is where the offense occurred.

APPENDIX A – IND. CODE 5-2-6-24(E)

IC 5-2-6-24 Duty of institute to monitor criminal code reform

(d) The institute shall prepare an annual report, in conjunction with the justice reinvestment advisory council (established by [IC 33-38-9.5-2](#)), containing the results of its analysis before December 1 of each year. The report shall be provided to the governor, the chief justice, and the legislative council. The report provided to the legislative council must be in an electronic format under [IC 5-14-6](#).

(e) The report required under this section must:

- (3) track, by age and offense, the number of juveniles under the jurisdiction of an adult court due to:

- (A) lack of jurisdiction under [IC 31-30-1-4](#); or
- (B) waiver of jurisdiction under [IC 31-30-3-2](#) through [IC 31-30-3-6](#);

- (4) track the number of juveniles under the jurisdiction of adult court due to a juvenile court not having jurisdiction of the cases in accordance with [IC 31-30-1-4](#), by:


- (A) age;
- (B) sex;
- (C) race;
- (D) county of prosecution;
- (E) offenses charged;
- (F) convictions received; and
- (G) sentences received; and

- (5) track the number of waivers of juvenile court jurisdiction granted under [IC 31-30-3-2](#) through [IC 31-30-3-6](#) by:

- (A) age;
- (B) sex;
- (C) race;
- (D) charges filed in juvenile court in which a waiver was sought;
- (E) charges filed in adult court following the waiver of juvenile court jurisdiction;
- (F) county of prosecution;
- (G) convictions received; and
- (H) sentences received.

APPENDIX B - ALL OFFENSES CHARGED BY AGE

Offense Name	14	15	16	17	Total
Aggravated Battery			3	3	6
Armed Robbery		1	29	5	35
Attempted Murder	2		9	8	19
Auto theft			1	1	2
Battery			2		2
Battery by Bodily Waste		1	1		2
Battery Resulting in bodily injury			2	3	5
Battery with a deadly weapon	2		6	2	10
Burglary			1	1	2
Burglary with deadly weapon				1	1
Carrying a Handgun without a License			9	5	14
Child Molesting				6	6
Criminal Confinement			3	1	4
Criminal Recklessness			12	9	21
Dangerous Possession of a Firearm			4	6	10
Dealing in a Schedule 1 Controlled Substance				3	3
Dealing in Cocaine				2	2
Dealing in Marijuana				2	2
Disorderly conduct			1		1
Domestic battery			1		1
Escape			4	2	6
False informing				1	1
Interference with reporting a crime				1	1
Intimidation	1		9		10
Kidnapping			1		1
Leaving the scene of accident			1	2	3
Murder		1	8	16	25
Operating motor vehicle w/o license			1	1	2
Pharmacy Robbery		3	6		9
Pointing a firearm			4	1	5
Possession of Controlled Substance				3	3
Possession of marijuana				2	2
Rape			3		3
Reckless driving				1	1
Resisting Law Enforcement		1	6	2	9
Robbery		1		1	2
Robbery resulting in bodily injury		1	7	10	18
Robbery Resulting in serious bodily injury	2				2
Theft		1	5	4	10
Total	7	10	139	105	261



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