

Does the Transfer of Youth to the Adult Justice System Reduce Violence?

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 - All credit shared with coauthors (next slide)
 - All errors mine alone
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Effects on Violence of Laws and Policies Facilitating the Transfer of Juveniles from the Juvenile Justice System to the Adult Justice System

A Systematic Review

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Abstract:

The independent, nonfederal Task Force on Community Preventive Services (Task Force), which directs development of the *Guide to Community Preventive Services* (*Community Guide*), has conducted a systematic review of published scientific evidence concerning the effectiveness of laws and policies that facilitate the transfer of juveniles to the adult criminal justice system, on either preventing or reducing violence (1) among those youth who experience the adult criminal system or (2) in the juvenile population as a whole.

This review focuses on interpersonal violence. Violence may lead to the juvenile's initial arrest and entry into the justice system and, for those who are arrested, may be committed subsequent to exiting the justice system. Here transfer is defined as the placement of juveniles aged less than 18 years under the jurisdiction of the adult criminal justice system, rather than the juvenile justice system, following arrest. Using the methods developed by the *Community Guide* to conduct a systematic review of literature and provide recommendations to public health decision makers, the review team found that transferring juveniles to the adult justice system generally increases, rather than decreases, rates of violence among transferred youth. Evidence was insufficient for the Task Force on Community Preventive Services to determine the effect of such laws and policies in reducing violent behavior in the overall juvenile population. Overall, the Task Force recommends against laws or policies facilitating the transfer of juveniles from the juvenile to the adult judicial system for the purpose of reducing violence.

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Outline

- **Background & Definitions**
- **Review of Specific Deterrence Effects**
- **Review of General Deterrence Effects**



CDC Community Guide to Prevention

Systematic reviews and evidence-based recommendations regarding community level interventions

Double committee structure

- **scientific review team -- conducts the review**
 - ★ ~10 scientists (MPH, PhD types), mostly feds

reports to

- **non-Federal Task Force: ~10 scientists, *not* feds**
 - ★ choose plausible interventions for review
 - ★ guides the review
 - ★ issues any recommendations






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- Topics**
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- > [Violence](#)

The Community Guide's systematic reviews of the effectiveness of selected population-based interventions designed to reduce or prevent violence by and against children and adolescents focused on the following strategies:

1. [Youth transfer to adult criminal courts](#)
2. [Early childhood home visitation](#)
3. [Therapeutic foster care](#)
4. [Firearms laws](#)
5. [School-based programs](#)
6. [Reducing psychological harm from traumatic events](#)

- > [Book Chapter](#) 
- > [Summary of Findings](#) 

Interventions

Legend:
 Task Force Findings  Recommended  Insufficient Evidence  Recommend Against

Search The Community Guide

Violence Contents

- > [Interventions](#)
- > [Publications](#)
- > [Additional Resources](#)

Contact Info



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Youth transfer to adult criminal courts



[Policies facilitating the transfer of juveniles from juvenile to adult justice systems to reduce violence.](#)  

School-based violence prevention programs

[Universal school-based programs to prevent violent behavior](#)  

Reducing psychological harm from traumatic events among children and adolescents

[Individual cognitive behavior therapy](#)  



[Group cognitive behavior therapy](#)  

[Play therapy](#)  



[Art therapy](#)  

[Psychodynamic therapy](#)  



[Pharmacological therapy](#)  


[Psychological debriefing](#)  

Early childhood home visitation


[Early childhood home visitation to prevent violence against the child \(maltreatment \[abuse or neglect\]\)](#)  


[Early childhood home visitation to prevent intimate partner violence](#)  

[Early childhood home visitation to prevent violence by visited parents \(other than child maltreatment or intimate partner violence\)](#)  

[Early childhood home visitation to prevent violence by visited children](#)  

Therapeutic foster care



[Therapeutic foster care for the reduction of violence by chronically delinquent adolescents](#) 

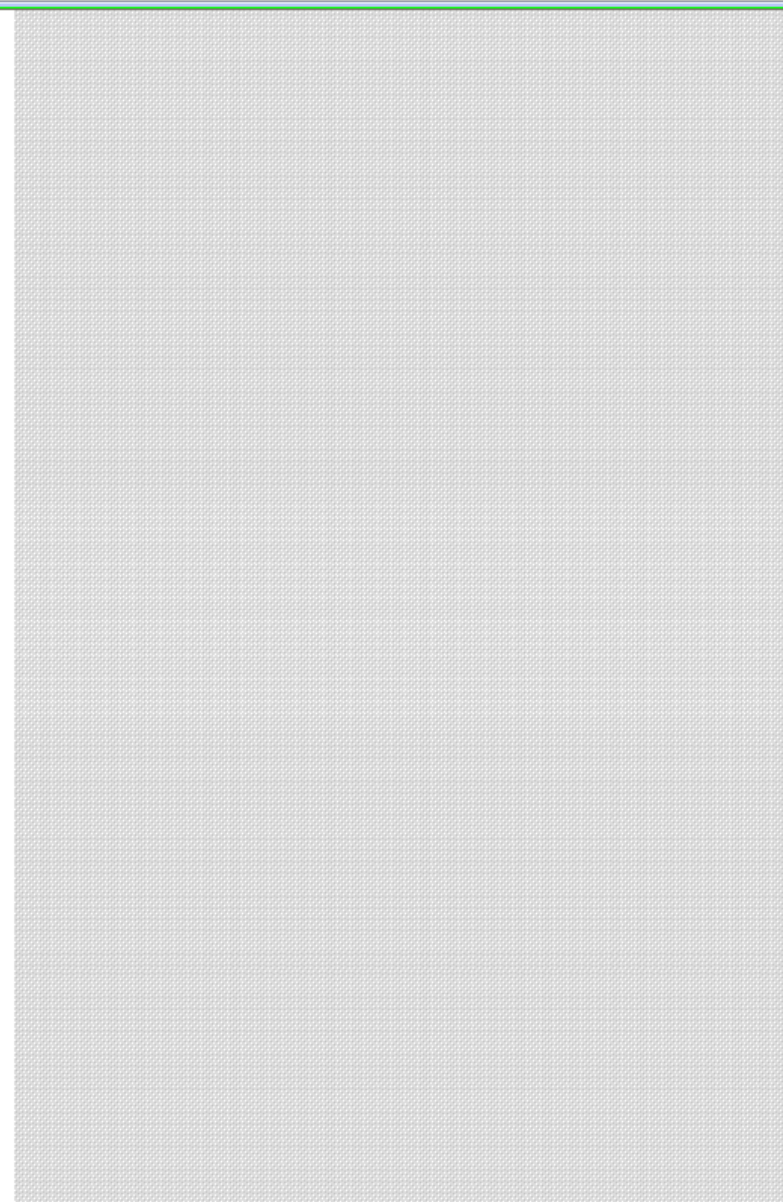
[Therapeutic foster care for the reduction of violence by children with severe emotional disturbance](#) 

Firearms laws

[Bans on specified firearms or ammunition](#)  

[Acquisition restrictions](#)  

[Waiting periods for firearm acquisition](#)  



Preliminaries: Definitions

- **Juvenile** – in this review, “juvenile” means younger than 18
- **Transfer** – placing juveniles under the jurisdiction of the adult criminal justice system, rather than the juvenile justice system, following arrest



Transfer Mechanisms

- **Judicial Waiver** – traditional
 - **Legislative Exclusion** – laws exclude certain ages and/or crimes from juvenile jurisdiction
 - **Prosecutorial Discretion** – prosecutors choose court system
 - **Lowered Age of Adult Court Jurisdiction** – traditionally age 18; lowered to 16 or 17
-
- **“Once an adult, always an adult”**
 - **Emancipation** - Once married or otherwise emancipated, may be excluded from JJ

Related Provisions

- **Juvenile Court Blended Sentencing: allow juvenile court judges to impose adult sanctions**
 - ◆ (a possible alternative to transfer)
 - ◆ **Most commonly: sentenced to juvenile incarceration, with an adult sentence at age of majority that may be suspended conditional on the juvenile's behavior**



Safety valve

- **Reverse Waiver** – adult court judges may often refer youth back to juvenile court
 - ◆ not available everywhere
 - ◆ not available when age of adult jurisdiction has been lowered



Legislation, 1992-1999

- Created or Expanded Automatic Transfer Laws (35 states)
 - Enacted new laws (6)
 - Expanded offense categories (29)
 - Lowered age (8)
- Expanded Prosecutorial Authority (11 states)
- Expanded Reach of Waiver Laws (27 states)
 - Added crimes/broadened eligibility (19)
 - Lowered age (17)
- Limited Judicial Discretion (13 states)
 - 13 of 15 Presumptive Waiver statutes enacted

Changes Since 2000

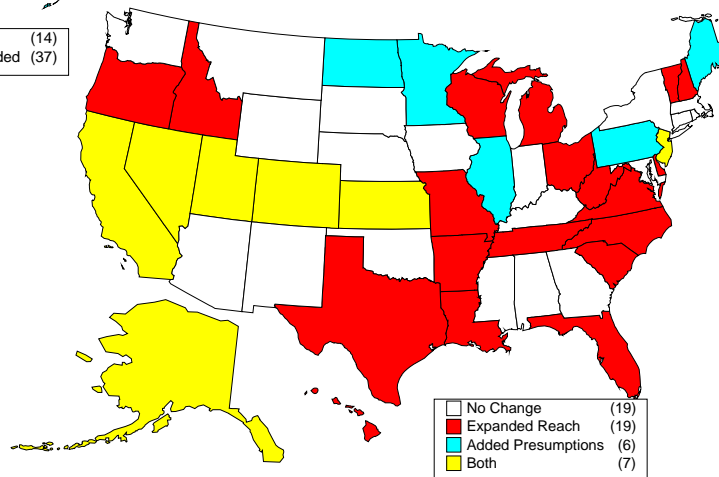
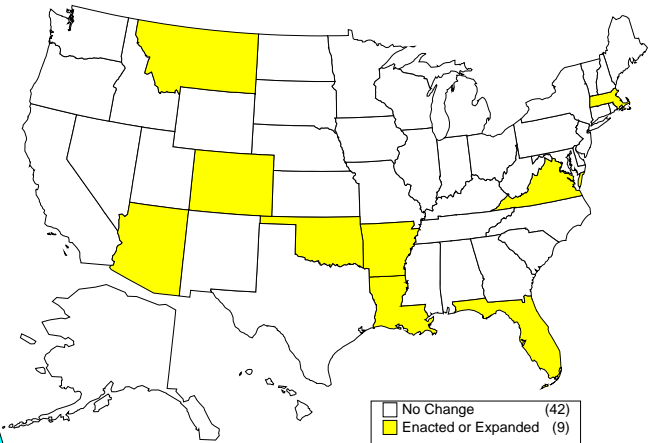
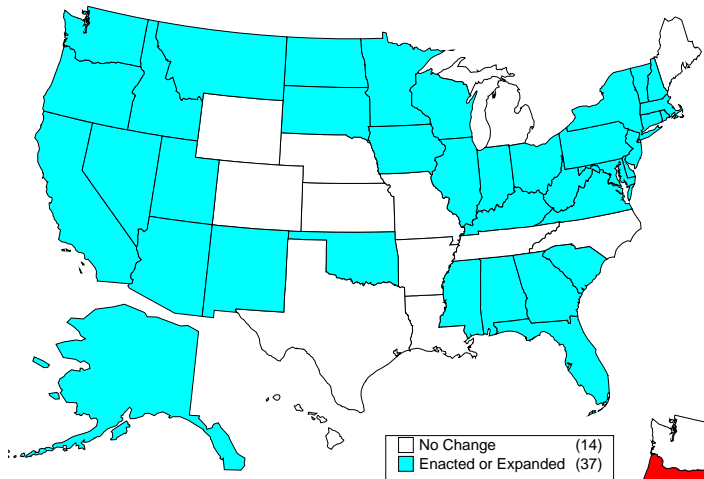
- Overall volume of change way down
- Except for California's Proposition 21 (March 2000), changes tend to be minor
 - More corrections/clarifications than substantive changes
 - Changes at margins rather than center
- Some changes in the *opposite* direction

1992-1999 Legislation: Expansions in Transfer

Statutory exclusion

Judicial waiver

Concurrent jurisdiction (i.e., prosecutorial)



Courtesy of Patrick Griffin, NCJJ

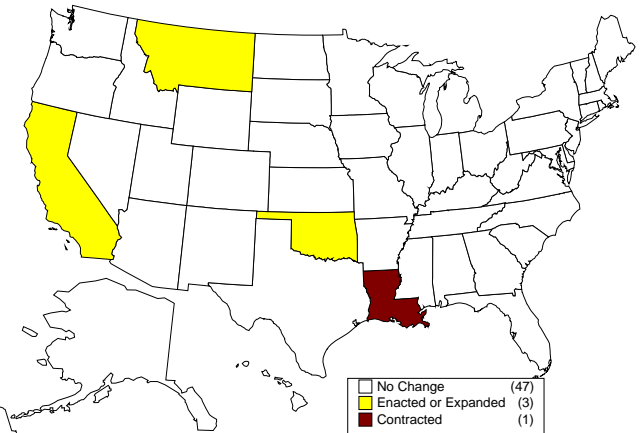
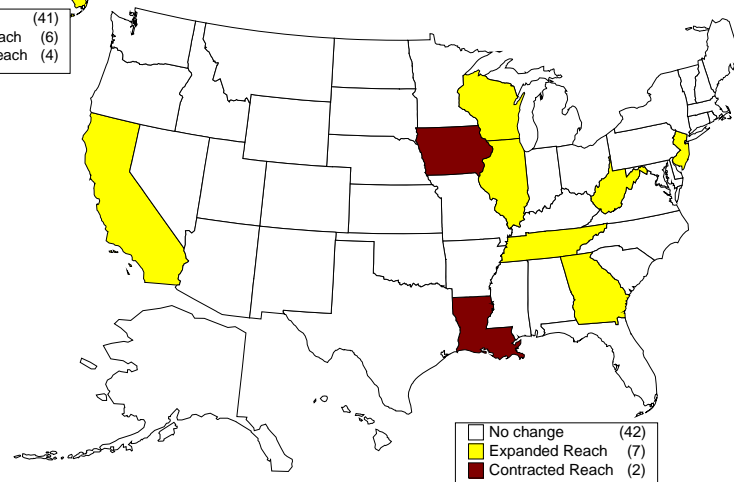
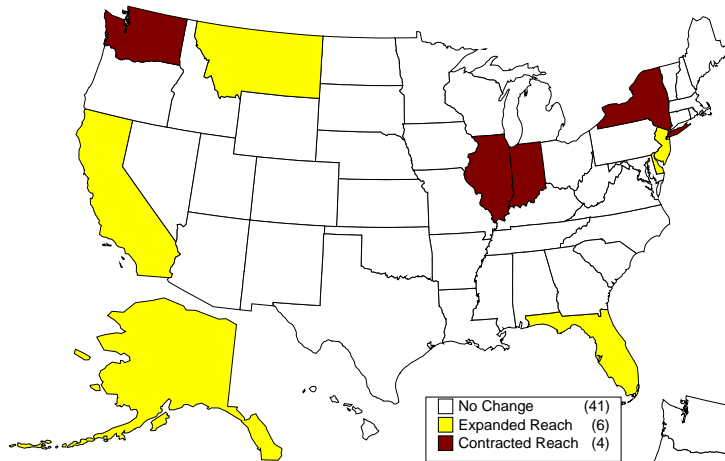
2000-2006 Legislation: Expansions and Contractions in

Transfer Judicial waiver

Statutory exclusion

Concurrent jurisdiction

(i.e., prosecutorial)



Courtesy of Patrick Griffin, NCJJ

NCJJ

Community Guide Methods

Briss et al (2000), AJPM
(on web site)

What makes this review “systematic”?

- search of literature
 - reviews of published literature only
 - journal publications & government publications *
- treatment of study design and “quality”
- calculation of effect size
- evidence required to reach conclusions

* *through Feb 2003. A more recent study of general deterrence also supports our conclusions (Steiner et al, 2006, Justice Quarterly, 23, 34-59).*

	Suitability of Study Design		
	Greatest	Moderate	Least (may be excluded)
	-- Prospective with concurrent comparison group	-- Multiple pre/post measurements but no concurrent comparison -- Retrospective	-- Single group before-and-after -- Cross sectional

	Suitability of Study Design		
	Greatest	Moderate	Least
Quality of Execution (number of limitations)*			
Good (0 -- 1)			
Fair (2 -- 4)			
Limited (5+)			

* **Up to 9 limitations, in:** description of study population & intervention [1]; sampling [1]; measurement of exposure and outcome [2]; data analysis [1]; interpretation of results (incl. follow-up, bias, & confounding) [3]; other [1].

STANDARDS for “STRONG EVIDENCE”	Suitability of Study Design		
	Greatest	Moderate	Least
Quality of Execution (number of limitations)*	-- Prospective with concurrent comparison group	-- Multiple pre/post measurements but no concurrent comparison -- Retrospective	-- Single group before-and-after -- Cross sectional
Good (0 -- 1)	STRONG = 2+ consistent studies, with suffic ES; SUFFICIENT = 1 study w' suffic ES)		
Fair (2 -- 4)		STRONG = 5+ consistent studies SUFFICIENT = 3+ consistent studies	SUFFICIENT = 5+ consistent studies
Limited (5+)			

Specific Deterrence?

- *Are juveniles who have been subject to the adult justice system deterred from recidivating?*



Specific Deterrence

- **6 methodologically strong studies found**
 - ◆ ***Excludes pre-post studies without comparisons***
 - ★ e.g., most *single-state* studies of a legislative change
 - ★ these studies' results may merely reflect directions of crime trends, mistakenly attributed to this one legislative change
- **Study Locations**
 - ◆ **FL x 2, MN, PA, WA, NY/NJ**



Effects on Violence

- **Violence is the focus of the review**
 - ◆ proxy measures used at times
 - ◆ general arrests are used only if arrests for violence not reported
- **All studies use arrest rates**
 - ◆ **No study of transfer has used self-report-offending**
- **Effect Size = change in arrests (post/pre) of transferred youth vs. retained youth**
 - ◆ Positive values mean an *increase* in re-arrest for transfer



Effect Size

$$\frac{I_{\text{Post}} / I_{\text{Pre}}}{C_{\text{Post}} / C_{\text{Pre}}} - 1$$

I = intervention population; C = control population

- **positive number mean more arrest for transfers**
- **negative numbers mean less arrest for transfers**



Ex. 1: Myers (2001) - PA

- **Historical Context motivating study: New PA law effective in 1996**
- **Sample**
 - ◆ 15–18-year-old males
 - ◆ *arrested in 1994*
 - ◆ for robbery w' deadly weapon or aggravated assault
- **followed through 1997**
- **Statistical controls**
 - ◆ for age (at referral and first arrest), race, urbanicity, home and school settings, and prior offense history
- **More rearrest found for those transferred**



Methodological Issue: Selection Bias?

- In general, youth transferred to adult court are more serious offenders than youth retained in juvenile court
- So we would expect more reoffending by transferred youth -- even without any effect of transfer itself



Study Designs to Control Selection Bias

- **To get comparable offenders who are and are not transferred**
 - ◆ **Restrict age and charge so that the comparison group were *eligible* to be transferred**
 - ★ and
 - ◆ **Multivariate statistical controls or matching**
 - Matching used in the 2 Florida studies



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Alternative Design

- **Compare across jurisdictional lines**
 - ◆ with two different transfer regimes
 - ◆ in same metropolitan area (e.g., Fagan (1996))
- ◆ No decision-maker selects cases for transfer vs. retention



Ex. 2: Fagan (1996) – Metro NYC

Historical Context: NY Juvenile Offender Law of 1978

- ◆ NY: adult jurisdiction @ 16; some statutory exclusion @ 13--15
- ◆ NJ: adult jurisdiction @ 18; judicial waiver

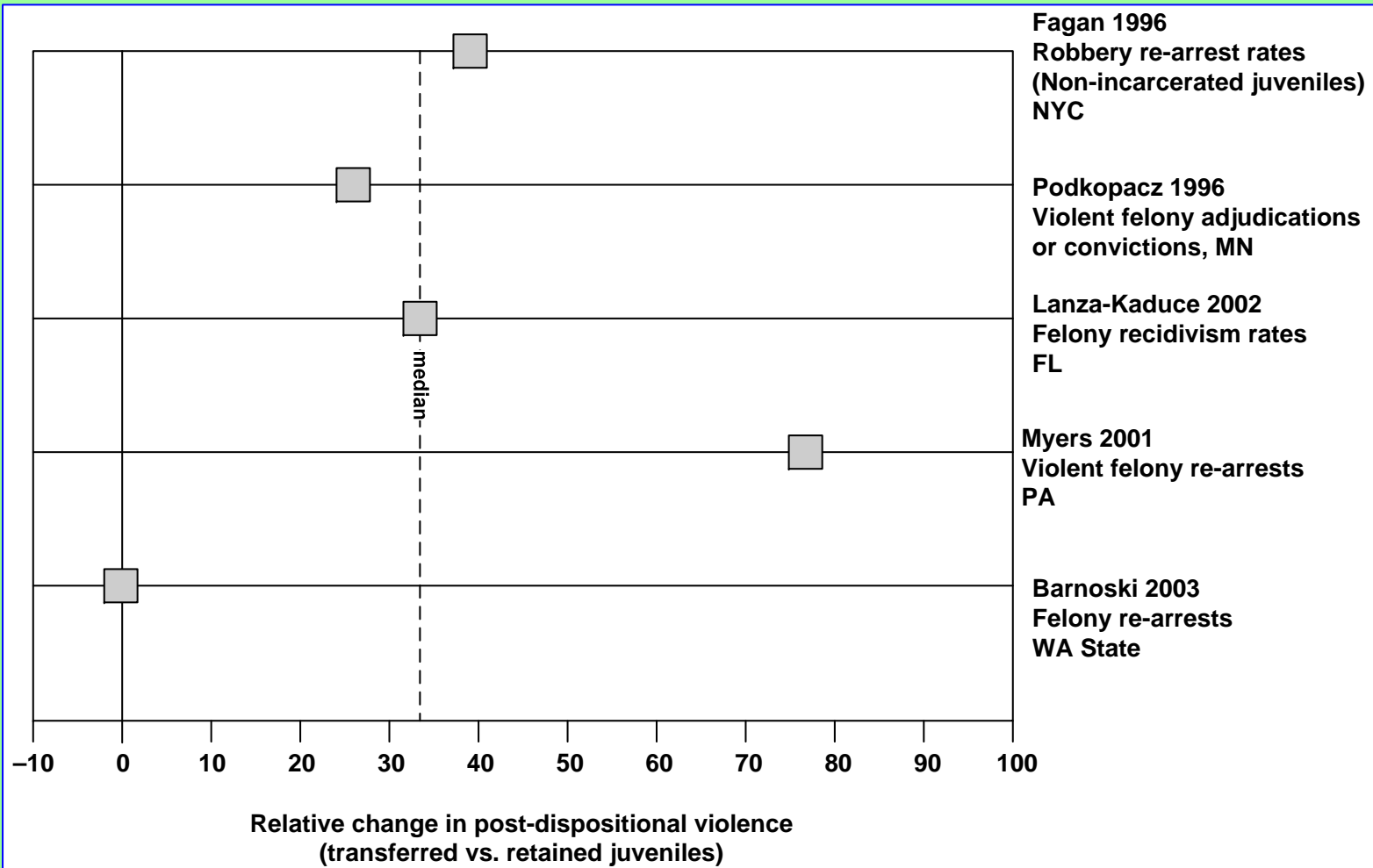
DESIGN:

- ◆ 2 NY vs. 2 NJ counties (matched by crime, SES);
 - ★ Brooklyn & Queens vs. Newark & Jersey City
- ◆ Sample: 15–16-yr-olds, charged w robbery or burglary, 1981–82
 - ★ Followed for 4+ years of “time at risk” for rearrest
- ◆ Statistical controls
 - ★ prior charges, current charge, race, gender, age at first offense and sample offense, case processing information and sanctions

RESULTS: more rearrest, earlier rearrest in NY

- ◆ The detrimental effect of transfer increases w sentence length





Note: Findings from Winner et al. are not included because of complex interaction and multiple outcomes.



Specific Deterrence Results

- **For 5 of 6 studies**
 - ◆ median ES = .33; Range: 0.00 to 0.77
 - ◆ transfer increases offending by over 30%
- **6th study (Winner et al.)**
 - ◆ less recidivism for transferred youth initially arrested for property crimes
 - ★ BUT
 - ◆ more recidivism for transferred youth initially arrested for other crimes
- ***Conclusion: Among those rearrested, transferred youth subsequently commit more violent crimes***



Long-term Recidivism Effects

- In short term, recidivism is generally greater among transferred juveniles (Bishop, 1996).
- Some evidence in one study that this may even out in the long term (Winner, 1997).



Additional Issues: Incapacitation

- **Is adult court system more punitive than the juvenile system? Are transferred youth incarcerated more and longer?**
- **In these studies:**
 - ◆ **transferred youth more likely to be incarcerated**
 - ◆ **uncertain if they receive longer sentences.**

General Deterrence?

- Are youth who would be subject to transfer provisions – whether or not they have personally experienced transfer -- deterred from offending?
 - ◆ Much harder question to research
 - ◆ equivalent comparisons more difficult to generate



General Deterrence

- 3 methodologically strong studies found *
 - ◆ Locations: ID vs. WY & MT; WA; NY
- **RESULTS: No consistent effect**
- + One related study of the deterrent effect of age of majority (Levitt):
- **RESULTS: Complex**
 - ◆ When CJ *especially* punitive relative to JJ, deterrent effect of age of majority; at average relative punitiveness, model does not show deterrent effect

* through Feb 2003. A more recent study of general deterrence also supports our conclusions (Steiner et al, 2006, *Justice Quarterly*, 23, 34-59).



Ex. 3: Singer & McDowall (1988) / Singer 1996 - NYC

- **Historical Context: NY Juvenile Offender Law of 1978**
 - ◆ adult jurisdiction @ 16; statutory exclusion @ 13 - 15 for some crimes
- **A) NYC: compare 13–15 yr-olds arrested for 5 crimes in NYC to:**
 - ◆ same age/crime combo in Philadelphia – always in JC
 - ◆ 16-19 yr olds arrested on same crimes in NYC – always in AC
- **B) UPSTATE: compare 13-15 yr-olds**
 - ◆ to 16-19 yr olds in upstate NY – always in AC
- **Monthly arrest data from 1974 to 1984 – spanning law change**
 - ◆ **Looking for difference in trends**
 - ★ Do only those affected by the change in law show a drop in offending?
- **Results: No consistent pattern**

CONCLUSION

Task Force Recommendation

“The Task Force found evidence of harm associated with strengthened juvenile transfer policies Further, evidence that juveniles in the general population are deterred from violent crime by strengthened juvenile transfer policies is insufficient. As a means for reducing juvenile violence, strengthened juvenile transfer policies are counter-productive. The Task Force, therefore, recommends against policies facilitating the transfer of juveniles from juvenile to adult criminal justice systems for the purpose of reducing violence.”

– AJPM 2007; 32(4S) p. S5

