

JUVENILES UNDER ADULT  
COURT JURISDICTION  
ANNUAL REPORT  
2020



Prepared by  
The Indiana Criminal Justice Institute



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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.

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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 an adult 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.

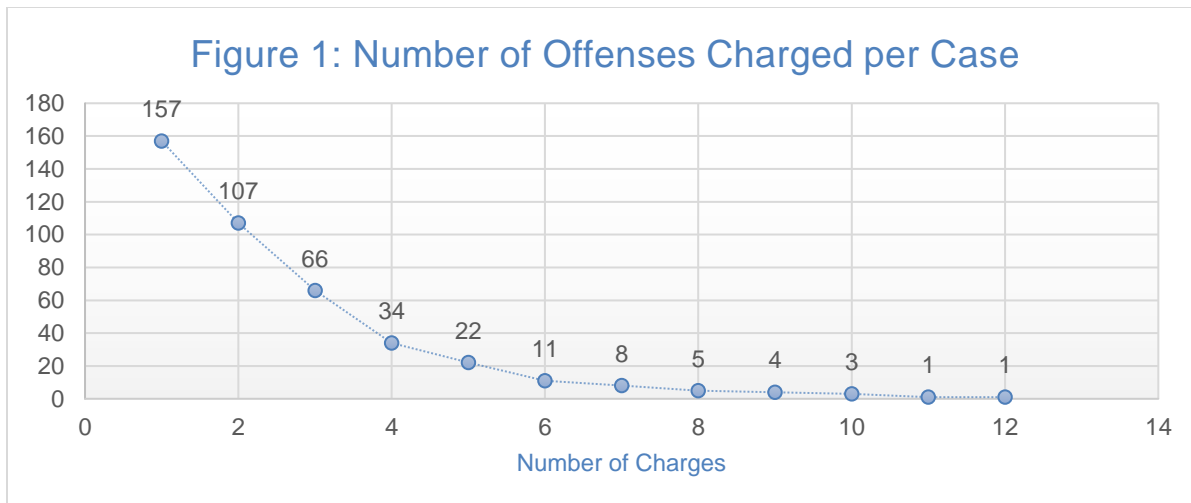
This is the third annual report, and the timeframe examined is State Fiscal Year 2020 (July 1, 2019 - June 30, 2020). All juveniles under adult court jurisdiction with charges filed during this timeframe were included in the data analysis. This report includes the offenses charged, disposition, sentences 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”). Cases filed during SFY20 were included. Allen County does not utilize INPCMS, therefore, the data presented for Allen County was obtained from the Indiana Office of Court Technology. The ICJI houses a database of the Log of Juveniles Held, a Quest case management system, which was used to supplement data from INPCMS and the courts.

## *Total Juvenile Cases under Adult Jurisdiction*

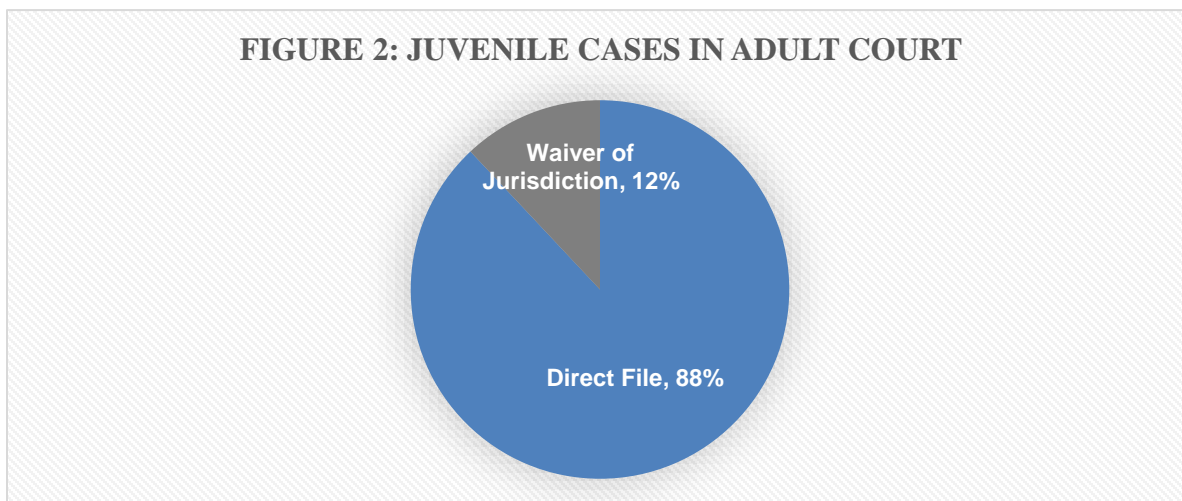
In State Fiscal Year 2020, a total of 157 juvenile cases<sup>1</sup> were under adult court jurisdiction. Those 157 cases represent 419 offenses or charges. The number of offenses per case ranged from 1 to 12. Nearly two-thirds of juvenile cases in adult court were charged with at least two offenses. Figure 1 below details the number of offenses charged per juvenile case in adult court.

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<sup>1</sup> 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 138 juvenile cases were a direct file to adult court, while only 19 juvenile cases were waived to adult court.



### *Offenses Charged and Disposition*

The most common charge resulting in a direct file to adult court was armed robbery, encompassing 44% of all offenses based on the most serious offense or the offense listed as the first count. The second most common offense was dangerous possession of a firearm at 16%, followed by murder making up 10% of direct file cases.

The majority (72%) of direct file cases are still pending disposition as of October 1, 2020, while 25 cases resulted in a guilty conviction, 12 were dismissed and in one case the juvenile was found not guilty. 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	Guilty	Not Guilty	Pending	Total
Armed Robbery	4	13		42	59
Dangerous Possession of a Firearm	4	6		12	22
Murder		1		12	13
Attempted Murder	2			8	10
Robbery resulting in injury				10	10
Rape				8	8
Carrying a Handgun Without a License		1	1	1	3
Intimidation	1			1	2
Aggravated Battery				2	2
Kidnapping	1			1	2
Conspiracy to commit Murder				1	1
Robbery		1			1
Burglary		2		1	4
Criminal Recklessness		1			1
Battery				1	1
<b>Total</b>	<b>12</b>	<b>25</b>	<b>1</b>	<b>99</b>	<b>138</b>

There were 19 juvenile cases waived to adult court, accounting for 12 types of offenses. Murder, with 4 cases, was the most waived offense, based on the most serious offense charged. Auto theft was the second most common waived offense, with three cases. Aggravated battery and armed robbery each had two cases waived to adult court. The remaining offenses each consisted of one case.

Nearly half of the waiver cases have resulted in a guilty conviction, as of October 1, 2020. While 8 cases are still pending and 2 have been dismissed. 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.

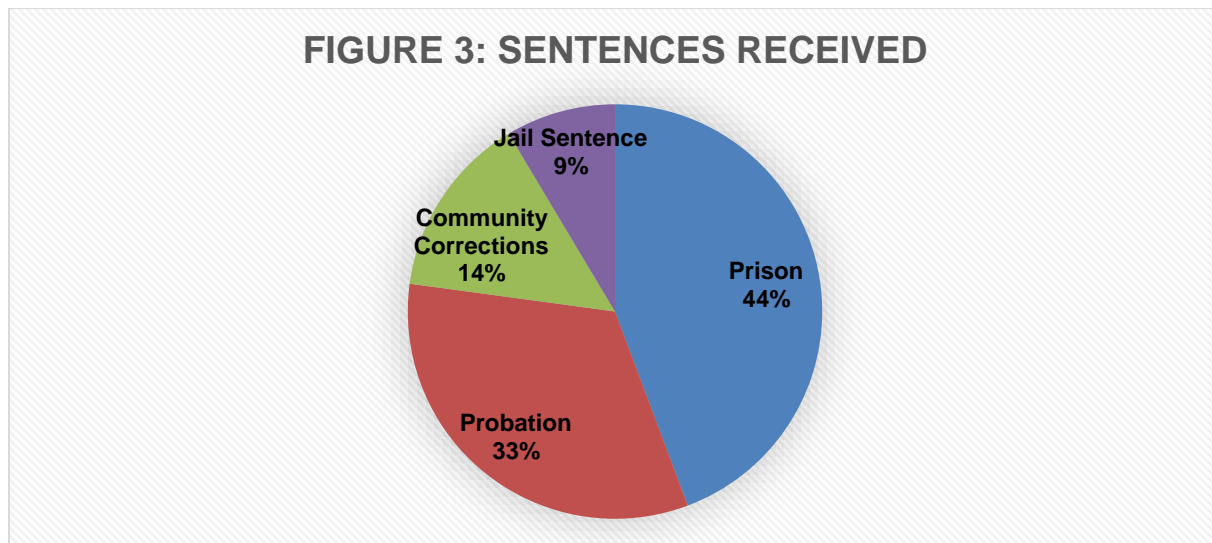
**Table 2: Most Serious Offense for Waiver to Adult Court by Disposition**

Offense Type	Dismissed	Guilty	Pending	Total
Murder		1	3	4
Auto Theft		2	1	3
Aggravated Battery		1	1	2
Armed Robbery		1	1	2
Reckless Homicide		1		1
Arson Resulting in Serious Bodily Injury		1		1
Unlawful Possession or Use of a Legend Drug			1	1
Residential Entry	1			1

Burglary	1			1
Battery by Means of a Deadly Weapon			1	1
Corrupt Business Influence		1		1
Obstruction of Justice		1		1
<b>Total</b>	<b>2</b>	<b>9</b>	<b>8</b>	<b>19</b>

### *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 2020, 70 charges resulted in a guilty disposition. The most common sentence received was prison. Prison sentences ranged from 1 to 55 years, with an average sentence of 9 years. Several individuals also received probation, ranging in length from 1 to 7 years. Approximately 33% of guilty cases had a portion of their sentence suspended. Figure 3 below shows all 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 150 juveniles under adult court jurisdiction representing the 157 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 133 individuals directly filed to adult court and 17 waived. Nearly three-fourths of the juveniles directly filed to adult court were Black, while 16.5% were White. For waivers to adult court, 59% were Black, 29% were White and 12%

were Hispanic. Juveniles in adult court were almost exclusively male, with only four females directly filed to adult court jurisdiction.

By statute, direct file applies only to individuals who are at least sixteen years old at the time of the alleged offense. Therefore, all the individuals with a direct file to adult court are either sixteen or seventeen years old. Approximately 53% of direct file juveniles were sixteen years old and 47% were seventeen years old. The youngest individuals waived to adult court were fourteen years old, which accounted for 12% of the total. Fifteen and sixteen year olds each made up 35% of individuals waived and seventeen year olds represented 18%. See Table 3 below for more details regarding race, gender, and age.

<b>Table 3. Demographics Juveniles in Adult Court Direct File vs. Transfer</b>				
<b>Demographics</b>	<b>Direct File</b>		<b>Waiver</b>	
<b>Race/Ethnicity</b>	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>
Black	98	73.7	10	59
White	22	16.5	5	29
Hispanic	10	7.5	2	12
Asian	2	1.5	0	0
Biracial	1	0.8	0	0
<b>Total</b>	133	100	17	100
<b>Gender</b>	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>
Male	129	97	17	100
Female	4	3	0	0
<b>Total</b>	133	100	17	100
<b>Age</b>	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>
14	NA	0	2	12
15	NA	0	6	35
16	70	53	6	35
17	63	47	3	18
<b>Total</b>	133	100	17	100

### *Statistics by County*

A total of 36 counties<sup>2</sup> had juveniles under adult court jurisdiction. The highest number of direct files came from Marion County with a total of 46 cases. St. Joseph had the second highest at 18, followed by Lake county with 9 cases. Cass county had 4 juvenile cases waived to adult court. Allen, Marion and St. Joseph counties had 2 cases each waived to adult court.

<sup>2</sup> County is where the offense occurred



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

County	Direct File	County	Waiver
Marion	46	Cass	4
St. Joseph	18	Allen	2
Lake	9	Marion	2
Allen	7	St. Joseph	2
Elkhart	6	Elkhart	1
Hendricks	4	Putnam	1
Vanderburgh	4	Ripley	1
LaPorte	4	Starke	1
Delaware	3	Delaware	1
Vigo	3	Floyd	1
Tippecanoe	3	Vanderburgh	1
Madison	3	Greene	1
Grant	2	Lake	1
Boone	2	<b>Total</b>	<b>19</b>
Clark	2		
Cass	2		
Floyd	2		
Monroe	2		
Porter	2		
Howard	2		
Steuben	1		
Daviess	1		
Tipton	1		
Clinton	1		
Huntington	1		
Henry	1		
Kosciusko	1		
Orange	1		
Gibson	1		
Perry	1		
Harrison	1		
Fulton	1		
<b>Total</b>	<b>138</b>		

### *Conclusion*

During State Fiscal Year 2020, a total of 151 juveniles were under the jurisdiction of adult court, consisting of 158 cases. Most cases (88%) were direct file to adult court. Males make up 97% of all juveniles in adult court and Black juveniles disproportionately comprise the majority of juveniles in adult court at 71.5%. Marion County accounts for more juveniles in adult court than any other county with 30%. Armed robbery is the most common offense committed by juveniles in adult court and prison is the most common sentence received. Many cases have not yet been disposed.

## *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*

<b>Offense Name</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>Total</b>
Aggravated Battery			6	5	11
Armed Robbery		2	45	37	84
Arson Resulting in Serious Bodily Injury	1				1
Assisting a criminal			1		1
Attempted Murder			7	9	16
Auto Theft			9	3	12
Battery		1	7	7	15
Battery by Means of a Deadly Weapon				1	1
Battery by means of deadly weapon		1			1
Battery Resulting in Bodily Injury		1			1
Battery w/Bodily Injury			1		1
Burglary		1	1	2	4
Burglary resulting in injury				1	1
Burglary with deadly weapon			1		1
Carrying a Handgun without a license		1	7	8	16
Child Molesting				1	1
Conspiracy to commit murder			1	2	3
Conversion				1	1
Corrupt Business Influence				1	1
Criminal confinement			4	6	10
Criminal Mischief				1	1
Criminal Recklessness			1		1
Criminal Recklessness with a deadly weapon		1	9	12	22
Criminal Trespass			1		1
Dangerous Possession of a Firearm		2	22	17	41
Dealing in Marijuana			3		3
Domestic Battery				1	1
Escape			1		1
Failure to comply with ER travel warning			1		1
Illegal Consumption of Alcohol				1	1
Intimidation			4	6	10
Kidnapping			4	5	9
Murder	1	5	8	12	26
Obstruction of Justice			1		1
Pointing a Firearm			6	9	15
Possession of Cocaine				1	1
Possession of a Controlled Substance			1	1	2
Possession of Firearm on School Property			1		1
Possession of Marijuana			6	4	10
Possession of Paraphernalia			1		1
Rape			7	5	12
Reckless Homicide			1		1
Residential Entry			1		1
Resisting Law Enforcement			13	8	21
Robbery		1	3	1	5
Robbery resulting in injury			14	13	27
Sexual Battery				1	1
Theft		2	8	9	19
Unlawful Possession or Use of a Legend Drug				1	1
<b>Total</b>	<b>2</b>	<b>18</b>	<b>207</b>	<b>194</b>	<b>419</b>