



**Juveniles under Adult Court Jurisdiction
Annual Report**

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Juveniles under Adult Court Jurisdiction Annual Report

PREPARED FOR:

THE INDIANA GENERAL ASSEMBLY
LEGISLATIVE COUNCIL

PREPARED BY:

THE INDIANA CRIMINAL JUSTICE INSTITUTE
EXECUTIVE DIRECTOR
DAVID R. MURTAUGH

CHIEF OF STAFF AND GENERAL COUNSEL
DEVON MCDONALD

RESEARCH DIVISION

CHRISTINE REYNOLDS, RESEARCH MANAGER
ELIZABETH FARRINGTON, RESEARCH ASSOCIATE
MEAGAN BRANT, RESEARCH ASSOCIATE

Table of Contents

<i>Introduction</i>	4
<i>Total Juvenile Cases under Adult Jurisdiction</i>	4
Offenses Charged and Disposition.....	5
Sentence Received	7
Demographics	7
County.....	8
Conclusion	10
APPENDIX A - All Offenses Charged and Disposition	11
APPENDIX B – Ind. Code 5-2-6-24(e).....	14

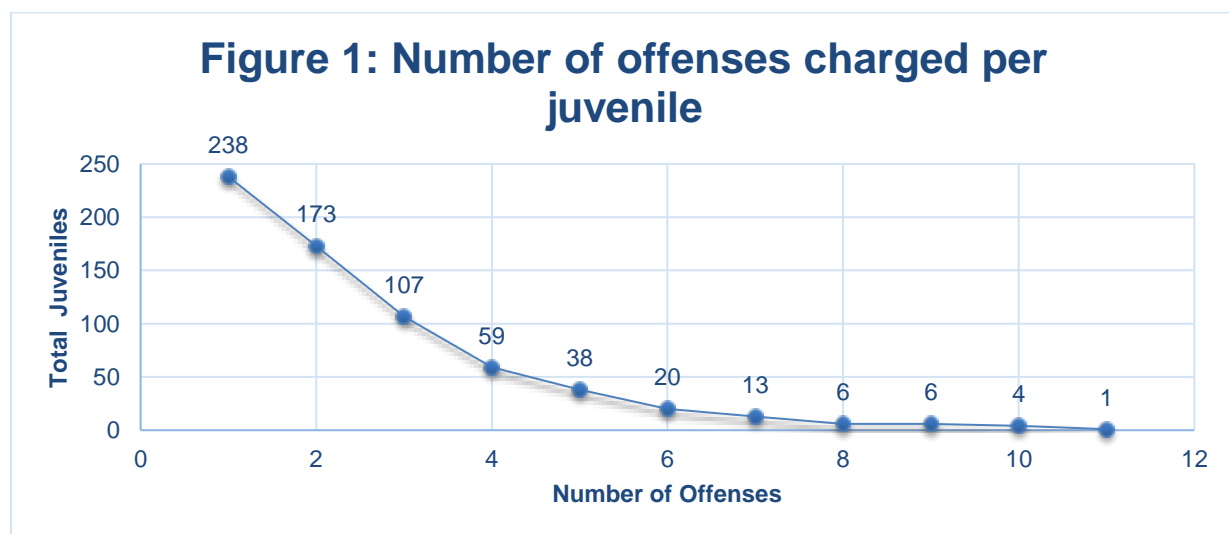
Introduction

In 2018, the Indiana General Assembly enacted legislation, codified in IC 5-2-6-24 (e), see Appendix B, requiring the Indiana Criminal Justice Institute to complete an annual report detailing the number of juveniles under the jurisdiction of an adult court. There are two possible channels for a juvenile to be under the jurisdiction of an adult court; lack of jurisdiction and waiver of jurisdiction. The juvenile court lacks 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. The juvenile court may waive or transfer jurisdiction to an adult court that would have jurisdiction, had the act been committed by an adult under IC 31-30-3-2 through IC 31-30-3-6.

This report is the first annual report and the timeframe included is state fiscal year July 1, 2017 – June 30, 2018. All juveniles under adult court jurisdiction with charges filed during this timeframe were included in the data analysis. This report includes the offenses charged, convictions, 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 (“INCPMS”). Allen and Elkhart counties do not utilize INCPMS, as such, the Office of Trial Court Technology provided information for Allen and Elkhart counties.

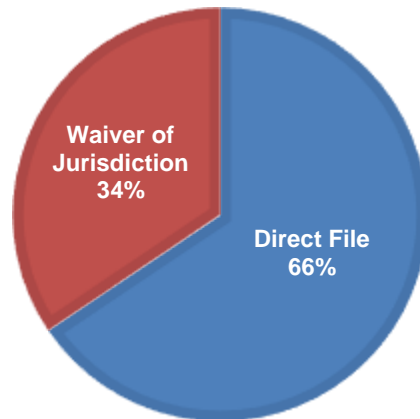
Total Juvenile Cases under Adult Jurisdiction

In State Fiscal Year 2018, a total of 238 juvenile cases were under adult court jurisdiction. Those 238 cases represent 665 offenses or charges. The number of offenses per individual ranged from 1 to 11. Nearly 73% of juveniles in adult court were charged with at least two offenses. Figure 1 below details the number of charges per juvenile case in adult court.



The majority of juvenile cases in adult court are due to direct file or lack of jurisdiction of the juvenile courts. A total of 156 juvenile cases were a direct file to adult court, while 82 juvenile cases were waived to adult court.

FIGURE 2: JUVENILE CASES IN ADULT COURT



Offenses Charged and Disposition

The most common crime committed by juveniles resulting in direct file to adult court was armed robbery, encompassing 56% of all offenses based on the most serious offense or the first count of all offenses charged. Carrying a handgun without a license was the second highest offense, comprising 10% of the most serious offenses, followed by robbery resulting in bodily injury (8%) and dangerous possession of a firearm (7%).

The majority of direct file cases are still pending in court. A total of 106 or 68% of the cases were pending disposition as of June 30, 2018, while 28 cases resulted in a guilty conviction and 22 were dismissed. Table 1 shows the list of all the charges by most serious offenses and the disposition.

Table 1: Most Serious Offense for Direct File to Adult Court by Disposition				
Offense Type	Dismissed	Guilty	Pending	Grand Total
Armed Robbery	10	18	59	87
Carrying a Handgun Without a License	6	3	7	16
Robbery Resulting in Bodily Injury	3	1	9	13
Dangerous Possession of a Firearm	1	5	5	11
Murder	0	0	9	9
Rape	1	0	6	7
Robbery Resulting in Serious Bodily Injury	1	0	5	6
Attempted Murder	0	0	5	5

Kidnapping	0	0	1	1
Possession of Firearm on School Property	0	1	0	1
Total	22	28	106	156

There were several offenses that resulted in a juvenile being waived to adult court. Burglary, with 26 cases or 32%, was the most commonly waived crime based on the most serious offense charged. Aggravated battery was the second most common offense (7%) followed by possession of methamphetamine (5%).

The majority of all waiver cases are still pending in court. A total of 45 or 55% of the cases were pending disposition as of June 30, 2018, while 25 cases have resulted in a guilty conviction and 12 have been dismissed. Table 2 shows the list of all the charges by most serious offenses and the disposition.

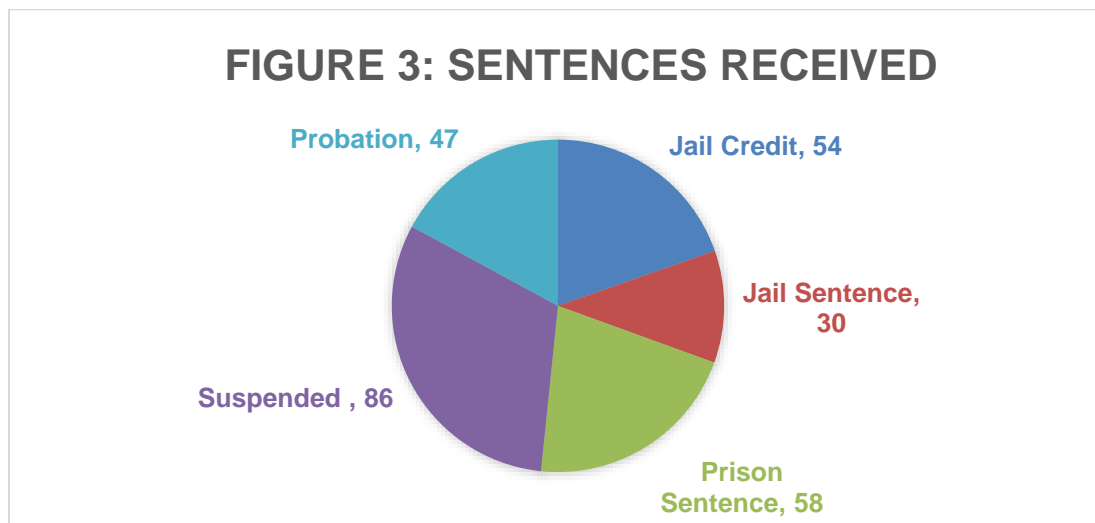
Offense Type	Dismissed	Guilty	Pending	Grand Total
Burglary	2	7	17	26
Aggravated Battery	0	1	5	6
Possession of Methamphetamine	3	0	1	4
Auto Theft	0	1	2	3
Battery Resulting in Bodily Injury to a Public Safety Official	0	0	3	3
Criminal Confinement	0	1	2	3
Dealing in Marijuana	0	1	2	3
Battery Against a Public Safety Official	0	1	1	2
Burglary with a Deadly Weapon	0	0	2	2
Intimidation	1	1	0	2
Residential Entry	0	1	1	2
Resisting Law Enforcement	0	2	0	2
Arson	0	1	0	1
Battery by Means of a Deadly Weapon	0	0	1	1
Child Molesting	1	0	0	1
Criminal Recklessness	0	0	1	1
Criminal Trespass	1	0	0	1
Dealing in a Schedule II Controlled Substance with Weight b/t 1 & 5 grams.	1	0	0	1
Dealing in Cocaine Manufacture or Deliver 10 or more Grams	1	0	0	1
Dealing in Methamphetamine	0	0	1	1
Domestic Battery Resulting in Bodily Injury to a Pregnant Woman	1	0	0	1
Escape	0	1	0	1
Fraud	0	1	0	1
Identity Deception	0	1	0	1
Perjury	0	0	1	1
Possession of a Controlled Substance	1	0	0	1
Possession of Chemical Reagents or Precursors with Intent to Manufacture a Controlled Substance	0	1	0	1
Possession of Marijuana	0	1	0	1

Receiving Stolen Auto Parts	0	1	0	1
Reckless Homicide	0	0	1	1
Robbery	0	0	1	1
Synthetic Identity Deception	0	0	1	1
Theft of a Firearm	0	1	0	1
Voluntary Manslaughter	0	0	1	1
Reckless Homicide	0	1	0	1
Criminal Recklessness - Shoots a Firearm into a Building	0	0	1	1
Total	12	25	45	82

The 238 cases under adult court jurisdiction included 427 additional charges, which constituted a total of 72 offenses. A full list of all offenses charged and dispositions can be found in Appendix A. Of the additional charges, 294 or 69% are pending disposition, 50 (12%) have resulted in a guilty verdict and 83 (19%) have been dismissed.

Sentence Received

A guilty conviction can result in a variety of sentences. For each offense, an individual may receive jail credit, a jail sentence, prison time, a suspended sentence or probation. In many cases the individual received a combination of the listed sentences. During state fiscal year 2018, 103 charges resulted in a guilty disposition. The most common sentence received was suspended, with 86 cases, followed by prison sentence for 58 cases and jail credit for 54 cases. Figure 3 below shows all the sentences received.



Demographics

A juvenile may have multiple cases held in adult court. The demographics were analyzed by individual and not by cases to avoid duplication of demographics for individuals with multiple waivers. There was a total of 217 juveniles under the adult court jurisdiction. The demographic information is categorized by juveniles that were direct file to adult court and juveniles that were

waived to adult court. The majority of direct file juveniles were Black, making up 69%, while White made up 23.4%. For waivers to adult court, 47% of juveniles were White and 33% were Black. Males make up the bulk of all juveniles in adult court, 88% of all direct files and 90% of the waivers.

By statute direct file applies only to individuals who are at least sixteen years old at the time of the alleged offense. Therefore, all of the individuals with a direct file to adult court are either sixteen or seventeen years old. There were slightly more seventeen year olds at 57% than sixteen years old at 43%. The preponderance of seventeen year olds among all juveniles waived to adult court is evident at 85%, while 13% were sixteen and 3% were fifteen years old. See Table 2 below for more details regarding race, gender and age.

Table 2. Demographics Juveniles in Adult Court Direct File vs. Transfer				
Demographics	Direct File		Waiver	
Race/Ethnicity	Number	Percent	Number	Percent
Black	100	69.0	24	33.3
White	34	23.4	34	47.2
Hispanic	7	4.8	5	6.9
Asian	3	2.1	0	0.0
Other	0	0.0	1	1.4
Unknown	1	0.7	8	11.1
Total	145	100	72	100
Gender				
Gender	Number	Percent	Number	Percent
Male	128	88.3	65	90.3
Female	17	11.7	7	9.7
Total	145	100	72	100
Age				
Age	Number	Percent	Number	Percent
15	0	0.0	2	2.8
16	63	43.4	9	12.5
17	82	56.6	61	84.7
Total	145	100	72	100

County

A total of 41 counties¹ had juveniles under adult court jurisdiction. The highest number of direct files came from Marion County with a total of 69 juveniles. Lake County was second with 24, followed by St. Joseph with 14, Elkhart with 8 and Vanderburgh with 6 juveniles. Marion County also had the highest number of juveniles waived to adult court with 9, followed closely by Elkhart (7), St. Joseph (6) and Allen County (5).

¹ County is were the offense occurred

Table 3: County of Juveniles in Adult Court, Direct File vs. Transfer

County	Direct File
Marion	69
Lake	24
St. Joseph	14
Elkhart	8
Vanderburgh	6
Hendricks	5
Tippecanoe	5
Hamilton	2
Porter	2
Allen	1
DeKalb	1
Henry	1
Howard	1
Knox	1
LaPorte	1
Miami	1
Monroe	1
Morgan	1
Shelby	1
Total	145
County	Waiver
Marion	9
Elkhart	7
St. Joseph	6
Allen	5
Clay	3
Dubois	3
Monroe	3
Noble	3
Clark	2
Dearborn	2
Miami	2
Morgan	2
Porter	2
Wabash	2
Washington	2
Boone	1
Carroll	1
Cass	1
Clinton	1
Hendricks	1
Jackson	1
Jefferson	1
LaPorte	1

Marshall	1
Rush	1
Scott	1
Steuben	1
Sullivan	1
Tippecanoe	1
Vanderburgh	1
Vigo	1
Wayne	1
Wells	1
White	1
Total	72

Conclusion

During State Fiscal Year 2018, a total 217 juveniles were under the jurisdiction of adult court, consisting of 238 cases. The majority of cases, 66%, were direct file to adult court. Most cases in both direct files and waivers to adult court were not disposed during the timeframe and 15% have received a guilty charge. Future reports will contain comparisons to previous years and possibly more in-depth analysis of the data presented.

APPENDIX A - All Offenses Charged and Disposition

Offense	Dismissed	Guilty	Pending	Grand Total
Aggravated Battery	1	1	7	9
Armed Robbery	23	25	90	138
Arson	0	1	0	1
Assisting a Criminal	0	3	0	3
Attempted Murder	0	0	7	7
Auto Theft	3	1	15	19
Battery	0	0	2	2
Battery Against a Public Safety Official	0	1	1	2
Battery by Means of a Deadly Weapon	4	0	11	15
Battery Resulting in Bodily Injury	1	0	4	5
Battery Resulting in Bodily Injury to a Pregnant Woman	1	0	0	1
Battery Resulting in Bodily Injury to a Public Safety Official	0	0	7	7
Battery Resulting in Moderate Bodily Injury	0	0	5	5
Battery Resulting in Serious Bodily Injury	1	0	3	4
Burglary	3	10	29	42
Burglary with a Deadly Weapon	0	0	2	2
Carrying a Handgun Without a License	10	6	23	39
Causing Death When Operating a Motor Vehicle While Intoxicated	0	0	2	2
Causing Serious Bodily Injury when Operating a Vehicle While Intoxicated	0	0	1	1
Causing Serious Bodily Injury when Operating a Vehicle with a Schedule I or II Substance in Body	0	0	3	3
Child Molesting	2	1	3	6
Child Molesting resulting in serious bodily injury	1	0	0	1
Criminal Confinement	4	2	25	31
Criminal Confinement while armed with a deadly weapon	0	1	0	1
Criminal Mischief	1	0	3	4
Criminal Recklessness	0	0	8	8
Criminal Recklessness - Conduct Includes Use of Vehicle	0	1	0	1
Criminal Recklessness Committed with a Deadly weapon	1	1	1	3
Criminal Recklessness - Shoots a Firearm into a Building	0	0	1	1
Criminal Trespass	1	0	0	1
Dangerous Possession of a Firearm	6	6	17	29
Dealing in a Schedule II Controlled Substance with Weight b/t 1 & 5 Grams.	1	0	0	1
Dealing in Cocaine Manufacture or Deliver/Finance Manufacture 10 or More Grams	1	0	0	1
Dealing in Marijuana	2	1	2	5
Dealing in Methamphetamine	0	0	3	3

Disorderly Conduct	1	0	2	3
Domestic Battery	1	0	1	2
Domestic Battery Resulting in Bodily Injury to a Pregnant Woman	1	0	0	1
Domestic Battery Resulting in Moderate Bodily Injury	0	0	2	2
Escape	0	1	0	1
False Informing	0	0	2	2
Fraud	0	1	1	2
Identity Deception	0	2	0	2
Illegal Consumption of an Alcoholic Beverage	0	0	1	1
Illegal Possession of an Alcoholic Beverage	0	0	1	1
Institutional Criminal Mischief	0	0	1	1
Intimidation	4	3	13	20
Kidnapping	5	0	7	12
Knowingly or Intentionally Operating Motor Vehicle w/o Ever Receiving a License	1	1	0	2
Leaving the Scene of an Accident	1	1	1	3
Murder	0	0	12	12
Neglect of a Dependent Resulting in Serious Injury	1	0	0	1
Operating a Motor Vehicle Without Ever Receiving a License	0	1	3	4
Operating a Vehicle While Intoxicated Endangering a Person	0	0	1	1
Perjury	0	0	1	1
Pointing a Firearm	0	2	9	11
Possession of a Controlled Substance	1	0	3	4
Possession of a Narcotic Drug	0	0	1	1
Possession of Altered Handgun	0	0	1	1
Possession of Chemical Reagents or Precursors with Intent to Manufacture a Controlled Substance	0	1	0	1
Possession of Cocaine	1	0	0	1
Possession of Cocaine b/t 10 & 28 Grams of Cocaine.	0	1	0	1
Possession of Firearm on School Property	0	4	1	5
Possession of Hash Oil	0	0	1	1
Possession of Marijuana	4	6	5	15
Possession of Methamphetamine	3	0	3	6
Possession of Paraphernalia	2	0	3	5
Public Intoxication	0	0	1	1
Rape	2	1	7	10
Receiving Stolen Auto Parts Def. Receives, Retains or Disposes of a Motor Vehicle	0	1	0	1
Reckless Homicide	0	1	2	3
Residential Entry	1	1	2	4
Resisting Law Enforcement	4	4	12	20
Robbery	0	3	5	8
Robbery Resulting in Bodily Injury	5	2	18	25
Robbery Resulting in Serious Bodily Injury	1	1	13	15

Sexual Battery by Threatening or Using Deadly Force; While Armed	1	0	0	1
Strangulation	1	0	3	4
Synthetic Identity Deception	0	0	1	1
Theft	9	2	19	30
Theft of a Firearm	0	1	3	4
Unauthorized Entry of a Motor Vehicle	0	0	4	4
Unlawful Possession of Syringe	0	0	2	2
Unlawful Use of Body Armor	0	0	1	1
Visiting a Common Nuisance - Controlled Substances	0	1	0	1
Voluntary Manslaughter	0	0	1	1
Grand Total	117	103	445	665

APPENDIX B – Ind. Code 5-2-6-24(e)

(e)(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.