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### **Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System**

**A Report on Recommendations of the Task Force  
on Community Preventive Services**



**DEPARTMENT OF HEALTH AND HUMAN SERVICES  
CENTERS FOR DISEASE CONTROL AND PREVENTION**

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# Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System

## A Report on Recommendations of the Task Force on Community Preventive Services\*

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### Summary

*The independent, nonfederal Task Force on Community Preventive Services (Task Force), which directs the development of the Guide to Community Preventive Services (Community Guide), 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 to determine whether these transfers prevent or reduce violence among youth who have been transferred and among the juvenile population as a whole. For this review, transfer is defined as placing juveniles aged <18 years under the jurisdiction of the adult criminal justice system. The review followed Community Guide methods for conducting a systematic review of literature and for providing recommendations to public health decision makers. Available evidence indicates that transfer to the adult criminal justice system typically increases rather than decreases rates of violence among transferred youth. Available evidence was insufficient to determine the effect of transfer laws and policies on levels of violent crime in the overall juvenile population. On the basis of these findings, the Task Force recommends against laws or policies facilitating the transfer of juveniles to the adult criminal justice system for the purpose of reducing violence.*

\* Points of view expressed are those of the contributors and the Task Force on Community Preventive Services and do not necessarily reflect those of CDC, the National Institutes of Health, the National Institute of Justice, the U.S. Department of Justice, or the U.S. Department of Health and Human Services.

### Background

The purpose of this review was to determine whether laws or policies that facilitate the transfer of juveniles from the juvenile to the adult criminal justice system reduce interpersonal violence, either specifically among juveniles who have experienced the adult justice system or in the general juvenile population. One rationale for the transfer of juveniles to the adult justice system is to deter future criminal activity, on the premise that the adult system is more severe and punitive than the juvenile system. For this review, transfer (also referred to as “waiver” to denote the

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relinquishing of authority by the juvenile courts) refers to placing juveniles under the jurisdiction of the adult criminal justice system. Although the legal term “juvenile” is defined differently among states, for purposes of this review, a juvenile is considered a person aged <18 years. Juveniles who are not transferred to the adult court system are said to be retained in the juvenile system.

The reduction of violence through transfer policies is hypothesized to occur by two mechanisms—specific deterrence and general deterrence—both of which rely on the perceived severity of the adult criminal justice system compared with the juvenile system. “Specific deterrence” refers to juveniles who have been subjected to the adult justice system and “general deterrence” refers to all youth in the population who might be subject to transfer provisions if charged with a crime. “Deterrence” applies to the behavioral outcome of reduced offending or re-offending and not to decision processes made by the affected youth. Incapacitation is the inability of incarcerated convicts to commit crimes in society during incarceration; incapacitation is thought to be increased for juveniles in adult settings compared with those in juvenile settings.

In a representative national survey in 2002, rates of the perpetration of violent crime, including simple and aggravated assault, robbery, and rape, were highest among persons aged 15–20 years (1,2). U.S. adults reported approximately 1.9 million incidents of victimization by perpetrators estimated to be aged 12–20 years, a rate of 5.1 incidents per year of victimization per 100 juveniles in this age group (3,4). Although arrest and victimization data indicate declines among juveniles for violent acts in general following a peak during 1993–1994, self-report of offenses continues to indicate high rates of violence (3).

Juvenile and criminal law in the United States are principally state matters. Juvenile courts were first established in 1899 in Illinois. By 1925, all states except Maine and Wyoming had separate juvenile courts (5). Separate judicial process for juveniles has been justified on several grounds related to the psychosocial development of this population (6). Certain developmental differences are cited in justification of the Supreme Court decision to ban capital punishment for crimes committed by offenders aged <18 years at the time of the crime (7). In general, juveniles differ from adults in their biologic development and mental processes and capacities. Juveniles are less aware of consequences, less able to regulate impulses or inhibit behavior, and thus less culpable for their actions than adults. In addition, juveniles have less ability to understand and thus participate in the standard adult judicial process (8). Finally, juveniles are more malleable and amenable to reform of

their behavior. Therefore, an emphasis of the judicial response to their deviant behavior should be on reform rather than, or in addition to, punishment—in contrast to the punitive focus of the adult criminal justice system (6). The policy implications of these developmental issues with respect to court jurisdiction remain controversial, especially because of the variations in adolescent cognitive and social development for which chronologic age is not a precise marker.

In contrast to the adult criminal court, which is oriented toward punishment, the traditional juvenile court has acted “in the interests of the child” and focused on rehabilitation rather than punishment because juveniles are assumed to be more amenable than adults to treatment (9). Juvenile courts in the United States have always followed the principle of *parens patriae*—the state acts as a guardian for those who cannot take care of themselves, such as children and the mentally ill (10,11). Traditionally, transfer from juvenile to adult court jurisdiction has required a determination that the juvenile was not amenable to treatment (5,10). Recent changes to the juvenile court’s mission weighs protection of the community and the interests of the child (11).

Although states establish their own juvenile and adult criminal law, common trends are discernible across states. Following the increases in violent juvenile crime in the late 1980s and early 1990s, during 1992–1999, all states except Nebraska expanded their transfer provisions to facilitate prosecuting juveniles in the adult justice system (12–16). An estimated 210,000–260,000 juveniles, or 20%–25% of all juvenile offenders, were prosecuted as adults in 1996 (14).

Persons aged <18 years can be tried in the adult criminal justice system by one of six main mechanisms. In “judicial waiver,” the traditional mechanism, a juvenile court judge can waive a youth to the adult system, generally based on perceived lack of amenability to treatment, which is often based on considerations such as age, seriousness of the current offense, and previous delinquency (13). In “prosecutorial waiver,” the prosecutor has the discretion to file a case in the juvenile or the adult criminal court system. In “statutory exclusion,” youth of particular ages charged with particular crimes (e.g., homicide) are excluded by statute from juvenile justice system jurisdiction. When particular charges are excluded from juvenile court by statutory means, discretion resides with prosecutors, who decide which charges are filed; choice of charge might determine whether the juvenile is transferred (15).

The increases in transfer resulting from the preceding three mechanisms are amplified by a policy that “once an adult, always an adult,” whereby youth once transferred to

adult court also are automatically transferred for any future offending (13). With lowered age of adult court jurisdiction, states set the age at which a person is considered responsible for criminal actions, and no longer eligible for juvenile court, to an age younger than the traditional age of 18 years. Finally, in certain states, juveniles who are married or otherwise “emancipated” (i.e., released from parental authority) are excluded from juvenile court. In a mechanism typically referred to as “reverse waiver,” youth who have not reached the age of majority can be transferred from the adult court back to the juvenile court when cases are deemed inappropriate for the adult criminal court system.

States also are experimenting with “blended sentencing,” which allows a juvenile to be sentenced to both juvenile and adult sanctions by one court. Blended sentencing by the juvenile court allows the court to monitor youth beyond the traditional end of juvenile jurisdiction (16). This frequently involves juvenile incarceration until the age of majority, followed by adult incarceration. Greater sentencing flexibility might reduce the pressure to transfer court jurisdiction, but little research has been conducted on how blended sentencing is used in practice (17).

## Introduction

The independent, nonfederal Task Force on Community Preventive Services (Task Force) develops the *Guide to Community Preventive Services* (*Community Guide*), with the support of the U.S. Department of Health and Human Services (DHHS), in collaboration with public and private partners (18,19). Although CDC provides staff support to the Task Force for development of the *Community Guide*, the recommendations presented in this report were developed by the Task Force and do not necessarily reflect the viewpoints of CDC or DHHS.

This report is one in a series included in the *Community Guide*, a resource that includes multiple systematic reviews addressing preventive public health topics (e.g., violence prevention, preventing tobacco use, and reducing the incidence of cancer) (19). This section provides an overview of the process used by the Task Force to select and review evidence and summarize its recommendations regarding interventions to prevent or reduce violence. A full report on the recommendations, supporting evidence, and remaining research questions regarding the effects of strengthened transfer laws and policies on violence is published elsewhere (20).

Using effective interventions to reduce violence might help to achieve certain objectives specified in *Healthy People 2010* (21), the disease prevention and health promotion agenda for the United States. *Healthy People 2010* objectives iden-

tify some of the substantial preventable threats to health and can help focus the efforts of public health systems, legislators, and law enforcement officials for addressing those threats by establishing measurable targets. Many of the *Healthy People 2010* objectives regarding injury and violence prevention (e.g., the reduction of rates of assault, homicide, rape, and robbery) might be positively affected by the intervention reviewed in this report.

## Methods

In this review, *Community Guide* procedures were used to assess systematically whether policies that facilitate the transfer of juveniles from the juvenile to adult criminal justice system have been effective in reducing violence among juveniles. *Community Guide* methods for systematic reviews have been discussed elsewhere (22). In the *Community Guide*, evidence is summarized about the effectiveness of interventions in changing one or more health-related outcomes and about other positive or negative effects of the intervention. If an intervention is effective, evidence also is summarized regarding the applicability of the findings (i.e., the extent to which available effectiveness data might apply to diverse populations and settings), other harms or benefits of the intervention, economic efficiency, and barriers to the implementation of the intervention.

As with other *Community Guide* reviews, the process used to review evidence systematically and then translate that evidence into conclusions involves forming a systematic review development team; developing a conceptual approach to organizing, grouping, and selecting interventions; selecting interventions to evaluate; searching for and retrieving evidence; assessing the quality of and abstracting information from each study; assessing the quality of and drawing conclusions about the body of evidence (i.e., all available evidence combined) of effectiveness; and translating the evidence of effectiveness into recommendations.

Three groups comprised the systematic review development team: the coordination team, the consultation team, and the abstraction team.\* The coordination team (“the team”) consisted of a Task Force member, specialists in systematic reviews and economics from the *Community Guide*

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Branch (National Center for Health Marketing, CDC), and authorities on violence from the National Center for Injury Prevention and Control (CDC), the National Institutes of Health (NIH), and the National Institute of Justice (NIJ). This team developed the conceptual framework for the review; coordinated the data collection and review process; and drafted evidence tables, summaries of the evidence, and the reports. The abstraction team—three members of the coordination team—determined which studies met *Community Guide* standards for inclusion in the systematic review and collected and recorded data from these studies. The consultation team members—national authorities on violence-related topics—nominated interventions to be reviewed, participated in the selection of priority interventions for review, provided advice, and reviewed the final products.

Searches for published research were conducted in eight computerized databases: the National Criminal Justice Reference Service (NCJRS), Education Resources Information Center (ERIC), PsycINFO, Wilson Social Sciences Abstracts, Social SciSearch, National Technical Information Service (NTIS), Medline, and Lexis/Nexis.<sup>†</sup> Search terms included “juvenile transfer” and its synonyms (e.g., “waiver”), and “efficacy” and “recidivism.” Relevant references listed in retrieved articles were evaluated and obtained, and subject-matter specialists were consulted to find additional published reports. The coordination team conducted Internet searches to ensure that no additional studies could be found by these means. Journal articles, government reports, books, and book chapters were eligible for inclusion in the review.

Articles published in any year before February 2003<sup>§</sup> were considered for inclusion if they evaluated a new or strength-

ened transfer policy or law; assessed at least one of the specified transfer-related violent outcomes as measured by arrest rates for crimes designated as “violent” (e.g., robbery or assault); were conducted in a country with a high-income economy<sup>¶</sup> (as defined by the World Bank); reported on a primary study rather than a guideline or review; and compared a group of persons exposed to the intervention (i.e., law or policy) with a comparison group that had not been exposed or who had been less exposed. While searching for evidence, the team also sought information about effects on other outcomes (i.e., not violence-related), such as reductions in property crime and disproportionate minority representation among transferred juveniles.

Design suitability was assessed for each candidate study (those meeting the inclusion criteria). The review team’s assessment might result in classification of study design that differs from the nomenclature used by study authors. According to *Community Guide* nomenclature, greatest design suitability refers to studies with a concurrent comparison group and prospective data collection; moderate design suitability refers both to retrospective studies and studies with one pre-intervention and multiple post-intervention measurements but no concurrent comparison group; and least suitable design refers to cross-sectional studies or studies with only single pre- and post-intervention measurements and no concurrent comparison groups.

Research on specific deterrence uses different study designs and effect measures than research on general deterrence. In specific deterrence research, studies aim to compare the recidivism (subsequent criminal activity) of youth transferred to the adult justice system with the recidivism of youth retained in the juvenile system. Transferring juveniles to the adult criminal justice system might involve a court with more formal and adversarial procedures, fewer possibilities of pretrial diversion from court, different detention alternatives, and different sanctions. In this review, outcomes of transferred versus retained juveniles were compared, whether or not the juveniles had been found guilty (or the juvenile court equivalent, adjudicated “delinquent”), or sanctioned.

<sup>†</sup> These databases can be accessed as follows: NCJRS: [http://abstractsdb.ncjrs.org/content/AbstractsDB\\_Search.asp](http://abstractsdb.ncjrs.org/content/AbstractsDB_Search.asp); ERIC: <http://www.askeric.org/Eric/>; PsycInfo: <http://www.dialogclassic.com> (requires id/password account), <http://www.apa.org/psycinfo/products/psycinfo.html>; Wilson Social Sciences Abstracts: <http://library.dialog.com/bluesheets/html/bl0142.html> (requires id/password account); Social SciSearch: <http://library.dialog.com/bluesheets/html/bl0007.html> (requires id/password account); NTIS: <http://www.dialogclassic.com> (requires id/password account), <http://grc.ntis.gov/ntisdb.htm>; Medline: <http://www.ncbi.nlm.nih.gov/pubmed>; Lexis/Nexis: [www.lexisnexis.com](http://www.lexisnexis.com).

<sup>§</sup> Two articles were published on the general deterrent effects of strengthened transfer laws after the completion of this review. (Steiner B, Hemmens C, Bell V. Legislative waiver reconsidered: general deterrent effects of statutory exclusions laws enacted post-1979. *Justice Q* 2006;23:34–59. Steiner B, Wright E. Assessing the effects of state direct file waiver laws on violent juvenile crime: deterrence or irrelevance? *J Crim Law Criminology* 2006;96:1451–77.) Although findings from these studies are not included in this review, they are among the stronger studies regarding the general deterrence effect of increasing transfer. Both studies used time series methods to examine the effects of increased statutory exclusion and direct file in individual states. In both studies, the findings indicate that transfer laws do not promote the general deterrence of violent crime.

<sup>¶</sup> High-income economies as defined by the World Bank are Andorra, Antigua & Barbuda, Aruba, Australia, Austria, Bahamas, Bahrain, Barbados, Belgium, Bermuda, Brunei Darussalem, Canada, Cayman Islands, Channel Islands, Cyprus, Czech Republic, Denmark, Estonia, Faeroe Islands, Finland, France, French Polynesia, Germany, Greece, Greenland, Guam, Hong Kong (China), Iceland, Ireland, Isle of Man, Israel, Italy, Japan, Republic of Korea, Kuwait, Liechtenstein, Luxembourg, Macao (China), Malta, Monaco, Netherlands, Netherlands Antilles, New Caledonia, New Zealand, Norway, Portugal, Puerto Rico, Qatar, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, Taiwan (China), United Arab Emirates, United Kingdom, United States, and U.S. Virgin Islands.

A major methodologic concern in studies of specific deterrence is selection bias: transfer to adult criminal court is typically intended for those youth who are considered to be more serious offenders. Consequently, transferred youth would be expected to have greater risk for subsequent violence, independent of any effect of their experience with the adult criminal justice system. All of the included studies attempted to control for possible selection bias by restricting the cases under consideration to serious ones that would be eligible for transfer and by comparing the outcomes of cases transferred with those of cases retained in the juvenile system. In addition, they attempted to reduce selection bias by one of three methods: 1) by using statistical methods to control for factors that might affect transfer decisions (23–25); 2) by matching transferred and retained juveniles on background characteristics (26,27); or 3) by comparing the outcomes of juveniles matched on background demographics, economics, and crime characteristics, but in jurisdictions with difference transfer laws (28). Because juveniles charged with minor offenses are unlikely to be transferred, and juveniles charged with extremely serious offenses are unlikely to be retained, studies that match or otherwise control for severity of criminal background will probably exclude juveniles at both extremes.

In general deterrence research, outcomes are measured in terms of offending rates in the general population of juveniles (e.g., the number of juveniles per 100,000 arrested for violent crimes). Comparison groups must necessarily be in another place or of a different age. Researchers strive for comparison groups unaffected by the transfer law being studied but who are otherwise as similar as possible and similarly affected by many of the other social forces that influence offending.

The team's assessment of general deterrence included only studies that compared rates of violence before and after implementation of a strengthened transfer policy and used a separate comparison group. Juvenile offending rates change over time for many reasons, as evidenced by the dramatic increase and then decrease in crime in general and in juvenile violence in particular during the late 1980s and early 1990s (29,30). Without comparison groups, any law enacted during a period of decline in crime would seem to have a deterrent effect, as indicated by simple before-and-after differences in offending within the same population. As a result, the team considered comparison groups unaffected by the law to be a critical design feature in evaluating the deterrent effect on crime of this particular law.

The team assessed limitations in the execution of all candidate studies. Limitations included failure to describe

study population, use of proxy rather than direct measures of violent outcomes (e.g., general offending outcomes [such as re-arrest] rather than violent offending), and not controlling for background characteristics of transferred and retained juveniles. This assessment might differ from an assessment of limitations for the study's original purposes. Using *Community Guide* methods (22), each study could be coded for as many as nine specific limitations: good execution refers to studies with one or fewer limitations, fair execution to studies with 2–4 limitations, and limited execution to studies with five or more limitations. Studies with limited execution did not qualify for the review.

Unless otherwise noted, results of each study are presented as the relative change in violent crime rates attributable to the interventions. Relative change was calculated as relative percent change using the following formulas:

$$\text{Effect size} = (I_{\text{post}}/I_{\text{pre}}) / (C_{\text{post}}/C_{\text{pre}}) - 1$$

where

$I_{\text{post}}$  is the last reported outcome rate in the intervention group after the intervention;

$I_{\text{pre}}$  is the reported outcome rate in the intervention group immediately before the intervention;

$C_{\text{post}}$  is the last reported outcome rate in the comparison group after the intervention;

$C_{\text{pre}}$  is the reported outcome rate in the comparison group immediately before the intervention.

In specific deterrence studies, intervention groups were composed of transferred juveniles, and control groups were composed of juveniles retained in the juvenile system. In general deterrence studies, intervention groups were populations of juveniles (e.g., in states or cities) exposed to a changed transfer policy, and control groups were populations not exposed to such a change.

If results were reported from logistic regression models, odds ratios were transformed into relative rate changes (31,32) so that these effect measures could be more appropriately compared with other studies in the body of evidence.\*\* If effect measures could not be converted into relative percent changes (e.g., results presented only in graphs), the reported findings are described in the text. In the reporting of study findings, the standard two-tailed p-value of  $\leq 0.05$  was used as a measure of statistical significance.

\*\*  $RR = OR / ((1 - P_0) + (P_0 \times OR))$ , where RR is the relative risk, OR the odds ratio to be converted, and  $P_0$  is the incidence of the outcome of interest in the unexposed population (i.e., juveniles retained in the juvenile justice system).

When available, measures adjusted for potential confounders through multivariate analysis were preferred over crude effect measures. Follow-up periods of <1 year were considered a limitation. When studies included several follow-up periods, the longest period available was used.

Using standard *Community Guide* methods (22), the findings of individual studies were aggregated, and the strength of the body of evidence was summarized on the basis of the number of available studies, the strength of their design and execution, and the magnitude and consistency of effects. For an effect to be considered sufficient evidence of effectiveness, its magnitude must be deemed of public health importance; statistical significance is generally considered only when just one study of greatest design suitability and good execution has qualified for review. Three studies of moderate design suitability and fair execution can provide sufficient evidence if findings are consistent in direction and magnitude. Results deemed sufficient to draw a conclusion are summarized both graphically and statistically.

## Results

### Specific Deterrence Effects

Six studies were identified that examined the effects of juvenile transfer on subsequent violent offending (23–28). All were of greatest design suitability and good execution. Studies followed juveniles for periods ranging from 18 months (23) to 6 years (27) to assess recidivism. More detailed descriptions and evaluations of these studies are available from the *Community Guide's* Violence Prevention website (<http://www.thecommunityguide.org/violence>) and have been published elsewhere (20).

In a prospective cohort study, the re-arrest of 400 youth aged 15–16 years initially arrested in the New York City metropolitan area during 1981–1982 (where the age of adult court jurisdiction is age 16 years and where youth aged 15 years are legislatively excluded from juvenile court when accused of any of 15 felonies) was compared with re-arrest of 400 demographically similar youth in counties in New Jersey (where age 18 years is the age of criminal responsibility and no legislative exclusion exists) (33). To enhance the comparability of the two regions, counties were matched by key crime and socioeconomic indicators (i.e., crime and criminal justice, demographic, socioeconomic, labor force, and housing characteristics). To estimate recidivism, competing hazard models were used that control for time at risk; age, case length, and sentence length were included as covariates. The study indicate that, among those not incarcerated, transferred juveniles were 39% more

likely to be re-arrested on a violent offense than were retained juveniles. Among those incarcerated, exposure to longer sentences was associated with a further increase in violent recidivism among those transferred compared with those who were retained in the juvenile system (28).

Florida's juvenile transfer laws were evaluated by a team of researchers in two separate studies of different cohorts (26,34). The first study compared the overall re-arrest rates of juveniles who were initially arrested in 1987 and then either transferred or retained (34). Each youth transferred to adult court was matched to a youth retained in the juvenile court by six factors (i.e., most serious offense, number of counts; number of previous referrals to the juvenile system; and most serious previous offense, age, and sex), and, when possible, by race. The findings indicated that transfer increased recidivism over the short term but over the longer term reduced recidivism for some transferred juveniles and increased it for others (27). Among youth initially arrested for misdemeanors and for most types of felonies, the effects of transfer were consistent with findings in the other studies that were reviewed. But among those initially arrested for felony property crimes, re-arrest rates were lower for transferred than for retained youth.

The second study essentially replicated the first for youth arrested following implementation of "stronger" juvenile laws enacted in Florida in 1990 and 1994 that increased prosecutorial waiver (26). The outcome compared was felony re-arrest, including nonviolent and violent felonies. In this study, the recidivism examined was restricted to felonies committed after age 18 years, on the grounds that this would ensure equivalent records of offending. The findings indicated that transferred youth had 34% more felony re-arrests than retained youth.

A study on the effects of transfer in Hennepin County, Minnesota, examined all cases in which the prosecutor filed a motion to transfer a juvenile during 1986–1992 (25,35). Sixty percent of juveniles for whom the prosecutor filed a motion to transfer were actually transferred. Recidivism rates for youth who were transferred were compared with rates for those who were retained in the juvenile justice system. The study presented the results of logistic regression analyses of the effects of transfer on reconviction for violent and nonviolent crimes combined, controlling for potential confounders, including sex, criminal history, and whether the case resulted in incarceration. Transfer was associated with a 26.5% increased likelihood of further criminal conviction over that of retained juveniles (25).

A study in Pennsylvania attempted to anticipate the effects of new transfer provisions before their implementation in 1996 (24). The study included 557 males aged



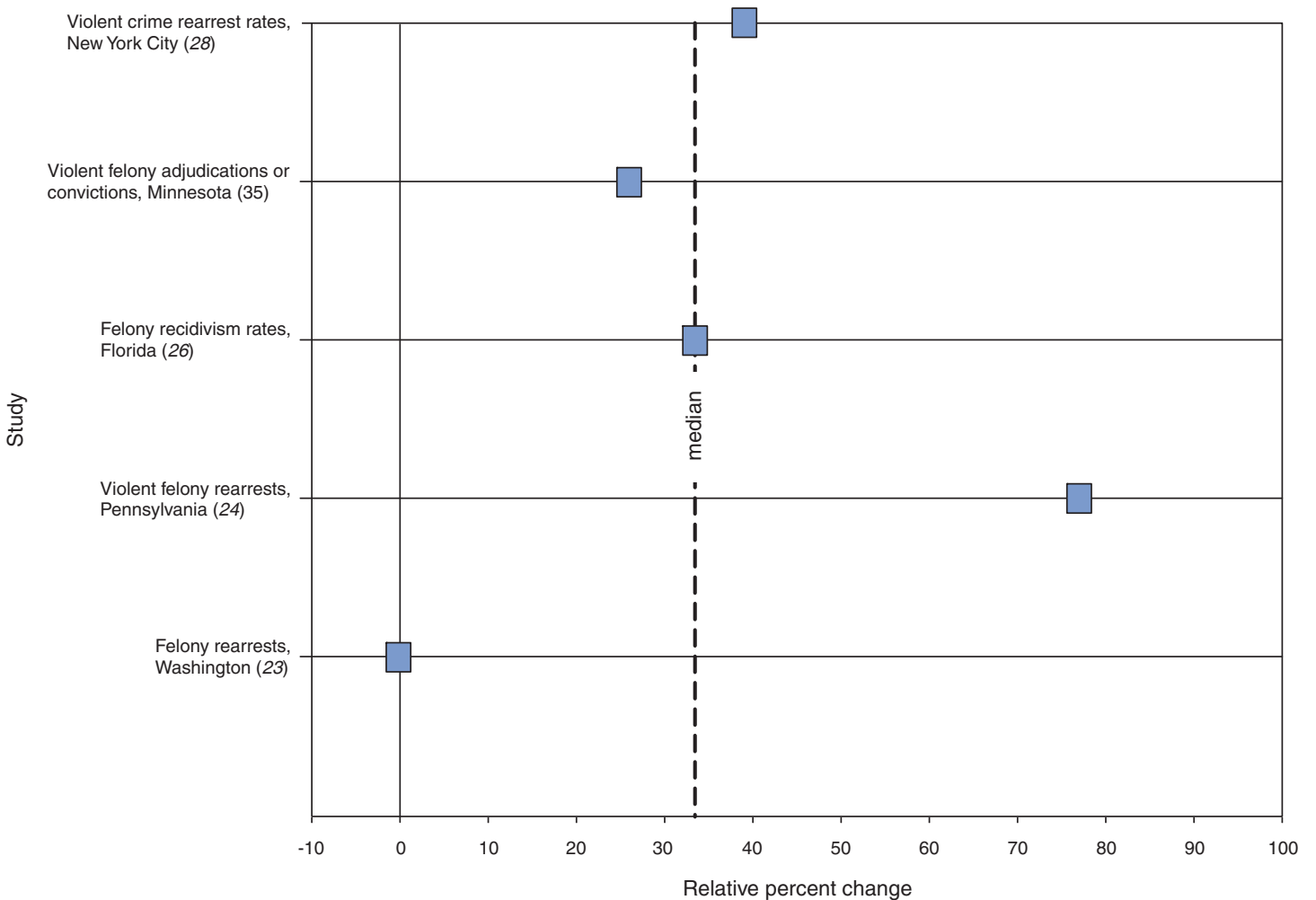
15–18 years arrested in Pennsylvania in 1994 for robbery, aggravated assault, or both, involving use of a deadly weapon. Multivariate analyses controlling for demographics and criminal background indicated that, compared with 419 retained juveniles, transfer of 138 juveniles was associated with a 77% greater likelihood of violent felony arrest following completion of the sentence.

A study in Washington attempted to determine the expected effect of the state’s 1994 Violence Reduction Act as modified by the state legislature in 1997 by examining the effects of discretionary transfers before implementation of the new law that excluded from original jurisdiction in juvenile court youth aged 16–17 years with specified offending histories or charged with any of nine “serious violent felonies” (23). Controlling for offenses charged in the

case, previous record of offenses, sex, and ethnicity, no difference in recidivism was found between transferred and retained juveniles.

Among the six studies reviewed, only one indicated that transfer of juveniles to the adult justice system deterred commission of subsequent violent or general crimes among a subset of those transferred (27); one study found no effect (23). The remaining four studies all found an undesirable effect in which transferred juveniles committed more subsequent violent or general crime than retained juveniles (24–26,28). Effect sizes from the individual studies ranged from 0–77%, and the overall median effect size was a 34% relative increase in subsequent violent or general crime for transferred juveniles compared with retained juveniles (Figure). According to the *Community Guide’s* rules of evidence (22), the review

**FIGURE. Relative change in the percentage of juveniles rearrested after release from the adult as compared with the juvenile justice system, by selected studies — United States, 1996–2007\***



\* Results of a previous study (27) were not presented here because of complex effect modification by initial offense and other status characteristics.

provides sufficient evidence that the transfer of youth to the adult criminal justice system typically results in greater subsequent crime, including violent crime, among transferred youth; therefore, transferring juveniles to the adult system is counterproductive as a strategy for preventing or reducing violence.

## General Deterrence Effects

Three studies evaluated the general deterrence effect of transfer laws or policies (11,23,36). All three evaluated the effects of changes to state transfer laws on rates of juvenile offending, as measured by arrest rates in the general juvenile populations of those states. All were of greatest study design suitability and fair execution. Effect sizes could not be computed because the studies provided insufficient data. More detailed descriptions of the studies included in this review and how they were evaluated are available at the *Community Guide's* Violence Prevention website (<http://www.thecommunityguide.com/violence>) and elsewhere (20).

The first study evaluated Washington's 1994 Violence Reduction Act, which legislatively excluded from initial jurisdiction in juvenile court youth aged 16–17 years with specified offending histories or charged with any of nine "serious violent felonies." Violent offending among youth aged 10–17 years in Washington peaked in 1994 and then declined, parallel to the national trend in arrests for violent crime (9,23). The study concluded that "we cannot attribute the decrease in juvenile arrests for violent crimes in Washington state solely to the automatic transfer statutes" (23).

A second study compared changes in offending rates in Idaho with those in Wyoming and Montana to determine the deterrent effect of a 1981 Idaho law mandating automatic transfer to the adult criminal justice system of youth aged 14–18 years charged with any of five violent crimes (36). Compared with violence in Wyoming and Montana, the new transfer law was associated with relative increases in violence in Idaho.

A third study examined monthly arrest rates for youth aged 13–15 years in New York during 1974–1984 (spanning the change in New York law) on four violent crimes (i.e., homicide, assault, robbery, and rape) using several comparison populations. New York City (NYC) was analyzed separately from the rest of the state (11). For NYC, two comparison populations were examined, neither of which was subject to the changed transfer legislation. The first comparison was with offenders in NYC aged 16–19 years who were unaffected by the Juvenile Offender Law because 16 is the age of adult court jurisdiction in New York; these youth were too old for the juvenile justice sys-

tem. The second comparison was with youth aged 13–15 years in Philadelphia. No consistent pattern of results was found across offenses. Only rape had a statistically significant decrease for the intervention group, but the NYC comparison group had a larger decrease that also was statistically significant. The decline was considerably smaller in Philadelphia, suggesting a local effect in NYC that is not attributable to the change in transfer. No consistent pattern of evidence suggested a general deterrence effect.

According to the *Community Guide* rules (22), the evidence from these studies is insufficient to determine whether or not laws or policies facilitating the transfer of juveniles to the adult criminal justice system are effective in preventing or reducing violence in the general juvenile population. One study of general deterrence reported no apparent effect (23), one reported heterogeneous effects (11), and one reported a counterdeterrent effect (36). Although by *Community Guide* standards the number of studies is sufficient for determining effectiveness (i.e., three studies of greatest design suitability and at least fair execution), study findings are inconsistent and typically centered on no effect and thus do not permit a conclusion.<sup>§</sup>

## Discussion

The studies reviewed for this report assessed the effects of strengthened transfer laws in Washington, Pennsylvania, and regions of New York, Minnesota, and Florida. These states are geographically and demographically diverse, which suggests that the findings might apply in other states.

The effects of transfer policies on violence and other crime across levels of severity of crime for which the juvenile was initially charged (e.g., misdemeanors or felonies) require further study. To assure comparability, the reviewed studies control for the severity of the crime for which the juvenile is at risk for being transferred and, where possible, for the juvenile's criminal history. These studies did not generally assess whether transfer had different effects for juveniles with more or less serious offenses and offense histories. Transfer might be more effective or less harmful if restricted to the most serious offenders. The Florida studies indicated that a large number of juveniles committing misdemeanors were transferred to adult court and found greater harm (i.e., recidivism) for these offenders than for juveniles transferred for more serious offenses. In any case, the possibility of transferring the most serious juvenile offenders was available in all court systems before the strengthening and formalizing of the transfer policies. The changes assessed in this review have resulted in lowering the thresholds for the seriousness of crimes for which juveniles are transferred,

thereby facilitating transfer. Because of methodologic controls for juvenile criminal background in studies of specific deterrence, juveniles at the most and least severe ends of the criminal severity spectrum are probably not included in these studies. Therefore, inferences from these studies should exclude these extremes.

The findings in this report indicate that transfer policies have generally resulted in increased arrest for subsequent crimes, including violent crime, among juveniles who were transferred compared with those retained in the juvenile justice system. To the extent that transfer policies are implemented to reduce violent or other criminal behavior, available evidence indicates that they do more harm than good.

## Research Needs

Although the Task Force has recommended against transfer of juveniles to the adult criminal justice system to prevent or reduce violence, transfer policies are still in effect, and the following important research issues remain:

- The experiences of youth in both juvenile and adult systems should be explored by comparing the experiences of youth sentenced to juvenile and adult sanctions (37,38) and assessing factors that might reduce (e.g., exposure to rehabilitation or interaction with caring mentors) or increase (e.g., exposure to adult offenders) further violence (38–40).
  - Do youth receive more rehabilitative programming in juvenile institutions than in adult institutions?
  - Has the programming in adult corrections changed in response to the influx of youthful offenders?
  - Do youth in adult correctional institutions have extensive contact with adult offenders and, if so, does that have negative effects on them or promote more subsequent offenses?
- The effects of variations among state laws have not been assessed systematically, limiting the ability to generalize review findings. Systematic comparison of state provisions to determine whether the transfer policies of the states included in the review are representative of all state transfer provisions could support the generalizability of the review's findings.

Little research has been conducted on the economic costs of transferring youth to the adult criminal justice system versus retaining them in the juvenile system (41). In some sense, evaluating costs of interventions (e.g., transfer) that cause net harm seems counterintuitive; ideally, spending that results in increased violence and additional societal costs should be discouraged. However, documenting the variability and relative costs of the two judicial and correc-

tional systems, the distribution of responsibility for these costs across different levels of government and society, and the net balance of program costs, the costs of subsequent crime, and the costs of opportunities lost to the juveniles themselves might allow a constructive discussion of the economic consequences of change.

## Use of the Recommendations

The findings of this review might encourage discussion among legislators and others interested in juvenile justice about the societal and economic costs and benefits of juvenile transfer laws and policies. This review, along with the Task Force on Community Preventive Services' recommendation against juvenile transfer laws, provides guidance for public health and juvenile justice policy makers, program planners and implementers, and researchers.

The findings in this report are subject to at least four limitations. First, transfer laws and policies vary substantially from state to state. The studies reviewed for this report were the only ones that met *Community Guide* standards and might not be representative of transfer laws in all states. Second, the outcome measures in all these studies result from official records of offending (either arrest or conviction) rather than direct measures of offending (e.g., robbery or aggravated assault). The majority of crimes do not result in an arrest (1,42), and certain wrongful arrests are made. Nevertheless, although arrest rates might reflect law enforcement activity as much or more than juvenile criminal behavior, they are among the best available and most commonly used indicators of crime (43) and thus the best available outcome for assessment in this review.

Third, the heterogeneity of laws across jurisdictions and populations studied and the impossibility of conducting experimental trials to evaluate such policies as transfer laws makes controlling for potential confounding difficult. The six specific deterrence studies reviewed have used several approaches to control for confounding, including matched pairs within jurisdictions; cross-jurisdictional comparisons with control of social, demographic, and criminological variables; and simple graphical comparison across jurisdictions. The convergence of results across these studies suggests that increased violent recidivism following transfer is a robust finding.

Finally, the relevance of the findings might be questioned because of the age of the studies reviewed (study cohorts were arrested during 1981–1996). However, the consistency of findings over a substantial period, during which patterns of violent crime varied greatly, suggests the persistence of the phenomenon reported.

Review of the effects of transfer laws on subsequent violence indicates that the experience of transfer to the adult criminal justice system is associated with subsequent violence among juvenile participants when compared with violence among juveniles retained in the juvenile justice system. In addition, little evidence supports the idea that transfer laws deter juveniles in the general population from violent crime. These policies might be favored by policymakers or the public for other reasons (e.g., societal retribution in response to serious crime or incapacitation of serious offenders). However, the review indicates that use of transfer laws and strengthened transfer policies is counterproductive to reducing juvenile violence and enhancing public safety.

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