

# Technical Assistance

## Maintaining Youth in Juvenile Court: Published Research

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The following are summaries of some of the more recent, or more significant, research done on the outcomes and consequences of transferring youth to adult court. As can be seen, youth who are transferred to adult court are likely to have more behavioral issues in custody, be victimized at a higher rate, suffer lifelong negative consequences (health, relationships, employment), and recidivate more, which ultimately has a deleterious effect on public safety.

**Kurlychek, M.C., Kijowski, M.C., and Gagnon, A.M. (2022). The long-term consequences of imprisoning our youth: The lasting impact of time spent in adult jails and prisons. *Social Problems*.**

This study from January 2022 includes 13,905 youth ages 16 and 17 who were arrested in New York State in 1987. The study followed them for 24 years from the date of the arrest that led to them being processed in adult court and incarcerated in adult jail/prison. The key finding from the study was that youth who spent time in adult jail or prison were more likely to recidivate, especially more quickly, and were also more likely to have longer criminal careers, as well as commit more crimes. Youth who were not incarcerated in these institutions did not encounter these effects. This suggests that “adult incarceration of juveniles does not protect society in the short term. Further, our results suggest that it is not only short-term recidivism that is negatively affected by adult institutionalization, but that the deleterious consequences last for years into one’s adult life.” (pg. 13)

**Mulvey, E. P., & Schubert, C. A. (2012). *Transfer of juveniles to adult court: Effects of a broad policy in one court*. Washington, DC: US Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.**

This 2012 Office of Juvenile Justice and Delinquency Prevention (OJJDP) report is frequently cited in the discourse surrounding juvenile transfer to adult court. The report presents findings from the Pathways to Desistance study that examined the effects of transfer to adult court on serious adolescent offenders in Maricopa County, AZ. Overall, the study found that most youth transferred to adult court recidivated more often and more quickly than their peers who stayed in the juvenile court system. "Prior work indicates that transferred youth are more likely to commit criminal acts than adolescents kept in the juvenile justice system." (pg. 1) Additionally, the authors also highlight that being placed in the adult system can disrupt juveniles' development and growth: "Adolescents in the adult system may be at risk for disruptions in their personal development, identity formation, relationships, learning, growth in skills and competencies, and positive movement into adult status." (pg. 1)

**Myers, D. L. (2003). *The recidivism of violent youths in juvenile and adult court: A consideration of selection bias*. *Youth Violence and Juvenile Justice*, 1(1), 79-101.**

This study is 20 years old, but like the study above, it continues to be cited frequently. The author studied 494 Pennsylvania youth who committed violent offenses who were either waived to adult court or kept in juvenile court. The study found that youth who were transferred to adult court faced increased recidivism rates and as a result, a decrease in public safety. "Many supporters of treating juvenile offenders as adults assert that transfer sends notice to violent youths that their behavior will no longer be tolerated, particularly when harsh sanctions are imposed in adult court. Consequently, it is expected that the transfer process will reduce future motivations toward offending, thereby further increasing public safety. The results of the current study fail to support this contention. Furthermore, these findings correspond well with those of other recent studies (Bishop et al., 1996; Fagan, 1995; Podkopacz & Feld, 1996; Winner et al., 1997; see also Myers 2001; Myers & Kiehl, 2001) that compared the recidivism of transferred juveniles with that of similar youths retained in juvenile court." (pg. 94)

**Taylor, Melanie. "Juvenile transfers to adult court: An examination of the long-term outcomes of transferred and non-transferred juveniles." *Juvenile and Family Court Journal* 66.4 (2015): 29-47.**

This 2015 study used the 1997 National Longitudinal Survey of Youth to examine education and employment outcomes from 1998 to 2011 among 692 juveniles who were charged in adult and juvenile courts from 1997 to 2002. The takeaway of the study is that prosecution in adult court leads to long-term, negative life-course outcomes for juveniles, especially regarding annual income in adulthood and obtaining employment. "In other words, juveniles are having serious long-term impacts on their lives (i.e., lowered incomes) following conviction for relatively low-level crimes. This means that juvenile transfer, while a more punitive response to juvenile offenders, is a counterproductive solution to reducing delinquency and future adult offending." (pg. 42)

**Daigle, & Hoffman, C. Y. (2018). Violent Victimization and Future Expectations: Results from a Longitudinal Study of At-Risk Youth. *Victims & Offenders*, 13(6), 798–813.**

This article from 2018 shifts the focus from a youth's current criminal involvement to whether a youth was victimized and how that can change their sense of self within their surroundings. The relationship between offending and expectations for the future is well documented. This study conducted seven interviews with youths who were serious adolescent offenders placed in both juvenile and adult facilities. The interviews asked about the experience of being victimized and predictive factors for adult success. The study identified victimization by asking youth whether they have been subject to different kinds of violence (e.g., "Have you been shot at?") at any point before the initial interview and between each interview that occurred every six months. (pg. 803) Results showed that being victimized can reduce positive expectations for the future which directly affects a youth's ability to believe they can achieve what they set out to do. Other research has found that youth in adult facilities may experience more misconduct and victimization which would continue to affect their ability to set goals or commit to motivational processes that encourage them to improve themselves and their life circumstances.

**Haerle. (2019). Unpacking Adulthood: Institutional Experiences and Misconduct of Adult Court and Juvenile Court Youth Living Under the Same Roof. *International Journal of Offender Therapy and Comparative Criminology*, 63(5), 663–693.**

This study from 2019 looks at the effects of an offender's status within California's Division of Juvenile Justice (DJJ) facility when comparing youth who originated from an adult court commitment versus youth who were committed as wards of the juvenile court. The results of the study showed that different factors can predict general misconduct and violent misconduct for wards from the adult court and juvenile court youth, which implies that "the motives that drive behavior during juvenile incarceration differed considerably for 'adult' juveniles and 'juvenile' juveniles." (pg. 685) A longer sentence length significantly predicted an increase in any misconduct for adult court juveniles but did not have the same effect for juvenile court youth. Also, fear or uncertainty about an impending transfer to an adult facility can impact youths' sense of self and how they behave in a juvenile facility while waiting to be transferred. The study did show, however, that higher levels of institutional supports can lower the rate of any or violent misconduct for adult court youth, but there needs to be a belief in rehabilitation, which is affected by many other factors including access to services and being treated similar to juvenile court youth.

**Kolivoski, & Shook, J. J. (2016). Incarcerating Juveniles in Adult Prisons: Examining the Relationship Between Age and Prison Behavior in Transferred Juveniles. *Criminal Justice and Behavior*, 43(9), 1242–1259.**

This 2016 study considered the relationship between age and prison behavior (e.g. institutional misconduct) among juveniles committed to adult prisons. Looking at youth within the Michigan Department of Corrections, there were multiple findings such as juveniles who were younger when they were committed to prison accumulated more misconducts. Adolescence is a time for personal development and learning about social boundaries. This finding may indicate that as youth learn to adapt, they are learning from the prison environment and not the community they are expected to reintegrate with. While analyzing the data set provided, researchers found that misconduct was significantly higher for certain groups of youth within the adult facility such as African Americans, those with documented mental health issues, and those with more extensive prior juvenile histories. This research identifies that youth do not "serve time" as well as adults, based on their age and developmental status, which should be considered when transferring them to adult facilities. (pgs. 1255, 1257)