

Study Summaries – Impact of Transfer to Adult Court on Public Safety and Youth Outcomes

Robert Hahn, Ph.D. et al., *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System*, Task Force on Community Preventive Services (2010).

An independent, nonfederal Task Force on Community Preventive Services (Task Force) conducted a systematic review of studies about the effectiveness of adult transfer to determine whether transferring youth to the adult system actually achieves its stated goals of preventing or reducing violence among young people. The Task Force was established in 1996 by the Department of Health and Human Services (DHHS) and receives administrative support from the Centers for Disease Control and Prevention (CDC).¹

Specific deterrence is a method of punishment meant to discourage an individual from further criminal behavior. Here, that would be the young person charged with the crime. To analyze the success of specific deterrence, the Task Force found six studies that compared rates of recidivism between adult transferred youth and youth who remained in the juvenile justice system. The studies examined outcomes in Florida, Minnesota, Pennsylvania, and Washington State, and one study compared groups of youth in New York City with youth in New Jersey. Only one of the six studies concluded that adult transfer deterred young people from committing crimes. One found no effect. The other four studies showed an increase in subsequent violent crime after being transferred to the adult system. Based on the results of the six studies, the researchers concluded that transfer to adult court is a “counterproductive strategy for preventing or reducing violence.”

In contrast, general deterrence is a method punishment meant to discourage an entire group from engaging in criminal behavior. To measure general deterrence, the Task Force used three studies that compared rates of violence across a sample of justice-involved and non-justice-involved youth before and after the implementation of stricter transfer laws in their respective states. The first study examined youth in Washington State, the second compared Idaho to Wyoming and Montana, and the third took place in New York. Researchers concluded that the studies could not prove or disprove the effectiveness of adult transfer policy on generally deterring crimes by young people. They failed to reach a conclusion because the results of the studies were inconsistent and “typically centered on no effect.”

Richard E. Redding, *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?*, United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention (2010).

Redding is a professor at Chapman University with expertise in a number of fields including youth offenders and psychology and public policy.² He conducted a review of the same studies related to the effect of adult transfer on both general and specific deterrence but

¹ <https://www.thecommunityguide.org/about/about-community-guide>

² <https://www.chapman.edu/our-faculty/richard-redding>

includes a few smaller scale reports. He determined, like Hahn, that adult transfer does not have a deterrent effect, but goes on to offer more information on why rates of recidivism are higher in transferred youth. The four factors he lists are: (1) the stigmatization and other negative effects of labeling youth as convicted felons, (2) the sense of resentment and injustice youth feel about being tried and punished as adults, (3) the learning of criminal mores and behavior while incarcerated with adult offenders, and (4) the decreased focus on rehabilitation and family support in the adult system.

Based on the results of the studies, he concluded, “the practice of transferring juveniles for trial and sentencing in adult criminal court has... produced the unintended effect of increasing recidivism, particularly in violent offenders... if it was indeed true that transfer laws had a deterrent effect on juvenile crime, then some of these offenders would have not offended in the first place.”

Carol A. Schubert et al., *Predicting Outcomes for Youth Transferred to Adult Court*, Law and Human Behavior 34:460-475 (2010).

Here, researchers analyze the individual characteristics of 193 transferred youth from Arizona across four post-release outcomes: (1) antisocial activity, (2) re-arrest, (3) re-institutionalization, and (4) gainful activity. Using data from the longitudinal study, Pathways to Desistance (Pathways), this study considers what characteristics differentiate subgroups within the larger population of adult charged youth, and how those characteristics predict the listed outcomes. The sample consisted of youth at least 14 years old but under 18 who were found guilty of a serious offense, usually felonies. They were interviewed between 2-3 months after adjudication, and again every six months for the next three years. Annual interviews took place for the three years after that.

Results found that 62% of the youth sample had at least one re-arrest during the study, 88% were sent back to facilities, 49% reported two or more antisocial activities, but 86% had at least one month where they attended school and had fewer than five absences or worked 21 hours per week. When allowed in the community, the young people spent a greater proportion of the time going to school or working than not. The subgroup with no prior record had a significantly lower rate of re-arrest compared to the subgroup with a previous record, and youth sentenced to a period of incarceration, more likely to return to an institution than those given probation. In general, legal and risk-need factors produced stronger associations than demographic or psychological characteristics. While the study shows that outcomes are better when young people are kept out of detention, there are some weaknesses in the methodology. The sample only consisted of 193 youth, all charged with felonies, primarily youth of color, male, and the age range fell one year outside of the range Connecticut is considering for their legislation.

Craig A. Mason, Ph.D. & Shau Chang, *Re-Arrest Rates Among Youth Sentenced in Adult Court*, Juvenile Sentencing Advocacy Project (2001).

This study focuses on 162 transferred youth from Miami. The participants were predominantly male, 69.6% African American, and the mean age of the sample was 17 years

old. Outcomes were measured by reviewing files from the Miami-Dade County Public Defender's Office and other "various sources" to determine if the young person violated conditions of their sentence that resulted in further punishment.

Researchers compared re-arrest rates of young people who received juvenile sentences and those who were sentenced in the adult system. During the study period, 89.2% of the transferred youth received a technical violation or new charge compared to only 39.4% of the young people allowed to remain in the juvenile system. Excluding technical violations, 55% adult sentenced youth picked up a new charge, and 33.3% of young people who received juvenile sanctions. Overall, adult charged youth were 50% more likely to have a new case than their peers in the juvenile system. Controlling for type of offense, history of offenses, race, and age did not affect the differences between groups. Although the study shows a dramatic difference in recidivism for youth charged as adults, it was limited by a small, homogenous sample and vague methodology. It should be noted that this study is not peer reviewed and was commissioned by the Miami-Dade County Public Defender's Office.